December, 1970

Mr. Richard A. Wiebe, Director
New York State Office of Planning Services
488 Broadway
Albany, New York 12207

Dear Mr. Wiebe:

I am very happy to submit to you with this letter 45 copies of the completed Zoning Proposal for the Village of Elmira Heights, New York. This proposal has been based on the Comprehensive Plan which we have prepared for the Village and it incorporates the thinking of the Village Planning Board, the Board of Trustees, and of local citizens.

As you know, this work has been prepared in accordance with our contract with the State dated October 23, 1968, as amended.

Very truly yours,

Michael Cabot, AIP
Planning Director

MC: sb
ELMIRA HEIGHTS, N.Y.
COMPREHENSIVE PLAN

ZONING ORDINANCE

VILLAGE OF ELMIRA HEIGHTS, CHEMUNG COUNTY, N.Y.
VILLAGE BOARD OF TRUSTEES • VILLAGE PLANNING BOARD

MICHAEL CABOT ASSOCIATES, PLANNING CONSULTANT
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William E. Burnell, Trustee
Barney R. Daugherty, Trustee
Raymond G. Oldroyd, Trustee

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PLANNING CONSULTANT
Michael Cabot and Associates

The preparation of this document was financially aided through a Federal Grant from the Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended. This document was prepared under the Urban Planning Assistance Program for the New York State Department of Commerce. It was financed in part by the State of New York.
ABSTRACT OF REPORT

TITLE: Zoning Proposal

AUTHOR: Michael Cabot Associates, Planning Consultant

SUBJECT: Comprehensive Planning Program for the Village of Elmira Heights, Chemung County, New York

DATE: December, 1970

LOCAL PLANNING AGENCY: Planning Board of the Village of Elmira Heights

SOURCE OF COPIES:
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HUD PROJECT NO.: N.Y. P-145

SERIES NO.: Four of four

NO. OF PAGES: 49

ABSTRACT:

Presents a proposal for a Zoning Ordinance which is designed to control land use and the intensity of development of land in the Village of Elmira Heights, New York. The proposal is intended for review by the Village Attorney and for adoption by the Village Board of Trustees. The Proposal is based on the Comprehensive Plan completed for the Village and includes the following:

- The establishment of zoning districts.
- The establishment of basic and supplementary district regulations.
- Provisions for administration and enforcement.

The basic district regulations contain provisions which are designed for an older built-up community and they provide for both the regulation of new growth and of exist-
ZONING PROPOSAL

VILLAGE OF ELMIRA HEIGHTS, CHEMUNG COUNTY, N.Y.

This Zoning Proposal contains various standards and technical requirements designed to control the use and development of land within the Village of Elmira Heights. Prior to its adoption the Proposal must be reviewed by the Village Attorney to ensure its legal adequacy.

Prepared by the

PLANNING BOARD OF THE VILLAGE OF ELMIRA HEIGHTS

Michael Cabot and Associates, Planning Consultant

June, 1970

Revised December, 1970

The preparation of this document was financially aided through a Federal Grant from the Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended. This document was prepared under the Urban Planning Assistance Program for the New York State Department of Commerce. It was financed in part by the State of New York.
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ZONING ORDINANCE
FOR THE
VILLAGE OF ELMIRA HEIGHTS, NEW YORK

An Ordinance completely amending the Village of Elmira Heights "Amended Zoning and Building Ordinance" adopted in February of 1960 and as amended thereafter. The purposes of this complete amendment are to regulate and restrict the height, number and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to establish boundaries of districts for said purposes with reasonable consideration, among other things, for the most appropriate use for which the land in each district may be adapted, the suitability for particular uses of each district; and the direction of building development in accordance with a well considered plan; to establish a Board of Appeals to determine and vary the application of the provisions in harmony with the general purpose and intent, and in accordance with general or specific rules contained herein; all for the purpose of promoting the health, safety, morals or general welfare of the people of the Village; to establish penalties for the violation of such regulations.

Pursuant to the authority conferred by Article 6A of the Village Law of the State of New York, the Village Board of Trustees of the Village of Elmira Heights, County of Chemung, State of New York, does hereby ordain as follows:

ARTICLE 1 - GENERAL PROVISIONS

1.100 SHORT TITLE
This Ordinance shall be known and cited as the "1971 Zoning Ordinance of the Village of Elmira Heights".

1.200 APPLICATION OF ORDINANCE
No building, structure (including a swimming pool) or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the
regulations of this Ordinance. However, this Ordinance shall not require any change to any building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or to any building, structure or use planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one year period after the effective date of this Ordinance, or any amendment thereto, except as provided in Section 5.405.

1.300 **JURISDICTION**

The regulations and provisions of this ordinance shall apply to and affect the Incorporated Village of Elmira Heights.

1.400 **PURPOSE OF THE ORDINANCE**

This Ordinance is hereby adopted in accordance with a comprehensive plan which is designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of the population; to facilitate the provision of transportation, water, sewage, schools, parks and other public requirements.

1.500 **INTERPRETATION AND VALIDITY**

1.501 Interpretation.—In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall prevail.
1.502 Validity - The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision of this Ordinance.

1.503 Repealer - The Amended Zoning Ordinance of the Village of Elmira Heights, and all amendments, thereto is hereby repealed. All other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

1.600 EFFECTIVE DATE

This Ordinance shall take effect on ___________, 1974.
ARTICLE 2 - DEFINITIONS

2.100 APPLICABLE DEFINITIONS

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; and the word "shall" is intended to be mandatory; the word "abut" shall include the words "directly across from."

2.101 Accessory Use or Structure - A use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building.

2.102 Alley - A public or private way affording only secondary means of access to abutting property. Alleys may also be known as courts, places or lanes.

2.103 Alterations, Structural - As applied to a building or structure, a change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

2.104 Auto, Trailer, or Boat Sales Area - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, trailers, or boats in operable condition and where no repair work is done.
2.105 Auto Service Station - A building or place of business where gasoline, and automobile accessories are dispensed directly to the motor vehicle trade, and where automotive repair services may be rendered.

2.106 Auto Wrecking - The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

2.107 Board of Appeals - The Zoning Board of Appeals of the Village of Elmira Heights.

2.108 Building - Any structure having a roof supported by columns or walls, used for the shelter, housing, or enclosure of persons, animals or property.

2.109 Building Coverage, Maximum - The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports, and breeze-ways, but excluding open patios, parking areas, swimming pools, tennis courts, and other structures which are open to the sky) by the total area of the lot upon which the buildings are located.

2.110 Building Height - The vertical distance of a building measured from the average level of the highest and lowest portion of the building site covered by the building to the highest portion of the roof.

2.111 Building Inspector - The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

2.112 Building, Principal - A building in which is conducted the main or principal use of the lot on which it is situated.

2.113 Dump - A site used primarily for the disposal, by abandonment, dumping, burial, burning, or other means and for whatever purpose of garbage, trash, junk, vehicles, or parts thereof, or waste material of any kind.
2.114 District or Zone - A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

2.115 Dwelling - Any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory, fraternity, or sorority house.

a. Dwelling, Single-Family - A detached building, designed for or occupied exclusively by one family, except for a mobile home as defined below.

b. Dwelling, Two-Family - A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls and/or horizontal floors.

c. Dwelling, Mobile Home - A vehicle or movable dwelling structure, containing one or more dwelling units, so designed that it can be transported on a highway and used for permanent living or sleeping quarters and standing on wheels or on rigid supports, or on a foundation, except for a travel trailer as defined herein and containing nor more than one dwelling unit but excluding prefabricated homes or sections hereof, which when assembled or combined are more than 19 feet in width.

d. Dwelling, Multi-Family - A building designed for occupancy of families living independently of each other, and containing three or more dwelling units per building.

2.116 Dwelling Unit - One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one household.
a multiple dwelling is designed for, or occupied by transients as defined in the Multiple Residence Law, each four persons for whom the dwelling is designed or occupied shall be considered as being equivalent to one dwelling unit.

2.117 Essential Services - The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, 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 municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone booths, fire houses, pump stations, treatment plants, and similar facilities which shall also be considered as essential service facilities hereunder.

2.118 Fence - A barrier of natural vegetative growth or of other natural or fabricated materials placed or arranged as a line of demarcation between lots or to enclose a lot or a part of a lot. For the purpose of this Ordinance, a fence is a boundary line fence when the average center line of the vegetative growth or other materials is established on the lot within two feet of the lot line.

2.119 Floor Area - For the purpose of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients as measured by the outside dimension of the building or portion thereof.
2.120 Junk - Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled, or processed for reclamation or salvage.

2.121 Junk Yard - A junk yard shall consist of buildings, structures, or premises where junk, waste, discarded, or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

2.122 Lot - A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance.

a. Lot, Corner - A lot situated at and abutting the intersection of two streets.

b. Lot, Depth - The average distance between the front and the rear lot lines.

c. Lot Lines - The property lines bounding the lot.

1. Lot Line, Front - The line separating the lot from a street right-of-way.

2. Lot Line, Rear - The lot line opposite and most distant from the front lot line.
3. Lot Line, Side - Any lot line other than a front or rear lot line. A side lot line separating a lot from a side street lot line.

d. Lot Width - The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

e. Lot Area - The computed area contained within the lot lines.

2.123 Nonconforming Lot - Any lot which does not conform with the minimum width, depth, and area dimensions specified for the district where such a lot is situated.

2.124 Nonconforming Use or Building - A nonconforming use or building is a building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto, or a building, structure or use, planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto and completed within one year period after the effective date of this Ordinance or amendment thereto; and which does not conform with the permitted or special use regulations of the district in which located. A legally existing use or building which conforms with the permitted or special use regulations of the district in which located shall be considered a conforming use or building even if the yards, area, height, coverage dimensions, or off-street parking, or loading, or fencing requirements, do not conform with the regulations of this Ordinance.

2.125 Nursing Home - Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

2.126 Patio - An area or courtyard, designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences, walls, shrubs, or hedges. Outdoor areas enclosed by a roof shall be considered to be a structure.
2.127 Permit - A document issued by the proper Authority of the municipality authorizing an applicant to undertake certain activities, as further defined below:

a. Zoning Permit - A permit issued indicated that a proposed use, building, or structure is in accordance with the provisions of this Ordinance and authorizing an applicant to proceed with said use, building or structure.

b. Occupancy Permit - A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.

2.128 Permitted Use - Any use which does not require special action by the Planning Board or the Zoning Board of Appeals before a zoning permit is granted by the Building Inspector.

2.129 Planning Board - The Planning Board of the Village of Elmira Heights.

2.130 Professional Office - Professional offices shall include the office of a physician, dentist, optometrist, architect, landscape architect, engineer, insurance man, realtor, accountant, lawyer, author, or other member of a recognized profession.

2.131 Rooming House - A building containing one or more dwelling units and rooms for the rooming and/or boarding of three or more persons for compensation.

2.132 Sign, Advertising - An "advertising sign" is a sign, which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.
2.133 Sign, Business - A "business sign" is a sign which directs attention to a business or profession or to a commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or to which it is affixed.

2.134 Sign, Gross Surface Area Of - The "gross surface area" of a sign or sign structure shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign or structure and in no case passing through or between any adjacent elements of same, but not including any structural or framing elements located outside the limits of the display of such sign.

2.135 Special Use - A use which because of its unique characteristics requires individual consideration in each case by the Board of Appeals, to determine that it meets specific criteria set forth in this ordinance.

2.136 Story and Half-Story - That portion of a building, included between the surface of any floor, but excluding the basement or cellar, and the ceiling next above it and having a vertical distance of not less than seven (7) feet measured along the studs forming the outside wall of such building. Any such portion of a building having a distance of less than seven feet shall be considered to be a half-story.

2.137 Street - A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road, and any other thoroughfare except an alley.

2.138 Structure - Anything constructed including a building, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including stationary and portable carports, porches and swimming
2.139 Swimming Pool - Any body of water or receptacle for water having a depth at any point greater than three feet (3'), used, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above the ground, outside any building.

2.140 Temporary or Seasonal Occupancy - The use of any premises, structure or use for living and or sleeping purposes for one hundred eighty days or less in any calendar year.

2.141 Travel Trailer - A vehicle, less than 29 feet in length and used for temporary living or sleeping purposes and standing on wheels.

2.142 Usable Open Space - A portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

2.143 Variance - The Zoning Board of Appeals' authorized departure to a minor degree from the text of this Ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this Ordinance.

a. Area Variance - An authorized departure from the size or shape of lot, yard, building height, building coverage, parking, or other regulations governing area requirements.

b. Use Variance - An authorized departure from the requirements governing uses permitted in the zone district.

2.144 Yard - An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.
a. Yard, Front - An open space extending the full width of the lot between a building and the front lot line.

b. Yard, Rear - An open space extending the full width of the lot between a building and the front lot line.

c. Yard, Side - An open space extending from the front yard to the rear yard between a building and the nearest side lot line.
ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

3.100 NAMES OF ZONING DISTRICTS

The Incorporated Village of Elmira Heights is divided into the following seven districts:

   R-1  Low Density Residential
   R-2  Medium Density Residential
   R-3  High Density Residential
   C-1  Business District
   C-2  General Commercial
   I-1  Limited Industrial - Buffer
   I-2  General Industrial

3.200 ZONING MAP

The location and boundaries of these districts are established as shown on the attached Zoning Map of the Village of Elmira Heights. The Zoning Map is hereby made a part of this Ordinance.

3.300 INTERPRETATION OF BOUNDARIES

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Board of Appeals shall determine the location of such boundary.
ARTICLE 4 - BASIC DISTRICT REGULATIONS

4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards, and buildings within each Zoning District are established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Article Five and by other provisions of this Ordinance.

4.101 Regulations Governing the Use of Land - Regulations governing the use of land within the various Zoning Districts shall be as set forth in Schedule I.

4.102 Regulations Governing the Size of Lots, Yards, and Buildings for Permitted Uses - Regulations governing the size of lots, yards, and buildings in the various Zoning Districts for Permitted Uses shall be as set forth in Schedule II.

4.103 Regulations Governing Special Uses - Regulations governing certain Special Uses are set forth in Section 4.302.

4.200 PERFORMANCE CHARACTERISTICS

No use shall be permitted in any district if it is to be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, environmental or other hazard; noise or vibration; smoke, dust, dirt, or other form of air, solid waste or water pollution; electrical, glare, or other disturbance which will adversely affect the surrounding area or premises, or be dangerous to public health and safety.

4.300 USE CLASSES IN ZONING DISTRICTS

Thirteen "Use Classes" are hereby established as shown in Schedule I. The specific uses included in each Use Class are outlined below.
### SCHEDULE I

**REGULATIONS GOVERNING THE USE OF LAND**  
**VILLAGE OF ELMIRA HEIGHTS, NEW YORK**

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<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
<th>I-2</th>
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<tr>
<td>1. Single-Family Residential</td>
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<td>3. Multi-Family Residential</td>
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<td>4. Central Commercial</td>
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<td>5. General Commercial</td>
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<td>6. Industrial Buffer</td>
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<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7. General Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Customary Accessory Uses and Essential Services</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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### PERMITTED USES

<table>
<thead>
<tr>
<th>Use Class</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
<th>I-2</th>
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<tr>
<td>9. Related Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<td>10. Multi-Family Residential</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>11. Conversions</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>12. Planned Residential Development</td>
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<td></td>
<td></td>
<td>X</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>13. Appropriate Public Uses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**Note:** "X" indicates that the Use Class is permitted. See Section 4.300 for a description of the uses included in each Use Class and for an explanation of the conditions under which they are permitted in each District.
## SCHEDULE II

REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS AND BUILDINGS FOR PERMITTED USES ONLY
VILLAGE OF ELMIRA HEIGHTS, NEW YORK

<table>
<thead>
<tr>
<th>TYPE OF REGULATION</th>
<th>R-1</th>
<th>R-2 and R-3</th>
<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>I-1</th>
<th>I-2</th>
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<tr>
<td></td>
<td>SF</td>
<td>TF</td>
<td>SF</td>
<td>TF</td>
<td>MF</td>
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<tr>
<td>Minimum Lot Size</td>
<td>7,500</td>
<td>8,000</td>
<td>5,000</td>
<td>7,500</td>
<td>10,000</td>
<td>5,000</td>
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<tr>
<td>Area (Sq. Ft.)</td>
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<td>80</td>
<td>50</td>
<td>75</td>
<td>100</td>
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<td>50</td>
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<tr>
<td>Width (Ft.)</td>
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<td>100</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Depth (Ft.)</td>
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<tr>
<td>Average Lot Area</td>
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<td>3,250</td>
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<td>-</td>
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<tr>
<td>Per Dwelling Unit</td>
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<tr>
<td>(Sq. Ft.)</td>
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</tr>
<tr>
<td>Minimum Yards (Ft.)</td>
<td>30</td>
<td>30</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>10</td>
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<td>10</td>
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<tr>
<td>Each Side Yard</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Maximum Building</td>
<td>2½</td>
<td>2½</td>
<td>2½</td>
<td>2½</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Height For the</td>
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<td></td>
<td></td>
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<tr>
<td>Principal Building</td>
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<td></td>
</tr>
<tr>
<td>Number of Stories</td>
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<td></td>
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<td>Height in Feet</td>
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<tr>
<td>Maximum Building</td>
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<td>40%</td>
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<td>50%</td>
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<tr>
<td>Coverage (%)</td>
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</tbody>
</table>

Notes: (1) This Schedule does not apply to Special Uses. See Section 4.302 for regulations governing such Special Uses. (2) See Article 5 for other additional regulations governing accessory structures, signs, off-street parking and loading and non-conforming uses and lots. (3) SF equals Single-Family Dwellings; TF equals Two-Family Dwellings; MF equals Multi-Family Dwellings.
4.301 Permitted Uses (Use Classes 1 through 8) - Uses listed as "Permitted Uses" in Schedule I shall require no special action by the Board of Appeals or by the Planning Board before a zoning permit is granted by the Building Inspector.

Use Class 1. Single Family Residential - Includes single-family detached dwellings.

Use Class 2. Two-Family Residential - Includes two-family dwellings.


Use Class 4. Central Commercial - Includes the following central commercial uses which shall be carried on in a completely enclosed building except for off-street parking and loading facilities and limited outdoor displays not occupying more than 25% of the lot area:

Retail Business Establishments including shops selling food, drugs, cigars, candy, clothing, and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety goods, household goods, appliances, flowers, package liquor, photo supplies, garden supplies, artist and hobby supplies, sporting goods, specialty and gift items, furniture and office supplies. The limited production of such goods which are primarily intended for retail sale on the premises, shall be permitted provided that such production is a necessary adjunct of the retail establishment.

Customer Service Establishments including shops engaged in the repair of household goods, clothing, shoes, and appliance items, pick-up stations, and self-service establishments for the dry cleaning and laundering of clothes, business and professional offices, eating and drinking establishments, off-street parking lots, gymnasiums and physical health salons, photographic studios, medical and dental centers, hotels and motels, banks and financial institutions, blueprinting and graphic reproduction
shops, printing and publishing establishments, wholesale offices and showrooms, office buildings and offices of all types, radio and television studios, auto supply stores, bus passenger stations and funeral homes.

Commercial Recreation and Entertainment Establishments including theaters, night clubs, art galleries, and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs and lodges, and swimming pools.

Use Class 5. General Commercial - Includes the following general commercial and limited industrial establishments which shall be carried in a completely enclosed building, except for off-street parking and loading facilities, auto service stations, and vehicle, boat, trailer and mobile home sales areas:

Commercial Education Establishments including schools for the study of business, technical trades, art, music, dancing and photography.

Limited Heavy Commercial Uses including wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, wholesale produce and meat markets, mechanical and vehicle equipment repair establishments, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries, sign painting, automatic car wash, auto service stations, sales lots and showrooms for autos, boats, trailers of all types and mobile homes and prefabricated house units and auto service dealers.

Limited Industrial Uses which are conducted above the first floor including experimental, photo and testing laboratories, the manufacture of musical and small precision instruments, watches and clocks, toys, novelties, garments, pottery and ceramic products using kilns fired only by electricity or gas, and other limited industrial production or testing activities employing no more than 50 persons.
Use Class 6. Industrial Buffer - Includes low-intensity industrial and commercial uses which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities and incidental storage.

Such low-intensity industrial and commercial uses because of their proximity to adjoining residential areas shall be so designed that the most intensive portion of their use shall be located furthest from adjoining residential uses. All rear and side lot lines which abut residential properties shall be provided with a minimum 10 ft. wide buffer area adequately screened and/or fenced, as specified in Section 5.801 for the purpose of protecting adjoining residential uses.

Low-intensity industrial uses include the manufacture, fabrication, processing, assembly, repair, testing, packing, and related storage (but excluding truck and freight terminals and delivery or distribution centers) of all types of products made from previously prepared materials such as cloth, plastic, food, paper, glass, leather, metals, stones, electronic components and other materials.

Low intensity commercial uses include retail business and customer service establishments of a type intended to serve a limited market area which includes only the nearby surrounding neighborhood or industrial area.

Such low-intensity industrial and commercial uses shall not create any external nuisances, hazards, disturbances, congestion or other evidence of their operation which would adversely affect adjoining residential uses and shall be limited to an employee density not exceeding 50 employees per acre of lot area.

Use Class 7. General Industrial - Includes all types of general industrial uses of which at least 60 percent of the activity shall be carried on in an enclosed building, except for off-street parking and loading facilities and incidental storage.
Such general industrial uses include the manufacture, fabrication, processing, assembly, repair, testing, packing, and storage of all types of products made from previously prepared materials and also the processing of raw materials. All such uses except for incidental storage and off-street parking or loading facilities, which are carried on outside of a completely enclosed building shall be enclosed by a permanent fence or wall, as specified in Section 5.801 which is adequate to screen such uses from adjacent properties and from any public street.

Use Class 8. Customary Accessory Uses and Essential Services - Includes uses customarily accessory to the principal use of a lot and essential services provided by public utilities. Such uses include the following:

Accessory uses which are customarily subordinate to the principal use of a lot or a building located on the same lot, and which serve a purpose customarily incident to the use of the principal building or lot within any district. Such uses include home occupations, home gardening, nurseries and greenhouses (not including outdoor storage of equipment) and professional offices of persons residing on the premises, private garages or parking areas, signs, off-street parking and loading, temporary tract offices, unoccupied travel trailers and buildings, and other uses customarily appurtenant to other Permitted or Special Uses.

Essential services for public utilities, as defined in Section 2.117 which conform to the height regulations of the Zoning district in which they are proposed.

4.302 Special Uses (Use Classes 9 through 13)- Uses listed as "Special Uses" in Schedule I shall require individual consideration in each case because of their unique characteristics. Such "Special Uses" may be referred to the Planning Board by the Board of Appeals for review and recommendation and may be permitted only upon authorization by the Board of Appeals, subject to certain conditions and safeguards, as provided in this Section.
Such special uses, as provided for in this section, shall be subject to any additional conditions and safeguards which may be warranted by the character of the areas in which such uses are proposed or by other special factors.

A Special Use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare, and convenience.

Applicants for Special Uses shall submit plot plans in sufficient detail to provide the Board of Appeals and the Planning Board with enough information to properly evaluate the proposed planned use.

The following regulations shall apply to Special Uses (Use Classes 9 through 13) which are authorized by the Board of Appeals.

Use Class 9. Related Residential Uses — Includes nursing and convalescent homes, rooming houses, nurseries for the day care of young children and non-profit social halls, clubs, and lodges.

Such uses shall comply with the following:

a. Except for a sign, there shall be no external evidence of any gainful activity.

b. Any such use shall have sufficient parking to serve the anticipated number of users and employees as specified in Section 5.500 and shall have suitable street access without causing excessive traffic on local residential streets.
c. All such buildings shall conform to the Minimum Lot Size, Minimum Yards, Maximum Building Height, and Maximum Building Coverage Regulations specified in Schedule II for Multi-family dwellings in the R-3 District.

Use Class 10. Multi-Family Residential - Includes multi-family dwelling structures containing up to fifteen dwelling units per structure. Such dwelling structures shall be served with public water, sewer, and parking facilities, and shall be located on a minimum lot not less than 20,000 square feet in size.

Such dwelling structures shall comply with the following:

Minimum lot width (ft.) 100

Minimum Lot area
Per dwelling unit (sq. ft.) 3,000

Minimum yards (ft.)
Front 30
Side 25
Rear 15

Maximum building height
No. of stories 3
Height in feet 35

Maximum building coverage (%) 40%

Usable open space (sq. ft. per dwelling unit) 500

Use Class 11. Conversions - Includes the redesign and conversion of existing residential structures into two-family and multi-family dwellings. All conversions shall have at least one off-street parking space per dwelling unit and each unit shall have adequate light, air, heating, and plumbing facilities and shall have at least 600 square feet of living space for each dwelling unit.
Use Class 12. Planned Residential Development - Residential uses of all types located on a tract of land at least two acres in size which is planned for development in its entirety under single ownership or control shall conform with the provisions of this Section. Such planned residential developments may be permitted by the Board for the purposes of encouraging a flexibility of design which will result in an integrated site plan designed to benefit the residents or occupants of such development and of neighboring properties and shall comply with the following:

a. It shall consist of either single-family, mobile home, two-family, or multi-family dwellings or combinations thereof as shown below:

<table>
<thead>
<tr>
<th>Residential Type</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Land Area (sq. ft.) per Dwelling Unit for each District</td>
</tr>
<tr>
<td></td>
<td>R-1</td>
</tr>
<tr>
<td>Single Family or Mobile Home</td>
<td>7500</td>
</tr>
<tr>
<td>Two-Family</td>
<td>3250</td>
</tr>
<tr>
<td>Multi-Family</td>
<td></td>
</tr>
<tr>
<td>3 stories or less</td>
<td>3000</td>
</tr>
<tr>
<td>Over 3 stories</td>
<td>2500</td>
</tr>
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</table>

The proposed planned residential development may be arranged in a conventional or cluster design pattern provided that the densities specified above are adhered to.

b. The proposed developer shall demonstrate that a sufficient market exists for the type, size and character of the development proposed.

c. Adequate, safe and convenient pedestrian and vehicular circulation facilities including roadways, driveways, off-street parking and loading, sidewalks, malls and landscaped areas, to assure the development shall be provided.
d. Paving and drainage facilities shall be designed to handle adequately storm waters, prevent erosion and formation of dust.

e. The orientation of buildings shall provide adequate light, air and open space.

f. Usable open space suitable for use as play areas for children or as outdoor living space for families shall be provided in amounts not less than 300 square feet per dwelling unit.

g. No residential use of the type herein specified shall be allowed unless said planned residential development is attached to public water and public sewer before inhabitation of any portion of the development.

Use Class 13. Appropriate Public Uses - Includes public and quasi-public uses of a welfare, educational, religious, recreation, governmental and cultural nature, and associated accessory uses; radio and television, transmission or receiving towers; and essential public utilities that require enclosure within a building.

A Public Use permitted by the Board of Appeals as a Special Use shall be appropriate to the character of the District in which it is proposed and to the area which it will serve. Such Appropriate Public Uses shall have adequate access, shall provide off-street parking and loading as specified in Section 5.500, shall provide necessary landscaping and screening to protect adjoining areas, and shall have lot areas, yards and building coverage consistent with the character of the neighborhood and the District requirements in which they are proposed.
ARTICLE 5 - SUPPLEMENTARY REGULATIONS

5.100 PERMITTED VARIATIONS FROM REQUIRED AREAS

The minimum lot, yard, and height requirements of Article 4 shall prevail in all cases, except as follows:

5.101 Existing Nonconforming Lots - In any district, where a non-conforming lot exists as a separate entity at the time of passage of this Ordinance, and where the owner of the non-conforming lot does not own an adjoining lot, then the following development is permitted:

a. If the lot is located in the R-1, R-2 or R-3 District a single-family dwelling may be constructed on it as a permitted use, provided that the lot is at least 48 by 120 feet in the R-1 District and at least 45 feet wide by 90 feet deep in the R-2 and R-3 Districts. Such lots shall have front and rear yards equal to that specified for the District in which the lot is located and side yards each equal to at least eight feet.

b. If the lot is located in any remaining District, then a structure not exceeding two stories in height may be constructed on it, for a use permitted in the District in which it is located, as shown on Schedule I, provided that the off-street parking and loading requirements of this Ordinance shall be complied with and that the front, side, and rear yards are in keeping with the surrounding area.

5.102 Height Limitations - District height limitations shall not apply to church spires, cupolas, and domes, monuments, water towers, chimneys, smokestacks, farm
structures, silos, flag poles, utility towers, and parapet walls extending not more than four feet above the limiting height of the building. The Board of Appeals, may waive the height limitations of this Ordinance, as they pertain to elevator apartments and to commercial and manufacturing buildings. In such cases the Board of Appeals shall determine that such a departure is in the best interests of the municipality, that it will be compatible with and not cause substantial injury to the value of other adjoining property, and that adequate off-street parking, loading and fire protection will be provided.

5.103 Front Yard Exception - When an unimproved lot is situated between two improved lots, each having a principal building within 30 feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below twenty feet in residential districts and ten feet in C-2, I-1 and I-2 districts.

5.104 Projections Into Yards - Projections into required yards shall be permitted as follows except that no such projection shall be located closer than ten feet to any side or rear lot line or fifteen feet to any front lot line.

a. Fire escapes, uncovered stairs and landings, canopies, eaves, or other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of three feet.

b. Porches may project into the required rear yard up to twelve feet.

c. Patios may be located in the required side, front, and rear yards not closer than
ten feet to any adjacent property line, and may project into front yards up to fifteen feet.

5.105 Changes to Conforming Uses and Buildings - Any conforming use or building may be repaired, maintained, restored or rebuilt to the same dimensions existing at the time that this Ordinance was adopted.

Any enlargement of a structure, on the same lot, to any conforming use must comply in all respects with the regulations of this Ordinance, except that in the case of any enlargement or addition of buildings legally existing at the effective date of this Ordinance the maximum building coverage requirements of Schedule II shall not apply, provided, however, that all of the off-street parking and loading requirements of this Ordinance shall be complied with. In such a case the maximum building coverage for the entire lot, including the existing and enlarged sections of the structure shall not exceed 80% for the C-2, I-1 and I-2 Districts; and 50% for the R-1, R-2 and R-3 Districts

5.200 UNIQUE LOTS AND BUILDING LOCATIONS

5.201 Two or More Buildings on a Lot - Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.

5.202 Through Lots - Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the
the Planning Board shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in Section 5.201 and 5.203.

5.203 Lots Fronting on an Alley - Individual lots, existing at the effective date of this Ordinance, fronting on an alley, shall comply with all the requirements of this Ordinance and the district in which said lots are located.

5.204 Side Yard of a Corner Lot - The side yard of a corner lot which abuts a street, shall be equal to the required front yard for that street.

5.205 Corner Lots - No obstruction to vision (other than an existing building, post, column, or tree) exceeding 36 inches in height shall be erected, planted, or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between two points on the right-of-way line of each street each located 30 feet from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

5.300 ACCESSORY STRUCTURES AND USES

5.301 Accessory Structures - All accessory structures shall conform with the minimum yard regulations established in Article 4, except as permitted below:

a. Unattached Structures Accessory to Residential Buildings - Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than
15 feet or one and a half stories and may be erected within the required rear and side yards of a principal structure provided that they conform with the following:

1. **Distance from Side Lot Line** - Not less than six feet from the side lot line, in the R-1 District, or three feet in the R-2 and R-3 Districts, except in the case of corner lots where the side yard as specified in Section 5.204 shall be maintained.

2. **Distance from Rear Lot Line** - Not less than three feet from the rear lot line, except for a corner lot which shall not be less than five feet.

3. **Distance from Principal Structure** - Not less than 10 feet from a principal structure.

b. **Unattached Structures Accessory to Non-Residential Buildings** - Such accessory structures shall comply with front and side yard requirements for the principal structure and shall be not less than 20 feet from the rear lot line.

c. **Fences and Walls** - Unless specifically noted, the provisions of this Ordinance shall not apply to fences, terraces or walls less than six feet in height above the average natural grade, nor to terraces, steps, unroofed porches, or other similar features not over three feet high above the level of the floor of the ground story.

5.302 **Home Occupations** - A single home occupation per dwelling unit is permitted as an accessory use to a residential structure provided that such home occupations shall be conducted only by residents of the dwelling unit who may not employ more than one additional non-resident person and that the only external evidence of the home occupation shall be a sign not
exceeding two square feet, home occupations shall be clearly secondary to the use of dwelling unit for residential purposes, and shall be restricted to professional offices, the operation of a photographic studio, the training or tutoring of up to four adults in small classes, nursery school classes limited to no more than 10 children, custom dress making, millinery or tailoring, hairdressing, laundering, home-cooking, and the rooming or boarding of not more than two persons. For the purposes of this Ordinance, the operation of a barber shop or of a mortuary is not a home occupation.

5.303 Home Gardening, Nurseries and Greenhouses - Home gardening, and accessory structures used for nurseries or as greenhouses, are permitted in residential areas, provided that they shall not include the outdoor storage of equipment and supplies.

5.304 Private Outdoor Swimming Pools - A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests. Such a pool may be located within the required rear yards for the District in which the pool is to be located except that no portion of the body of water in the pool shall be located closer to the property line than four feet and no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than two feet to any property line.

All pools shall be surrounded and enclosed by a four foot high fence structurally suitable to deter direct access to the body of water in the pool. Such a fence shall not have openings, holes or gaps therein larger than four inches in width or, if larger than four inches in width, no larger than four inches in length except for doors or gates; provided,
however, that if a picket fence is erected or maintained the horizontal dimension shall not exceed four inches, provided, further, that a dwelling house or accessory building may be used as a part of such a fence and provided; further, that existing hedges may be used as such enclosure or a part or parts thereof with the written approval of the Building Inspector. The Building Inspector, in his discretion, may approve such existing hedges, which substantially comply with the above requirements for fences or walls.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

Fences shall be constructed of weather resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps.

The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool provided that such sides of the pool are at least four feet high and provided further that any stairs, steps or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which will prevent their use when the pool is not in operation by the residents of the property or their guests.

Any pool whose body of water is closer than six feet to a property line shall be shielded by a six foot high privacy fence, hedge or other suitable visual obstruction which shall in every way prevent the pool from the adjoining
as the fence required to deter direct access to the body of water as required herein if it conforms with the other requirements of this Section.

5.400 NONCONFORMING USES AND BUILDINGS

Any legal nonconforming use may be continued, repaired, maintained and improved except as provided below:

5.401 Enlargement - Such nonconforming use may not be enlarged more than the existing floor area and such enlargement shall not exceed the maximum height or maximum building coverage requirements set forth in Schedule II for the district in which such nonconforming use is located.

5.402 Restoration - If any such nonconforming use is damaged, a permit for its restoration or reconstruction may be obtained if such application is filed within 90 days of the initial damage or destruction and complete restoration is satisfied within twelve (12) months thereafter.

5.403 Discontinuance - No such use may be reestablished after it has been discontinued or vacated for a period of one year. Also a nonconforming use or structure when razed or removed from premise shall not be relocated except in conformity with the regulations of the District to which it is moved.

5.404 Change of Use - A nonconforming use may be changed to another nonconforming use only if such change is more appropriate to the character of the District in which it is located as determined by the Board of Appeals.

5.405 Termination - Certain types of nonconforming uses or structures which present a special nuisance or hazardous condition shall be terminated as follows:
a. General Nuisances - Upon a complaint registered by the Building Inspector from fifty percent of the property owners within five hundred feet of a nonconforming use which is considered to be a general nuisance or a hazard to the health, safety, welfare, and morals of uses or structures adjoining such nonconforming use or uses, the Board of Appeals shall hold a public hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Board of Appeals after consideration of the time required for the reasonable amortization of the capital investment in such uses, or as may be provided for by the laws of the State of New York.

b. Junk Yards and Advertising Signs - All nonconforming junk yards and advertising signs shall be terminated within two years of the adoption of this Ordinance.

5.406 Off-Street Parking - A nonconforming use may be enlarged, as provided for in Section 5.401, only after compliance with Article 5.500 for both the existing and the proposed enlarged nonconforming use.

5.500 OFF-STREET PARKING AND LOADING

5.501 Off-Street Parking - In all Districts (except for that portion of the C-1 District located south of North Alley off-street parking spaces) shall be provided as set forth in the following table whenever any building is erected or enlarged. Such spaces shall have an area of at least 200 square feet and shall have adequate and well designed ingress and egress and shall be located on the same lot as the use to which they are accessory or within a radius of 400 feet in the same District; or in an adjoining District when approved by the Board as a Special Use.
## REGULATIONS FOR OFF-STREET PARKING SPACES

<table>
<thead>
<tr>
<th>TYPE OF USE</th>
<th>ONE PARKING SPACE REQUIRED FOR EACH</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Offices, Retail Business and Customer Service Establishments</td>
<td>300.0 sq.ft. of floor area</td>
</tr>
<tr>
<td>2. Restaurants, Taverns, Night Clubs</td>
<td>2.5 seats</td>
</tr>
<tr>
<td>3. Medical and Dental Clinics</td>
<td>0.2 doctors or dentists</td>
</tr>
<tr>
<td>4. Motels</td>
<td>0.75 sleeping room</td>
</tr>
<tr>
<td>5. Hotels</td>
<td>2.0 sleeping rooms</td>
</tr>
<tr>
<td>6. Churches, Theaters, Auditoriums and Places of Assembly</td>
<td>3.5 seats</td>
</tr>
<tr>
<td>7. Elementary and Secondary Public and Parochial Schools</td>
<td>15.0 classroom seats</td>
</tr>
<tr>
<td>8. Colleges, Universities and Commercial Schools</td>
<td>5.0 classroom seats</td>
</tr>
<tr>
<td>9. Social Halls, Clubs and Lodges</td>
<td>200.0 sq.ft. of floor area</td>
</tr>
<tr>
<td>10. Bowling Alleys</td>
<td>0.2 alleys</td>
</tr>
<tr>
<td>11. Hospitals</td>
<td>2.0 beds</td>
</tr>
<tr>
<td>12. Residential Dwellings</td>
<td></td>
</tr>
<tr>
<td>- Residential units designed for use by low-income elderly families</td>
<td>4.0 dwelling units</td>
</tr>
<tr>
<td>- All other residential units</td>
<td>1.0 dwelling units</td>
</tr>
<tr>
<td>13. Funeral Homes</td>
<td>0.3 parlors</td>
</tr>
<tr>
<td>14. Rooming Houses and Dormitories</td>
<td>2.0 beds</td>
</tr>
<tr>
<td>15. Manufacturing Plants and Laboratories</td>
<td>3.0 employees (b) (c)</td>
</tr>
<tr>
<td>16. Wholesale Establishments and Warehouses</td>
<td>2.0 employees</td>
</tr>
<tr>
<td>17. Nursing Homes</td>
<td>4.0 beds</td>
</tr>
</tbody>
</table>

(a) This table applies only to new construction and to the enlarged section of any addition.

(b) Plus one additional space for each 1,000 sq. ft. of floor area.

(c) In no case shall the total parking area be less than 25 percent of the floor area.
5.502 Off-Street Loading - Every commercial, industrial or other building shall provide one off-street loading space for each 10,000 square feet of gross building floor area or part thereof, and each such space shall be at least 400 square feet in area.

5.503 Development of Parking and Loading Spaces - All off-street parking and loading areas shall conform with the following:

a. Off-street parking and loading lots may be developed on any required side, front, or rear yard.

b. They shall be surfaced with a durable bituminous or concrete paving material and shall be properly graded and drained to dispose of all surface water.

c. They shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than three cars after dusk.

d. Exit and entrance driveways or access points shall be at least 20 feet wide and shall not exceed 40 feet in length and wherever practical shall not occupy the full width of the streets, alleys, or other right-of-way from which they derive their access, but shall be limited to well-defined points, and shall be so designed to provide maximum safety for other adjoining or nearby uses.

5.504 Off-Street Parking in Residential Areas - Only one commercial vehicle may be garaged in an enclosed garage on any lot used for residential purposes in a residential district.
Business and Advertising Signs

Signs are permitted in all non-residential districts (C-1, C-2, I-1, and I-2) and advertising signs are permitted only in the C-2, I-1 and I-2 districts. Such signs shall be non-flashing and shall not have a combined gross surface area in square feet exceeding two times the lot width.

Signs in Residential Districts - Non-advertising signs located in residential districts (R-1, R-2, R-3) which are accessory to permitted or non-conforming non-residential uses or which advertise the sale, hire or lease of land or building on which it is located are permitted provided they do not exceed nine square feet in size, except that signs accessory to home occupations shall not exceed two square feet in size. The number of signs shall be restricted to one to each property or dwelling unit, entrance, exit, or building to which it pertains, except those properties located on corner lots may have one sign facing each street. Signs in such residential districts shall not be illuminated or of a flashing nature.

Location of Signs - Unless specified above, all signs may be located in any required yard and may be freestanding or attached to a building. Such signs shall not exceed the height limitations in which they are located except that no signs may be attached to a building in a manner which allows it to exceed the roof height of the building. Such signs may not project over any vehicular right-of-way, nor more than six feet over any pedestrian or other right-of-way, except that such projections shall not be closer than two feet of horizontal distance to a curb. Projections over any rights-of-way, where
permitted above shall be provided of at least nine feet; and the clearance of all signs projecting over any public right-of-way shall provide insurance in an amount specified by the Board of Appeals sufficient to hold the Village harmless in the event of any damage to life or property caused by such a sign in the public right-of-way.

5.700 EXCAVATIONS AND FILL MATERIAL

Any excavations for the removal of topsoil or other earth products may be permitted only as a temporary special use by the Board of Appeals. Such excavations must be adequately drained to prevent the formation of pools of water. The Board of Appeals may require that such an excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety and welfare.

Unless specifically permitted by the Board of Appeals open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.

The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised more than three feet above the nearest road, that hazardous or nuisance conditions are not created, that an unsightly appearance or unstable slopes are not created.

5.800 MISCELLANEOUS PROVISIONS

5.801 Yard Planting and Screening - Yard screening shall be provided along the side and rear boundaries of any manufacturing or commercial use of off-street parking lot which abuts a residential use and on any other uses where such screening is required. Such screening shall consist of a visual screen or obstruction of suitable shrubs, hedges, fences, or walls at least six feet high.
Fences, walls, shrubs, or hedges under six feet tall may be located in any yard or court and shall be maintained in good and attractive condition. Trees and other plant material designed to enhance the livability and attractiveness of any lot may also be located in any yard or court.

5.802 **Slope of Yards** - The surface area of any yard of open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.

5.803 **Design of Highway (Non-Residential) Development** - It is the objective of this Ordinance to encourage the orderly development of commercial, industrial, and other non-residential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:

a. The design of streets, service drives and pedestrian ways shall provide for safe, convenient, and hazard free internal circulation of goods, persons, and vehicles.

b. Non-residential parcels shall be limited to no more than two (2) driveway access points from the street or highway from which they derive their principal access and such driveway access points shall not be more than forty (40) feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
c. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development consideration should be given to the following:

1. The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.

2. The development of parking and loading areas which permit convenient traffic circulation between adjoining parcels.

3. The development of pedestrian walkways between adjoining parking areas and buildings.

4. The provision of landscaping and other features which will enhance the use-ability, character, and attractiveness of the area.

5.804 Animals and Fowls - In any district the establishment, maintenance, and operation of boarding stables, dog kennels, boarding kennels, aviaries, or similar facilities for the housing, boarding, service, treatment, care, breeding or sale of animals and fowls is prohibited.

The provisions of this Section shall not apply to the keeping of pets which are the personal property of persons residing on the premises.

5.805 Areas of Dwellings - One-family and two-family dwellings one story in height shall have a minimum floor area for human habitation of not less than 700 square feet of ground floor area as measured from the outside walls and exclusive of any area for the storage of vehicles for each dwelling unit, and dwellings
of one and one half or more stories in height shall have not less than 500 square feet of ground floor area for each dwelling unit. Multi-family dwellings shall have not less than 400 square feet of living space for each dwelling unit. Mobile home dwellings shall have a minimum floor area for human habitation of 600 square feet for each dwelling unit and such mobile home dwellings shall have a minimum width of ten feet.
6.100 GENERAL PROCEDURE

6.101 General Sequence of Steps - Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Building Inspector for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. The Building Inspector will either issue the Zoning Permit or will refuse the permit after any necessary review by the Zoning Board of Appeals and the Inspector will indicate in writing the reason for refusal. If refused a permit, the applicant may appeal to the Board of Appeals for further consideration. After the Zoning Permit has been received by the applicant, he may proceed to obtain other necessary permits and undertake the action permitted by the Zoning Permit and the other necessary permits and upon completion of such action shall apply to the Building Inspector for an Occupancy Permit where such a permit is required. If the Building Inspector finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.

6.102 Zoning Permit Types - Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:

a. Permitted Uses - A Zoning Permit for a Permitted Use may be issued by the Building Inspector on his own authority.

b. Special Uses - A Zoning Permit for a Special Use may be issued by the Building Inspector upon the order of the Board of Appeals after a public hearing.
c. Zoning Permit After an Appeal or a Request for a Variance - A Zoning Permit may be issued by the Building Inspector upon the order of the Board of Appeals and after a public hearing held by the Board of Appeals for the purpose of deciding upon the appeal or a request for a variance.

6.200 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

6.201 Applications for Permits and Certificates - All applications for Zoning Permits, Occupancy Permits, or Certificates of Non-Conforming Use shall be in writing on forms to be furnished by the Building Inspector or by the office of the Village Clerk. Such applications shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Building Inspector or the Zoning Board of Appeals may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its conformity with this Ordinance.

6.202 Zoning Permits - The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance, and no person shall erect, alter, or convert any structure, building, or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Building Inspector. Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance. Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time. The Building Inspector or the Board of Appeals may revoke a Zoning Permit at any time if it appears that the application is in any material respect false or misleading, or that work being done upon the premises differs materially from that called for in the application. No Zoning Permit shall be issued, except on written
order of the Board of Appeals, where the proposed construction, alteration, or use would be in violation of any provision of this Ordinance.

Unless there has been substantial progress in the work for which a Zoning Permit was issued, said permit shall expire one year from the date of issue.

6.203 Occupancy Permits - The purpose of an Occupancy Permit is to certify that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Building Inspector. A copy of the Occupancy Permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the municipality. All applications for Occupancy Permits shall be in writing on forms to be furnished by the Building Inspector.

6.204 Certificate of Non-conforming Use - The owner of the premises occupied by a lawful non-conforming use or building may secure a Certificate of Non-conforming Use from the Building Inspector. Such Certificate shall be authorized by the Board of Appeals and shall be for the purpose of certifying to the owner his right to continue such non-conforming use.

6.300 BUILDING INSPECTOR

6.301 Appointment of Enforcing Officer - This Ordinance shall be enforced by the Building Inspector who shall be appointed by the Village Board of Trustees of the Village of Elmira Heights.

6.302 Duties and Powers - The Building Inspector shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits within thirty days of the receipt of the application
or shall refer said application to the Board of Appeals. The Building Inspector shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this Ordinance. He shall keep records of applications, of permits, or certificates issued, of variances granted, of inspections made, of reports rendered, and of notice or orders issued, and shall make all required inspections and perform all other duties as called for in this Ordinance.

6.400 ZONING BOARD OF APPEALS

6.401 Board is Hereby Created - A Zoning Board of Appeals is hereby established in accordance with the provisions of the Village Law of the State of New York. The members of the Board of Appeals shall be residents of the Village of Elmira Heights and shall be appointed by the Village Board to serve for terms as prescribed by law. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

6.402 Duties and Powers - The Board of Appeals shall choose its own chairman and vice-chairman who shall preside in the absence of the chairman. In the absence of both the chairman and vice-chairman, the Board of Appeals shall choose one of its number as acting chairman. Such chairman, or the party acting in his stead during his absence, may administer oaths and compel the attendance of witnesses.

The Board of Appeals may appoint a secretary who shall take minutes of all its meetings and keep its records. The Board of Appeals shall be responsible for the interpretation of this Ordinance, and shall adopt, and make available to the public, rules for the exercise of its functions. The duties and powers of the Board of Appeals shall be to hear and decide appeals where it is alleged that an error has been made in the enforcement of this Ordinance, and to hear and decide requests for Special
Uses and variances. The Board of Appeals shall perform such other duties as may be provided or made necessary by this Ordinance, including the interpretation of boundaries, the holding of public hearings, the referral of any pertinent matter to the Planning Board for review and recommendations. The Board of Appeals shall keep a record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

6.403 Referral to Planning Board - The Board of Appeals may refer to the Planning Board all applications for Special Uses, and any other applications or appeals which in the opinion of the Board of Appeals require review by the Planning Board. In its review, the Planning Board shall in the case of Special Uses, determine compliance with the standards set forth in this Ordinance, and in all cases shall report in writing its findings and recommendations to the Board of Appeals within thirty days.

6.500 VARIANCES AND APPEALS

6.501 Board of Appeals May Authorize Variance - Upon appeal, and after a public hearing, the Board of Appeals may authorize either a "use variance" or an "area variance" from the strict application of any of the requirements of this Ordinance. Such an "area variance" shall be in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in a practical difficulty that would deprive the owner of the reasonable use of the land or building involved, but in no other case. Such a "use variance" may be permitted in the case where unnecessary hardship would result from such strict application which would deprive the owner of the reasonable use of land or buildings involved, but in no other case. The purpose of any variance shall be to prevent discrimination, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same
6.502 **Required Showing for Variances** - No variance in the strict application of any provision of this Ordinance shall be granted by the Board of Appeals unless it finds special circumstances or conditions, applying to the land or buildings that do not apply generally to land or buildings in the neighborhood, that said circumstance or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building, that the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Appeals, is the minimum variance that will accomplish this purpose, and that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.

6.503 **Appeals** - Any person, officer, department, board or bureau of the Village which deems itself aggrieved may file a written appeal, in accordance with the provisions of the applicable State Law and with the rules and procedures established by the Board of Appeals. After a public hearing, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from.

6.600 **AMENDMENTS**

6.601 **Procedure** - The Village Board of Trustees may, in accordance with applicable laws, from time to time, or on its own motion, or on petition, or on recommendation of the Planning Board or the Board of Appeals amend, supplement or repeal any or all of the regulations and provisions of this Ordinance. Any proposed amendment shall be submitted to the Planning Board for a report before being acted upon by the Village Board.
6.602 **Petition for Amendment** - A petition requesting a change in regulations, district boundaries, or in other provisions of this Ordinance shall be typewritten and be signed and acknowledged by the person presenting it in the same manner as is required for the recording of a deed to real property, and shall be filed with the Building Inspector in triplicate.

6.700 **PENALTIES**

Any person violating any provision of this Ordinance; or who shall violate or fail to comply with any order or regulation made hereunder; or who shall build in violation of any statement, specification or plan submitted hereunder; or who shall violate any permit or certificate of occupancy issued hereunder; or who shall continue to work upon any structure after service of notice in writing from the Building Inspector or Board of Appeals, to desist therefrom, shall forfeit and pay a penalty not to exceed $50 or 50 days imprisonment for each offense. Each day's continued violation shall constitute a separate, additional violation. Service of the notice shall be sufficient if directed to the owner, agent of the owner, or the contractor and left at his last known place of business or residence, if within the municipality; and if no place of business or residence be found, then the notice shall be served by posting in a conspicuous place on the premises which are the subject of the violation.

6.800 **FILING FEES**

The following fees shall be paid at the office of the Village Clerk or to the Building Inspector. All fees collected shall be transmitted to and accounted for by the Village Treasurer on a monthly basis.

6.801 **Zoning Permits Which Do Not Require a Public Hearing** - The fee to be charged for issuance of a Zoning Permit shall be as follows:
Garage: Single car, $5.00; Double car, $7.50

Residential homes: valued construction up
to $8,000.00 --- $7.50
construction costs
over $8,000.00 --- $10.00

Expansion and alterations of re-
sidential homes

Commercial: \( \frac{1}{2} \) of 1\% of the cost of construction
of commercial buildings with a minimum
of $10.00, and a maximum of $50.00

Manufacturing or other uses: \( \frac{1}{2} \) of 1\%,
Maximum $100.00

6.802 Zoning Permits or Appeals Which Require a Public
Hearing — In addition to the fee specified
above, a charge of $20 shall be made wherever
a public hearing is required to cover publica-
tion and other incidental costs.

6.803 Occupancy Permit — Where a Zoning Permit is
not required and a Certificate of Occupancy
is required, there shall be a charge for the
Certificate of Occupancy in the amount of $5
payable at the time of application.

6.804 Certificate of Non-conformance — No fee is
required for a Certificate of Non-conformance
which is obtained within ninety (90) days of
passage of this Ordinance. A fee of $3 will
be charged for a Certificate of Non-conformance
commencing ninety-one (91) days after passage
of this Ordinance.

6.805 Other Fees — Where simultaneous application is
made for other permits which may be required
by any other codes or ordinances of the Village
for any of the same uses specified above then
only the higher fee specified under either this
zoning ordinance or any of the other codes or
ordinances shall apply.