

## **ZONING**

### **Chapter 24 Local Law # 1 1974**

24-100

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**A Local Law known as the " ZONING LAW OF THE VILLAGE OF HILTON ".**

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(HISTORY: Adopted, Hilton Village Board, 3-20-74 as Local Law No. 1, 1974; amended 10-6-75 by Local Law No. 2, 1975.    Subsequent amendments noted where applicable.)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

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**24-100 ARTICLE I : Introductory Provisions**

**24-101 Title**

This local law shall be known as the "ZONING LAW OF THE VILLAGE OF HILTON."

**24-102 Legislative authority**

Enactment of this local law by the Village Board of the Village of Hilton is pursuant to Article VII of the Village Law of the State of New York.

**24-103 Purpose and objectives**

- A.** The purpose of this local law is to: encourage appropriate and orderly physical development; promote in all possible ways public health, safety, convenience and general welfare; and classify, designate and regulate the location and use of buildings, structures and land for agricultural, residential, commercial, industrial or other uses in appropriate places and for said purpose to divide the Village of Hilton into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement.
- B.** The objectives of this local law are to: conserve and stabilize the value of property; provide adequate open space for light and air; provide desired levels of population density; secure safety from fire, flood, panic and other dangers; provide assurance of opportunities for effective utilization of land; provide adequate community and public utility facilities; and provide workable relationships of land uses to the transportation system and lessen congestion in the streets.
- C.** The regulations contained in this local law have been in accordance with a well-considered Comprehensive Plan for the Village of Hilton and have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses.

**ARTICLE II : General Provisions**  
**24-200**

**24-201 Application of district regulations**

No site or structure shall be used, no structure shall be erected and no existing structure shall be moved, altered or enlarged except in conformity with the regulations for the district in which the site, structure or use is located. Where this local law imposes greater restrictions than those imposed or required by other rules, regulations, ordinances, or laws, the provisions of this local law shall control.

**24-202 Zoning districts established**

The districts established by this Zoning Local Law, and subject to future amendments, shall be as follows: (revised 3-17-98 by L.L. #2 1998; and 7-5-05 LL#3 2005)

**F** Flood Hazard Protection District  
**R-1** Residential District  
**R-2** Residential District  
**MR** Multiple-Residence District **C** Commercial District  
**CBD** Central Business District (added 7-5-05 as LL #3 2005)  
**LCD** Limited Commercial District  
**I** Industrial District  
**L-1** Light Industrial District  
**PRD** Planned Residential Development District  
**PRD-S** Planned Residential Development District - S (added 3-17-98 as L.L. #2

1998)

**24-203 District boundaries**

The boundaries for each district listed as part of this local law are the boundaries indicated for the district by the map entitled "The Official Zoning Map of the Village of Hilton," dated with the effective date of this local law, which is hereby adopted by reference and declared to be part of this local law, and hereinafter known as the "Zoning Map."

**24-204 Official Zoning Map**

There shall exist only one (1) Official Zoning Map which shall be kept in the office of the Village Clerk and it shall bear the seal of the Village of Hilton, a certification that it is the Official Zoning Map of the Village of Hilton and its date of adoption. Said Zoning Map shall be on a material suitable for reproduction by a dry diazo copier or equivalent process. Copies of this Map, which may from time to time be published and distributed, would be accurate only as of the date of their printing and shall bear words to that effect. Changes made in district boundaries or other matters portrayed on the Official Zoning Map under the provisions of this local law shall be permanently affixed to the Official Zoning Map promptly after the amendment has been approved by the Village Board and shall convey information as to the date and the nature of the change. No amendment to this local law which involves matter portrayed on the Official Zoning Map shall become effective until such change and entry has been made on said Map and has been attested to by the Village Clerk. Should the Official Zoning Map become damaged, destroyed, lost or difficult to interpret because of the changes and additions, the Village Board may, by resolution, adopt a new Official Zoning Map to supersede the former Map. The new Official Zoning Map shall be attested in the same manner as the prior Map and shall bear a statement which explains that it supersedes the prior Map and gives the dates of adoption of both the prior Map and the new Official Zoning Map. If possible, the prior Map and the records of its adoption and amendments shall be preserved; and whenever the prior map exists, it shall have the word "SUPERSEDED" prominently displayed thereon.

**24-205 Interpretation of zoning district boundaries**

All zoning district boundaries shall follow property lines, center lines of streets, railroads, alleys, corporate limits or streams, unless otherwise located by appropriate reference in the Official Zoning Map. In the event that the above rule is not applicable, the location of such boundary will be dimensioned.

**24-206 Severability**

If any section, paragraph, subdivision, or provision of this local law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid, and the rest of this local law shall remain valid and effective. This local law shall be interpreted in such a way wherever possible so that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.

**24-207 When effective**

This local law shall take effect and be in force from and immediately after its passage, publication of notice of adoption thereof and filing, as required by law.

**24-208 Provisions applicable to all districts** (amended 7-5-05 as LL #3 2005)

- A.** Except as otherwise expressly provided in this local law, no animals, fowl or poultry shall be housed or kept on any lot other than customary household pets.
- B. Swimming pools.** Private swimming pools are permitted in the Residential, Multiple Residential and the Limited Commercial Districts, provided that there is an existing residence on said lot and that said pool is located in the rear yard no closer than eight (8) feet to the side or rear property lines, if a one-family or two-family residence. For multiple residences, the location shall be subject to site plan approval with the objective being that the pool shall be unobtrusive. All sides of said pool are to be enclosed by fences at least four (4) feet high, and approved by the Planning Board. If a pool is constructed entirely or partly above ground and that portion which is above ground has a vertical side at least four (4) feet high, a fence shall not be required. Each entrance to said pool shall be provided with opening devices and locks so located to prevent access by small children. Underwater lighting and exterior lighting directed and shielded from any adjoining property is permitted. All overhead utilities are prohibited over the pool area. Pools may not be drained into sanitary sewers or septic systems. Plans must be approved and a permit issued by the Building Inspector prior to construction.  
(Amended 2-6-78 by L.L. No. 2, 1978)
- C. Storage of vehicles, campers, trailers and boats.** No motor vehicles, trailers, campers or boats and other recreational vehicles shall be stored on a lot outside of existing buildings thereon except to the rear of the principal dwelling and within the side and rear setbacks applicable to said lot.

**24-209 Uses prohibited in all districts**

- A. Storage of junk.** The outside storage of junk, wrecks and/or unlicensed motor vehicles is prohibited in all districts except areas designated for new or used car sales.
- B. Stripping of topsoil.** Soil stripping and the sale or disposition of topsoil, except for use on the premises from which it comes, is prohibited except for lawful excavations for cellars and other structures.
- C. Storing and dumping of refuse.** The storing or dumping of refuse, waste material or other substances is prohibited in all districts within the Village.
- D. Installation and use of auxiliary service equipment within the setback.** No auxiliary equipment, including but not limited to air conditioners, air compressors, water pumps, electric generators, and the like, shall be located in a Setback, as defined in Section 24-1402 of the Village Code, if it is greater than 3 HP, if it exceeds 4 feet in height from ground level and/or if it emits a sound level in the air which, as measured at the property lines, is in excess of sixty-five-seventy (65-70) decibels on the A-weighted scale between the hours of 7:00 a.m. and 8:00 p.m. and in excess of fifty (50) decibels on the A-weighted scale between the hours of 8:00 p.m. and 7:00 a.m. (Added 3/3/97 by Local Law No. 3, 1997)
- E. Outdoor wood furnaces:** The construction and/or operation of any outdoor wood furnace is prohibited in all districts within the Village of Hilton. (Added 4/3/07 by L.L #4, 2007)

**ARTICLE III : District Regulations**  
**24-300**

**24-301 Flood Hazard Protection District**

- A. Purpose.** The Flood Hazard Protection District is intended to provide for the public health, safety and welfare and is specifically designed to protect persons, improvements and property from flood hazards associated with the urban development of areas subject to the movement and inundation of waters. Delineation of the Flood Hazard Protection District is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, the depth of inundation and calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey flooding. The degree of flood protection required by this local law covers a flood which could be expected to occur on the average of once every one hundred (100) years. This is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This local law does not imply that areas outside the Flood Hazard Protection District boundaries or land uses permitted within such district will be free from flooding or flood damages.

**24-301 Flood Hazard Protection District**

**B. Permitted uses:** The following open space uses are permitted outright, provided that they do not require structures, fill or storage of materials or equipment:

- (1) Agricultural uses such as pastures, general farming, grazing and forestry.
- (2) Recreational uses.
- (3) Lawns, gardens, parking areas and play areas associated with residential uses.

**C. Conditional uses:** The following uses and their accessory uses are permitted when authorized in accordance with Article IV, except that this does not include residential uses:

- (1) Structures associated with the permitted uses.
- (2) Excavation and removal of sand, gravel, stone, loam, dirt or other earth products.
- (3) Circuses, carnivals and similar transient amusement enterprises.
- (4) Storage yards for equipment, machinery or materials; except that storage of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plant life in time of flooding is prohibited.
- (5) Railroads, streets, bridges, utility transmission lines and pipe lines.

**D. Special provisions**

- (1) No structure, temporary or permanent, fill for any purpose, deposit, obstruction, storage of materials or equipment or other uses shall be permitted which, acting alone or in combination with existing or future uses, unduly affects the efficiency or the capacity of the floodway or unduly increases flood heights.
- (2) Structures shall not be used for human habitation, shall have a low flood damage potential, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood water (i.e. longitudinal axis parallel to the direction of flood flow and placement approximately on the same flood flow lines as those adjoining structures) and shall be firmly anchored to prevent flotation which may result in damage to other structures, restrictions of bridge openings and other narrow sections of the stream or river. Service facilities such as electrical and heating equipment shall be constructed at or above the flood protection elevation for the particular area.
- (3) Flood proofing measures shall conform to the New York State Building Code. The Planning Board shall require that the applicant submit a plan certified by a registered professional engineer that the Flood proofing measures are consistent with the flood protection elevation and associated flood factors for the particular area.



**24-301 Flood Hazard Protection District**

**D. Special provisions, continued**

- (4) In making a determination on a request for a conditional use or variance, or on an appeal from a ruling of the Planning Board or Zoning Board of Appeals, the following factors shall be considered:
  - (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - (b) The danger that materials may be swept on to other lands to the injury of others.
  - (c) The proposed water and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - (d) The susceptibility of facilities to flood damage and the effect on the individual.
  - (e) The importance to the community of the proposal.
  - (f) The availability of alternative locations.
  - (g) The relationship of the proposal to the floodplain program for the area.
  - (h) The access to the property in times of flood for ordinary and emergency vehicles.
  - (i) Such other factors which are relevant to the purposes of this district and this local law.

**24-302 R-1 Residential District**

**A. Permitted uses:** The following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling with at least a single car attached or detached private garage. (Amended 2-6-78 by L.L. No. 2, 1978) (Amended 1-2-07 by L.L. No 2, 2007)

**B. Conditional uses:** Upon site approval and in accordance with Article IV, the following uses are permitted:

- (1) Public buildings, schools, parks, playgrounds, libraries and grounds.
- (2) Two-family dwelling with attached or detached garage. (Amended 2-6-78 by L.L. No. 2, 1978)
- (3) Customary home occupation incidental to a residence, including a professional office of a person actually residing on the premises.

**C. Dimensional requirements**

- (1) All uses shall require a lot of at least eleven thousand five hundred (11,500) square feet, that on corner lots where two or more roads adjoin the property, the minimum lot size shall be fourteen thousand two hundred (14,200) square feet or a minimum of 135 ft. x 105 ft. (Amended 9-14-87 by L.L. No. 5, 1987)
- (2) The minimum width of a lot measured at the building line shall be eighty-five (85) feet. (Amended 9-14-87 by L.L. No. 5, 1987)
- (3) The minimum front setback for lots abutting roads and, if a corner lot, the exterior side yards shall be thirty-five (35) feet. The minimum interior side yard and rear yard shall be eight (8) feet. (Amended 4-4-83 by L.L. No. 2, 1983; 8/1/94 by L.L. #2 1994)
- (4) No building shall exceed two (2) stories or thirty-five (35) feet in height.
- (5) Building permits issued shall become null and void unless construction has started within three (3) months and has been completed within six (6) months. A permit extension granted for good reason can be issued at no additional cost.

**24-302 R-1 Residential District****C. Dimensional requirements, continued**

- (6) Dwelling area. All dwellings shall have a living area computed on the outside dimensions of the dwelling of not less than the following: (Amended 5-19-86 by L.L. No. 4, 1986)
  - a) One (1) story: ground floor, one thousand one hundred twenty (1,120) square feet.
  - b) One-and-one-half-story dwelling: ground floor, nine hundred eighty (980) square feet, finished.
  - c) Split-level dwelling: one thousand one hundred twenty (1,120) square feet above ground, finished.
  - d) Two-story dwelling: one thousand three hundred (1,300) square feet total, finished, on both floors.
  - e) Raised-ranch dwelling: one thousand six hundred (1,600) square feet, with nine hundred eighty (980) square feet above ground, finished.
  - f) The area of porches and auto garages shall not be included in the computation of the above square footage.
- (7) Accessory structures shall not exceed seven hundred twenty (720) square feet in area. (Added 11-2-81 by L.L. No. 8, 1981)

**D. Additional requirements for all new homes built after May 1, 1986 shall be as follows: (Added 3-17-86 by L.L. No. 3, 1986; Revised 2/3/92 by L.L. No 1 1992; 12/7/92 by L.L. No.7 1992; 4/1/04 by L.L. No 2 2004 )**

- (1) A minimum of a one-foot overhang on the roof on the front and rear of all homes.
- (2) A minimum of five (5) inches of rake on the gable roof end.
- (3) A minimum of a twelve-foot-wide single-car garage.
- (4) A sump pump connected to the village storm sewer.
- (5) Two (2) exit doors.
- (6) The area between the gutter and sidewalk shall be paved the width of the driveway.
- (7) All front steps are to be poured in place. (Amended 3-2-87 by L.L. No. 2, 1987; 12/7/92 by L.L. #7 1992)
- (8) Basements shall be required for all single-family homes, apartments and multi-residential buildings. (Added 11-3-86 by L.L. No. 5, 1986; amended 4-1-04 by L.L. No 2, 2004)
- (9) There shall be no more than three (3) single-family detached homes of substantially similar style located on three adjacent lots which front on the same street. (Added 11-3-86 by L.L. No. 5, 1986; revised 2/3/92 by L.L. No. 1 1992; 12/7/92 by L.L. #7 1992)

**(E) Accessory buildings and structures:**

- 1) Any toolshed, garden shed, utility shed, cabana or similar structure, which is not utilized for housing automobiles and trucks, is permitted provided that such structure is incidental to the principal or primary residential use on the property and subject to the following restrictions:
  - a) Only one such accessory structure will be permitted on any real property and shall not be used for housing animals or their wastes.
  - b) The foot print shall be over 25 sq ft but shall not exceed 144 square feet.
  - c) The height of any accessory structure shall not exceed 12 feet as measured from the average grade at the front of said accessory building to the highest point of such accessory structure.
  - d) Must be erected behind the front main foundation line of the principal dwelling on any lot and ten feet from any building used for residential purposes which is located on an adjacent lot.
  - e) A side and rear setback of no less than five (5) feet must be maintained.
  - f) If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.
  - g) On through lots, any accessory structure shall not be located nearer than thirty (30) feet from either street line.
2. Any detached structure utilized for the storage of automobiles and trucks is permitted, subject to the following restrictions, provided that such structure is incidental to the principal or primary residential use on the property:
  - a) Must be placed on an approved foundation in accordance with the NYS Building Code.
  - b) The foot print shall not exceed 720 square feet.
  - c) The height shall not exceed 35 feet as measured from the average grade at the front of said structure to the highest point of such structure.
  - d) Must be erected behind the front main foundation line of the principal dwelling and at least ten feet from any building used for residential purposes which is located on an adjacent lot.
  - e) A side and rear setback of no less than eight (8) feet must be maintained.
  - f) If erected on a corner lot, accessory structures must be located behind the street main foundation lines of the principal dwelling and behind the side foundation line on the side facing the street.

**24-303 R-2 Residential District**

(Added: 10-3-88 as L.L. No. 1 1988)

**A. Permitted uses.** The following uses and their accessory uses are permitted outright:

- (1) Single family dwelling with attached or detached private garage.

**B. Conditional uses.** Upon site approval and in accordance with Article IV, the following uses are permitted:

- (1) Public buildings, schools, parks, playgrounds, libraries and grounds.

**C. Dimensional Requirements**

- (1) All uses shall require a lot of at least sixteen thousand six hundred fifty (16,650) square feet. For all corner lots, where two or more roads adjoin an adjacent property, the lot size shall be a minimum of 20,125 square feet.
- (2) The minimum width of a lot measured at the building line shall be ninety-five (95) feet. For corner lots, the minimum width shall be one hundred fifteen (115) feet.
- (3) The minimum front setback for lots abutting roads and, if a corner lot, the exterior side yards shall be forty (40) feet. The minimum interior side and rear side yard shall be ten (10) feet. For lots adjoining a State or County highway the setback shall be sixty (60) feet.
- (4) No building shall exceed two (2) stories or thirty-five (35) feet in height.
- (5) Building permits issued shall become null and void unless construction has started within three (3) months and has been completed within six (6) months. A permit extension granted for good reason can be issued at no additional cost.
- (6) Dwelling area. All dwellings shall have a living area computed on the outside dimensions of the dwelling of not less than the following:
  - (a) One (1) story: ground floor, one thousand three hundred (1300) square feet.
  - (b) One and one-half story dwelling: one thousand five hundred (1500) square feet total with one thousand one hundred (1100) square feet finished on the first floor.
  - (c) Split level dwelling: one thousand four hundred (1400) square feet above ground, finished.
  - (d) Two story dwelling: one thousand five hundred (1500) square feet total, finished on both floors.

**24-303 R-2 Residential District****C. Dimensional Requirements, continued:**

- (e) Raised ranch dwelling: one thousand six hundred (1600) square feet, with one thousand one hundred (1100) square feet above ground, finished.
- (f) The area of porches and auto garages shall not be included in the computation of the above square footage.
- (7) The sum total area of all accessory structures shall not exceed seven hundred twenty (720) square feet in area. A detached garage is deemed to be an accessory structure.

**D. Additional requirements for all new homes shall be as follows:**

- (1) A minimum of a one foot overhang on the roof on the front and rear of all homes.
- (2) A minimum of five (5) inches of rake on the gable roof end.
- (3) A minimum of a full depth fourteen foot wide single car garage. In the event an existing garage is converted to another use, i.e., living area, a new attached or detached garage is required to be built.
- (4) A sump pump connection to the village storm sewer.
- (5) Two (2) exit doors, one of which may exit into an attached garage.
- (6) The area between the gutter or edge of roadway and sidewalk shall be paved the width of the driveway where sidewalks are available. Such width shall not exceed twenty-four (24) feet but not less than fourteen (14) feet.
- (7) No driveway/paving shall be installed within eight (8) feet from adjacent property line.
- (8) All sidewalks and front steps are to be poured in place.
- (9) Basements shall be required for all single family homes.
- (10) No similarly styled single family detached homes may be built on adjoining lots with the houses facing in the same direction or on facing lots across the street where any of their boundary lines would overlap if extended across the street.
- (11) The installation of sidewalks will be at the discretion of the Planning Board.

**24-304 MR Multiple-Residence District**

- A. Purpose.** It is the intent of the Village of Hilton to permit, where appropriate, the construction and development of multiple-family residences in the Village. At the same time, the village does not desire the large-scale development of these units to the extent that large areas of the village become so devoted to such use that single-family residences would appear out of place. Accordingly, an area shall be zoned as an MR District only upon application for a specific proposal in accordance with the normal rezoning procedures. In reaching its decision, the Village Board shall consider the general criteria set forth in this local law, the most current Comprehensive Plan for the Village of Hilton, if any, and this statement of purpose.
- B. Permitted uses.** The following uses are permitted outright:
- (1) Apartment houses, multiple dwellings, dwelling groups, condominiums and cooperatives, which are simply apartment houses under certain specified rules of ownership; provided, however, that this shall not be construed to permit mobile homes or a mobile home park.
  - (2) Normal accessory uses designed as an integral part of the development and scaled for the exclusive use of the residents of the development.
- C. Conditional uses.** Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- (1) Customary home occupations.
  - (2) Single-family dwelling.
  - (3) Open recreation uses such as parks, playgrounds, swimming clubs and tennis clubs, but not including such commercial recreational uses as a driving range, race track or amusement park.
- D. Dimensional requirements**
- (1) Minimum size of site: two (2) acres. This applies to the total proposal, including the platted area, if any.
  - (2) Site coverage. The maximum site coverage of all buildings and structures shall be thirty percent (30%) of the lot area, such percentage to be calculated on the basis of total project area, regardless of whether or not portions thereof need to be platted for town houses.
  - (3) Maximum building height: thirty-five (35) feet.

**24-304 MR Multiple-Residence District****D. Dimensional requirements, continued****(4) Yard requirements:**

(a) No building shall be nearer than fifty (50) feet to the right-of-way of any major road peripheral to the site.

(b) No building shall be nearer than thirty (30) feet to the right-of-way of any exterior project road. In the case of non-dedicated streets and roads, this setback shall be measured from the limits of the paved area.

(c) No building shall be nearer than thirty (30) feet to any interior lot line, other than those lot lines defining an individual unit in a townhouse, if any.

**(5) Building capacity.** No building shall contain more than eight (8) dwelling units and at no time shall there be more than five (5) dwelling units in a row.**(6) Density.** The maximum number of dwelling units per gross acre, which acreage includes interior project roads and parking areas, depends upon the specific structural style used. Those apartments constructed as a linear series of non-communicating units with no common hallways or entrances shall not exceed ten (10) such dwelling units per acre. Apartments constructed in the so-called garden-apartment style, where units are above one another and have common hallways and/or entrances shall not exceed sixteen (16) such dwelling units per acre.**(7) Minimum unit size of apartments:**

(a) Efficiency apartments: five hundred fifty (550) square feet.

(b) One-bedroom apartments: seven hundred (700) square feet.

(c) Two-bedroom apartments: eight hundred fifty (850) square feet.

**(8)** Basements shall be required for all multi-residential buildings. (Added 4-1-04 by L.L No 2 2004)**E. Off-street parking.** Off-street parking shall be provided as required in Article VI, 24-601.**F. Signs.** Signs are permitted as set forth in Article VI, 24-602.**G. Fences, walls, hedges and screen plantings.** Fences, walls, hedges and screen plantings are permitted as set forth in Article IV, 24-603.**H. Site plan approval.** Site plan approval by the Planning Board shall be required in a multiple residential district for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V of this local law. (Amended 6/6/94 by L.L. #1, 1994)



**24-304 MR Multiple-Residence District**

- I. Commencement of development.** If construction of the principal building pursuant to a valid building permit is not diligently prosecuted within two (2) years from the effective date of any local law designating an area MR, then the area shall automatically revert to the zone district in effect prior to such designation. At any time prior to such reversion, the Planning Board, by motion, may grant an extension which shall expire no later than three (3) years after the effective date of the local law designating the area MR.

**24-305 Commercial District** (Deleted in it's entirety and replaced with new by L.L. #3, 2005)

- A. Purpose:** The purpose of this district is to provide areas for retail sales and services for the community.
- B. Permitted uses.** The following uses are permitted outright when conducted within a completely enclosed building:
- (1) Administrative, professional or executive offices including but not limited to real estate, lawyer, accounting & financial planning, municipal offices, insurance, counselor, travel, psychologist and social work offices.
  - (2) Offices or clinics for the medical care and treatment of human beings.
  - (3) Nursing, adult care or convalescent homes.
  - (4) Churches and other places of worship.
  - (5) Conference, meeting, activity and recreational rooms and facilities.
  - (6) Retail and wholesale sales and, as an accessory use thereto, manufacturing or processing of articles incidental to the conduct of such retail or wholesale business.
  - (7) Personal services including but not limited to hair stylists, tanning salons, nail salons, dressmaking, tailor and shoe repair.
  - (8) Laundromats, dry-cleaning and/or dry cleaning and laundry pick-up stations.
  - (9) Eating and drinking establishments.
  - (10) Theaters.
  - (11) Banks, savings and loans, credit unions and similar financial institutions.
  - (12) Veterinary offices or clinics for the treatment and care of animals, excluding animal shelters.
  - (13) Pet grooming
  - (14) Funeral homes & mortuary services
  - (15) Car washes
  - (16) Nurseries and garden stores.

**24-305 Commercial District****B. Permitted uses:**

- (17) Trade services including but not limited to electrical, heating, plumbing, carpentry, motor vehicle and electronic repair.
- (18) Vehicular fueling and service stations

**C. Conditional uses.** Upon site plan approval and in accordance with Article IV, the following uses are permitted:

- (1) Any use permitted in 24-305 (B) above to the extent not conducted within a completely enclosed building
- (2) Transient lodging facilities.
- (3) Warehousing, storage rental and/or storage for hire.
- (4) Apartments above the first floor.

**D. Dimensional requirements:**

- (1) Front setback: Minimum of thirty-five (35) feet. Any property line adjacent to a street shall be deemed a front line.
- (2) Rear and side setbacks: Minimum of ten (10) feet each, except that where a commercial district abuts a residential district, the setbacks shall each be twenty (20) feet.
- (3) Maximum building height shall not exceed forty-five (45 feet).
- (4) All buildings shall have the following:
  - a) A pitched roof.
  - b) A minimum of a one foot overhang on all sides of the roof.
  - c) A driveway of no less than 20 feet and no more than 30 feet in width.

**E. Off-street parking.** Off-street parking shall be provided as required in Article VI, 24-601. The Planning Board may waive some or all off street parking requirements during site plan review.**F. Signs.** Signs are permitted as set forth in Article VI, 24-602.

**24-305 Commercial District**

- G. Fences, walls, hedges and screen plantings.** Fences, walls, hedges and screen plantings are permitted as set forth in Article VI 24-603.
- H. Site plan approval.** Site plan approval by the Planning Board shall be required for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V.
- I. Commencement of development.** All approvals and permits must be acted upon within two years. An extension may be applied for and issued if approved by the issuing Board.
- J. Performance Standards:** No commercial use shall be established or maintained unless it complies with the performance standards as set forth in section 24-307 (E). Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.

**24-306 Industrial District**

- A. Purpose.** The purpose of this district is to provide for the establishment of industrial uses essential to the development of a balanced economic base in an industrial environment, and to regulate such industrial development so that it will not be detrimental or hazardous to the surrounding community and the citizens thereof.
- B. Permitted uses** The following uses and their accessory uses are permitted outright;
- (1) Scientific research or experimental development of materials, methods or products including engineering and laboratory research.
  - (2) Administrative educational and other related activities and facilities in conjunction with a permitted use.
  - (3) Manufacture of electric, electronic or optical instruments or devices.
  - (4) Light manufacturing, assembling, fabricating or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semiprecious metals or stones.
  - (5) Manufacture of food products, pharmaceutical and the like, but not including the production of fish, meat or dairy products; or fermented foods such as sauerkraut, vinegar, or the like; or the rendering of fats and oils.
  - (6) Cold storage plants and ice manufactures including storage and offices.
  - (7) Printing, publishing and book binding.
  - (8) Public and public utility buildings and yards.
  - (9) Retail or combination retail wholesale lumber and building materials yard, not including concrete mixing.
  - (10) Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating machine, sheet metal, stone monuments, upholstery and welding.
  - (11) Wholesale distribution of all standard types of prepared or packaged merchandise, excluding, however, such uses as fertilizer, explosives, compost and nitrocellulose.
  - (12) Processing uses such as bottling, plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dying plants.
  - (13) All types of automobile, motorcycle, truck and equipment sales, repair and rental.

**24-306 Industrial District**

- C. Conditional uses.** Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- (1) Uses of a similar character but not specifically listed above.
  - (2) Customary and ordinary industrial uses which are conducted wholly within the enclosed wall of a building.
  - (3) Any use permitted in residential, multiple residence and commercial zones.  
(Added 11-2-81 by L.L. No. 8, 1981)
- D. Special provisions.** In addition to the regulations set forth in Article V, the following special provisions shall apply to industrial districts:
- (1) Required off-street parking and loading, other than suitably landscaped guest parking, shall be confined to the rear yard of the proposed use.
  - (2) The front yard of all lots and extension yards of a corner lot shall be suitably landscaped and shall include the provision of vegetation at suitable levels of maturity to protect and enhance the overall quality of the environment. In the case of through lots where the rear yard and/or side yards are also visible from a major road or residential area, similar requirements shall be imposed wherever appropriate.
  - (3) The architectural treatment and general appearance of all buildings and the landscaping of the grounds shall be in keeping with the intent of this local law and should be of such quality of design as to be a visual asset to the area in which they are located.
  - (4) At no time shall any use result in or cause dissemination of dust, smoke, smog, observable gas, fumes, odors, radiation or other atmospheric pollution, objectionable noise, glare or vibrations or hazard of fire or explosion or any other physical hazard to any adjacent buildings or to any plant growth or any land adjacent to the site.

**24-306 Industrial District****E. Dimensional requirements.**

- (1) The minimum lot area shall be that necessary to accommodate the necessary structures and all loading, parking, access, setback and buffer area regulations required elsewhere in this local law. (Amended 2-6-78 by L.L. No. 2, 1978)
- (2) Front setback: minimum of thirty-five (35) feet.
- (3) Rear or interior setback: minimum of ten (10) feet, except that where an industrial district abuts a residential district, the setback shall be twenty (20) feet. The minimum side setback on a corner lot shall not be less than the front setback on a corner lot. (Amended 10-4-82 by L.L. No. 3, 1982)
- (4) Maximum building height shall be fifty-five (55) feet and shall not exceed five (5) stories. (Amended 4/10/00 by L.L. #3 2000)

**F. Off-street parking.** Off-street parking shall be provided as required in Article VI, 24-601.

**G. Signs.** Signs are permitted as set forth in Article VI, 24-602.

**H. Fences, walls, hedges and screen plantings.** Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, 24-603.

**I. Commencement of development.** If construction of the principal building(s) pursuant to a valid building permit in a rezoned area is not diligently prosecuted within two (2) years from the effective date of any local law designating an area I, the area shall automatically revert to the zone district in effect prior to such designation. At any time prior to such reversion, the Planning Board by motion may grant an extension which shall expire no later than three (3) years after the effective date of the local law designating the area I.

**24-307 L-I Light Industrial District** (Added 5/7/90 as Local Law No.5 1990)  
(Modified 5/5/03; 1/4/05 L.L. #1 2005)**A. Legislative Intent**

The purpose of the Light Industrial District is to provide areas which may accommodate certain non-nuisance industrial uses, as well as to provide local employment opportunities. This district is suitable for areas with adequate utilities, proximity to adequate transportation facilities, and proper relationship to other land uses and natural features. Industrial uses should have characteristics which are compatible with the rural/suburban character of the Village and should be appropriately sited, such as in industrial parks. Industrial uses may include those in manufacturing warehouses and production utilizing previously prepared materials, but not those utilizing raw materials or any other process or activity which would result in or cause dissemination of harmful waste products, dust, smoke, gas, fumes, odors, noise, glare, vibration or any other hazard to adjacent buildings or land. This district specifically excludes residences due to the potential for conflicts between land uses.

**B. Permitted Uses** (Amended 5/5/03 L.L. #2, 2003)

All permitted uses are subject to Occupational Safety and Health Act and National Fire Safety Code regulations. The following uses and their customary accessory uses are permitted in the Light Industrial District:

- (1) Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
- (2) Manufacture of electronic or optical instruments or devices.
- (3) Printing, publishing and book binding.
- (4) Fabrication of paper products including packaging materials, office and household paper supplies, and stationary.
- (5) Light manufacturing, processing, fabrication, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, wood products, furniture, accessories, tools and metals produced elsewhere.
- (6) The processing and fabrication of plastics and plastic products including product design and development, molding, mold repairs and alterations, finishing and packaging of plastics and plastic related products.
- (7) Welding and welding related activities, provided these activities are situated in protective rooms with adequate ventilation. Materials shall be stored in fireproof cabinets.
- (8) Cold Storage plants and ice manufacturers including storage and offices.  
(Added 4/10/00 by L.L. #3 2000)
- (9) Mini storage facilities also known as self-storage facilities.
- (10) Business and personal records storage including offices.



**24-307 L-I Light Industrial District**

**B. Permitted Uses (continued)**

- (11) Enclosed storage facilities for vehicles and equipment
- (12) Outside storage facilities for vehicles and equipment including automobile, boats, campers, crates, construction equipment, etc excluding such items as junk, scrap material, waste (inorganic and organic) and other articles of such nature.
- (13) Containerized storage.
- (14) Data entry/telecommunication services.

**C. Conditional Uses** (Amended 4-1-04 by L.L No 2, 2004)

Upon site plan approval and in accordance with Article IV, the following uses are permitted:

- (1) Retail sales
- (2) Uses of similar character, but not specifically listed above, may apply to the Zoning Board of Appeals for a conditional use permit. Such permit shall be granted upon a finding by the Board that said use is indeed of the same general character and fits into the intent of this section.

**D. Prohibited Uses** (Amended 4-1-04 by L.L No 2, 2004)

- (1) Manufacturing of explosives, acetylene, gas, oxygen, plaster, disinfectants, insecticides, asphalt, soap, ammonia, bleaching powder, cement, lime, acid, tallow, grease, oils, glue, fertilizer, or chemicals emitting corrosive or toxic fumes.
- (2) Any land use process, or activity which would result in or cause dissemination of harmful waste products, dust, smoke, gas, fumes, odors, noise, glare or vibration or any other hazard to adjacent buildings or land other than those used for heating purposes.
- (3) Processing, storage or disposal of hazardous or other wastes, or of coal, coke and fuel oils, or storage of bulk products not in containers (i.e. stone, sand, salt, cement, fertilizer) (Amended 5/5/03 L.L #2, 2003)
- (4) Fabrication methods using explosive forming shall not be allowed.
- (5) Any use which may be detrimental to the health, welfare and safety of residents of the surrounding areas.
- (6) Any use which does not meet the performance standards as described in this chapter.

**24-307 L-I Light Industrial District**

**D. Prohibited Uses** (continued) (Amended 4-1-04 by L.L No 2, 2004)

- (7) Residential uses.
- (8) Fire and explosion. The storage, utilization or manufacture of detonable materials, flammable solids ranging from active burning to intense burning, flammable gases or flammable liquids shall not be permitted.

**E. Performance Standards**

No industrial use shall be established or maintained unless it complies with the performance standards in this section. Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.

(1) Noise

(a) Sound levels shall be determined at the property line of the lot from which the noise is emitted. Sound measurements shall be accomplished through the sound-level meter having an A-weighted filter constructed in accordance with specifications of the American National Standard Institute.

(b) The following uses and activities shall be exempt from these noise regulations:

- (1) Temporary construction noises between the hours of 7:00 A.M. and 8:00 P.M.
- (2) Transient noises of moving sources, such as automobiles, trucks and railroads.
- (3) Noises from safety signals, warning devices and emergency pressure relief valves.

c) No person, firm or corporation shall allow the emission of sound in air which, as measured at the property lines, has a sound level in excess of sixty five - seventy (65-70) decibels on the A-weighted scale between the hours of 7:00 A.M. and 8:00 P.M. and in excess of fifty (50) decibels on the A-weighted scale between the hours of 8:00 P.M. and 7:00 A.M.

(2) Smoke. The density of smoke and other atmospheric pollutants shall be measured by the Ringelmann Chart as published by the United States Bureau of Mines. No person, firm or corporation shall permit the emission of smoke or any other atmospheric pollutant, from any source whatever, for a period or periods aggregating more than four (4) minutes in any one (1) hour which exceeds the density or equivalent opacity of No. 1 on the Ringelmann Chart as measured at the point of emission. The emission of smoke or any other atmospheric pollutant shall not be permitted, regardless of quantity, if it is in any way detrimental to the public health or safety or is a nuisance or source of damage to property.

**E. Performance Standards (continued)**

- (3) Particulate matter. No person, firm or corporation shall permit the emission of any particulate matter, from any source whatever, to exceed one (1) pound per hour per acre of lot area. The emission from all sources within any lot area of particulate matter containing more than ten percent (10%) of particles having a diameter larger than forty-four (44) microns is prohibited.
- (4) Odor. No person, firm or corporation, shall permit the emission of any offensive odor at the property line of the lot from which the odor is emitted. The "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers. The "panel of healthy observers" is defined as a group that includes the building inspector, a municipal board member, the owner of the property which is the source of the odor, and the person(s) who filed a complaint with the Village.
- (5) The storage and utilization of flammable liquids or materials shall be in conformance with the applicable regulations set forth in the New York State Uniform Fire Prevention and Building Code.
- (6) Electromagnetic interference. No land use or operation shall be allowed which produces any perceptible electromagnetic interference with normal radio or television reception outside the boundaries of the lot on which such use or operation takes place.
- (7) Electromagnetic radiation. No land use or operation shall be allowed which produces electromagnetic radiation which does not comply with the current requirements of the Federal Communications Commission, or with the standards of the American National Standards Institute or the Federal Communications Commission.
- (8) Heat. No emission or heat shall be permitted which would cause a temperature increase in excess of one degree Fahrenheit (1° F) along any adjoining lot line, whether such change is in the air, in the ground or in any watercourse or body of water.
- (9) Toxic or noxious matter. No land use or operation shall be permitted which permits or causes the escape of any toxic or noxious fumes, gases or other matter outside the building in which the use is conducted.
- (10) Radiation. No emission, discharge or storage of radioactive gases, liquids or solids shall be permitted.
- (11) Glare. No person, firm or corporation shall permit any high intensity light to cross the boundary line of the lot on which this light source is situated.
- (12) Vibration. No activity shall cause or create a steady state or impact vibration discernible at any lot line.

**E. Performance Standards (continued)**

- (13) Liquid or solid wastes. The discharge of any or all wastes shall be permitted only if in complete accordance with all standards, laws and regulations of the County Department of Health, New York State Department of Environmental Conservation or any other regulatory agency having jurisdiction. Facilities for the storage of solid waste shall be so located and designed as to be screened from the street or from any adjoining property and so as to discourage the breeding of rodents or insects. All wastes are to be properly stored and removed weekly.
- (14) Landscaping. The required front yard areas shall not be used for storage or parking, but shall be lawn or landscaped. Unless used as a parking area, the side yards shall be lawn or landscaped back to the rear building line. The rear yard shall be fully landscaped when the property abuts any other district. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition.
- (15) Lights. All exterior lighting in connection with all buildings, signs or other uses shall be directed away from adjoining streets and properties and shall not cause any objectionable glare observable from such streets or properties. Hours of lighting may be limited by the Planning Board in acting on any site development plan. No use shall produce glare so as to cause illumination beyond the property on which it is located in excess of five-tenths (0.5) foot candle.
- (16) Storage. Materials, supplies and products shall not be stored in any front or side yard area nor in any required yard. All outside areas shall be neatly kept, fenced, lighted and screened from any existing or proposed road or any adjoining district.
- (17) Fences. The Planning Board may require the fencing or screening, or both, of any hazardous or potentially dangerous conditions which in the opinion of the Board might cause injury to persons or damage to property. Refer also to the fencing regulations of this chapter.
- (18) Edible products. All edible products or materials for human or nonhuman consumption or used in manufacturing shall be maintained free of all vermin and insects and their waste products.
- (19) Any use, although allowed as a permitted use, if the particular application or adaptation of such use is or shall become or cause a nuisance.
- (20) The Planning Board, upon review of the proposed development, may prescribe such additional conditions as are, in its opinion, necessary to secure the objectives of this chapter.

**F. Performance Standards Procedures**

- (1) During the course of site plan review, the Planning Board will determine if the applicant's proposal will conform to the performance standards.
- (2) In the case of any application for the establishment of use subject to the performance standards, the Planning Board may require the applicant, at his/her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to said standards.
- (3) If the Planning Board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of his/her application. The report of any expert consultants shall be promptly furnished to the applicant.

**G. Performance Standard Enforcement**

If, in the judgement of the Zoning Enforcement Officer or of the Village Board, there is a violation of the performance standards:

- (1) The Zoning Enforcement Officer shall give written notice, by registered or certified mail, to the owner and tenants of the property upon which the alleged violation occurs, describing the particulars of the alleged violation and the reasons why it is believed that there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Enforcement Officer within 10 days of the date of receipt. The notice shall state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Village.
- (2) If, within the 10 day time limit, the alleged violation is corrected to the satisfaction of the Zoning Enforcement Officer, he/she shall note "Violation corrected" on his copy of the notice and shall retain it among his/her records.
- (3) If there is no reply within the 10 day time limit and the alleged violation is not corrected to the satisfaction of the Zoning Enforcement Officer within the time limit, he/she shall proceed to take action in accordance with the provisions of this chapter.

**24-307 L-I Light Industrial District**

**H. Additional Provisions and Requirements**

- (1) All processes shall take place within an enclosed building. Incidental storage out-of-doors shall be shielded from view from public streets, adjacent off-street parking areas and neighboring properties by fencing, landscaping, earth berm or other appropriate measures.
- (2) All uses in this district shall set aside not less than 20% of the lot to be devoted to seeding, planting, retention of tree cover or other landscaping. This area shall be used for no other purpose.
- (3) Fences, walls, hedges, and screen plantings may be required by the Planning Board in accordance with Section 24-603 to protect the quality of adjacent property in any other district, and shall be installed and perpetually maintained so as to visually and audibly screen the activity from the adjacent district. The front yard of all lots and extension yards of a corner lot shall be suitably landscaped and shall include the provision of vegetation at suitable levels of maturity to protect and enhance the overall quality of the environment. In the case of through lots where the rear yard and/or side yards are also visible from a major road or residential area, similar requirements shall be imposed by the Planning Board wherever appropriate. (Amended 1/4/05)
- (4) Site plan approval by the Planning Board shall be required in the Light Industrial District for all new uses, changes in use, and construction or alteration which would increase the gross floor area by fifteen (15) percent from the original final site plan. The performance standards listed in this section shall be considered during site plan review, in addition to the standard criteria.
- (5) Mini storage facilities and outside storage facilities must be fenced so that access to the storage area is impeded by the fence. Refer to fencing regulations as set forth in Article VI, 24-603. A security gate must be used to control access to the storage area and must close and lock automatically. The grounds outside of the storage facility must be lighted and the roadside landscaped as directed by the Planning Board. Refer to lighting and landscaping regulations as set forth in Article III, 24-307.
- (6) The grounds outside of any storage facility must be lighted and the roadside landscaped as directed by the Planning Board.
- (7) Outside storage of vehicles and equipment shall be provided directly to the rear of any building fronting the property. If no such building exists, appropriate screening is required as an alternative. In addition, appropriate screening shall be provided to block visual evidence of the stored vehicles and/or equipment from any road directly adjacent to the light industrial zone and/or any institutional property such as schools, churches, etc, or property zoned residential or commercial directly adjacent to the light industrial zone.
- (8) All storage facilities shall be in conformance with the applicable regulations as set forth in the New York State Uniform Fire Prevention & Building Code.

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**24-307 L-I Light Industrial District**

**I. Dimensional Requirements**

- (1) Lot area: Minimum of 62,500 square feet.
- (2) Lot width: Minimum of 250 feet.
- (3) Lot depth: Minimum of 250 feet.
- (4) Front setback: Minimum of 35 feet on internal or subdivision streets.  
Minimum of 40 feet on existing arterial or collector highways. (Amended 1/4/05)
- (5) Side setback: Minimum 10 feet, except that where a Light Industrial District abuts a residential or commercial district, the setback shall be 40 feet. (Amended 1/4/05).
- (6) Rear setback: Minimum of 50 feet. (Amended 1/4/05)
- (7) Maximum lot coverage by buildings and structures shall be forty percent (40%) of the total lot area.
- (8) Maximum lot coverage by buildings, structures and all impervious surfaces shall be eighty percent (80%) of the total lot area.
- (9) Maximum building height shall be fifty-five (55) feet, and shall not exceed five (5) stories. (Amended 4/10/00 by L.L. #3 2000)

**J. Off-Street Parking and Loading Requirements (amended 1/4/05 L.L. #1, 2005)**

The following standards shall be used as a guide for the provision of off-street parking and loading facilities. The Planning Board may, during site plan review, increase or decrease these standards for specific uses.

- (1) One (1) off-street parking space shall be required for every employee.
- (2) Off-street loading requirements shall be as follows:
  - (a) For business, office and research uses of less than 8,000 square feet: none
  - (b) For business, office and research uses between 8,000 square feet and 25,000 square feet of gross floor area: one (1) space; for each additional 25,000 square feet: one (1) additional space.
  - (c) For manufacturing, wholesale and storage uses: one (1) space for each 10,000 square feet of gross floor area or less, plus one (1) additional space for each additional 10,000 square feet of gross floor area.
  - (d) Each loading space shall not be less than fourteen (14) feet in width, sixty (60) feet in length, and fifteen (15) feet in height.

## **HILTON CODE : ZONING**

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### **24-307 L-I Light Industrial District**

- (e) These requirements apply to each separate occupancy and are exclusive of driveways, aisles, and other necessary circulation areas.
- (f) Provisions for off-street loading shall be on those sides of any building which do not face any streets or proposed streets.



## HILTON CODE : ZONING

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**24-308 PRD Planned Residential Development District (Amended, Local Law #1, 1995)**

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- A. Purpose.** It is the purpose of the Planned Residential Development (PRD) to provide flexible land use and design regulations through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed within the village that incorporate a variety of residential uses. These areas will contain both individual building sites as well as common property which will be planned and developed as a unit. Where a PRD is deemed appropriate through the rezoning of land to become a PRD District by the Village Board, the set of use and dimensional specifications elsewhere in this local law are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls. The PRD District shall be applicable to any area of the village where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this district.
- B. Permitted uses.** The following uses and their accessory uses are permitted outright:
- (1) All residential types. In developing a balanced community, the use of a variety of housing types shall be deemed most in keeping with this district. Specifically included are all senior citizen residential types, adult homes, nursing home communities and similar residential facilities.
  - (2) Recreation and open space uses which are scaled primarily to serve the residents of the PRD district. The open space shall comprise at least 25% of the development area unless deemed inappropriate or impractical by the Planning Board in connection with the site plan approval required hereinafter. Open space is defined as land that is available and is accessible for public recreational use and no other. There shall be no permanent occupancy allowed on land designated as open space.
- C. Conditional Uses.** Upon site plan approval and in accordance with Article IV, the following non-residential uses are permitted:
- (1) Non-residential uses, scaled primarily to serve the specific needs of the residents of the district, rather than provide additional general commercial usage. Space allocated for such non-residential uses shall comprise not more than 0.3 acre of the entire PRD district, including space for off-street parking, unless more or less extensive use is deemed appropriate or advisable by the Planning Board in connection with the site plan approval as required hereinafter. Non-residential uses within a PRD district shall be consolidated into a single area within the district but not along the periphery. In recognition of the unique restrictions and limitations which impact non-residential uses within a PRD district, various requirements which are otherwise imposed upon commercial use within the Village may be modified or waived, upon good cause shown, including but not limited to requirements regarding off-street parking.

**HILTON CODE: ZONING**  
**24-308**

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**24-308     PRD     Planned Residential Development District**

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**C.     Conditional Uses (continued)**

- (a) Buildings engaged in approved non-residential use activity within a PRD district shall be of similar or complimentary architecture to the approved architectural scheme of the district. Signage shall be limited to a single sign per building or business, may be either attached or projecting, and limited to a maximum of 4 square feet in sign area.
- (b) Additions and/or changes to structures, landscaping, and signage related to a non-residential use within a PRD district shall be submitted and approved in accordance with the same requirements as structures located in an architectural district.
- (2) Permitted non-residential uses are the following:
  - (a) Small neighborhood convenience stores or delicatessens
  - (b) Day care facilities
  - (c) Neighborhood assembly spaces and club houses
  - (d) Personal care, beauty shops, barber shops and professional offices
  - (e) Coffee shops, restaurants of limited seating capacity
- (3) Notwithstanding the foregoing, said non-residential uses shall not include the following:
  - (a) Motor vehicle sales, repairs, maintenance or fueling services

**D.     Requirements**

- (1) All dwelling units within a PRD district shall have a living area computed on the outside dimensions of the dwelling unit of not less than 1,120 square feet.
- (2) The PRD district in total shall have a maximum of 8 dwelling units per acres. Calculation of such dwelling unit density shall not include areas designated as open space.
- (3) All dwelling units must have a full basement.
- (4) Effective buffering areas shall be provided where a PRD district borders any properties within R-1 or R-2 districts. Such buffers shall be in the form of either single-family residences or its equivalent in open space. Such single family residences shall be in character and features similar to or exceeding that of the adjacent residential properties. A roadway, street or alley shall not be used in such buffer area. Trailways may be provided within such buffer areas of open space. The Planning Board shall determine any additional landscape features as may be necessary to provide an effective buffer area.
- (5) Any property less than 15 acres in area cannot be considered for PRD zoning.
- (6) All dwelling units must have a minimum twelve-foot-wide single-car garage.  
(Added 1-30-95 by L.L. #1, 1995)

**24-308 PRD Planned Residential Development District****E. Special Provisions**

- (1) The following objectives shall be considered in the development of a PRD district:
- (a) Provide for a maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential Village residents.
  - (b) Provide for usable open space and recreation areas and other facilities serving the community, such as trail ways to neighboring properties, sitting benches and the like.
  - (c) Provide for access to trail ways, open space and other community services through clearly designated pathways and the designation of such pathways as part of project development.
  - (d) Provide for convenient location of accessory commercial and service areas.
  - (e) Provide for safe and convenient pedestrian access to public transportation facilities.
  - (f) Provide for auxiliary parking as may be necessary; such parking areas to be treated with appropriate landscaping or structural features to allow a more aesthetic presentation to the entire district.
  - (g) Provide for the preservation of trees, outstanding natural topography and geologic features and the preservation of soil erosion.
  - (h) Provide for a creative use of land and related physical development which allows orderly transition of land from rural to urban uses.
  - (i) Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs.
  - (j) Provide for service alleys to allow safe and adequate access to structures in the district for purposes of refuse removal, emergency access and other public or private services.
  - (k) Provide for a development pattern consistent with the objectives of the Comprehensive Plan.
  - (l) Provide for special security needs of persons and property within such district as deemed necessary by the nature of the development.
  - (m) Provide for a more desirable environment than would be possible through the strict application of other provisions of this local law.
  - (n) Promote community housing in a unique setting, appropriate to the anticipated residents of each such community, utilizing homeowners associations, deed restrictions and other regulatory procedures where appropriate.

**24-308 PRD Planned Residential Development District****E. Special Provisions**

- (2) The tract of land for a project may be owned, leased or controlled either by a single person, corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- (3) Before the consideration of zoning of any property to a PRD can take place by the Village Board, the owner or his authorized agent shall apply for and secure preliminary site plan approval of such PRD in accordance with the site plan approval procedures established in Article V. Upon receipt of a favorable report from the Planning Board covering the preliminary site plan, or upon its own determination subsequent to an appeal from an unfavorable report, the Village Board shall set a date for and conduct the public hearings necessary for the purpose of considering PRD districting for the applicants plan in accordance with the procedures established in Article V. PRD districting shall be conditional upon securing of final site plan approval by the applicant in accordance with procedures set forth in Article V and compliance with all additional conditions and requirements as may be set forth by the Village Board in its resolution granting the PRD District.
- (4) The Planning Board shall determine in each case the appropriate land use intensity or dwelling unit density for individual projects. The determination of land use or dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density.
- (5) When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas and recreational and open space areas.
- (6) Site plan review under the provisions of Article V shall suffice for Planning Board review of subdivisions under Village Subdivision Regulations, subject to the following conditions:
  - (a) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Monroe County Clerk, in addition to those drawings required for site plan review.
  - (b) The developer shall plat the entire development as a subdivision; however, PRD's being developed in stages may be platted and filed in the same stage.
  - (c) Final site plan approval under Article V shall constitute final plat approval under the Village Subdivision Regulations.
  - (d) Proposals for structures and/or landscaping must be submitted and approved in accordance with the same requirements as structures located in an architectural district.

**24-308     PRD     Planned Residential Development District****E.     Special Provisions**

- (7) For the purposes of regulating the development and use of property after initial construction and occupancy, any changes proposed shall require review and approval by the Planning Board in accordance with Article V of the Zoning Local Law. Any changes other than changes in use shall be processed as a conditional use request to the Zoning Board of Appeals. Changes of use shall also be processed as a conditional use request, except that Village Board approval shall be required. Properties lying in a PRD district are unique and shall be so considered when evaluating these requests and maintenance of the intent and function of the planned unit shall be of primary importance.

- F.     Financial responsibility.** No building permits shall be issued for construction within a PRD District until improvements are installed; or cash is deposited with the Village Treasurer in an amount sufficient to cover the cost of installing such improvements, together with an agreement executed by the Builder or developer authorizing the village to use such deposited funds to complete the improvements if not completed by an agreed date; or a letter of credit or bond is posted in accordance with the same procedures as provided for in the Village Law relating to subdivisions.  
(Amended 9-12-83 by L.L. No. 3, 1983)

- G.** Additions and/or change to structures and/or initial landscaping must be submitted and approved in accordance with the same same requirements as structures located in an architectural district.

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**24-309 PRD-S Planned Residential Development District - S** (added 3-17-98 as Local Law #2 1998)

- A. Purpose.** It is the purpose of the Planned Residential Development - S (PRD-S) to provide flexible land use and design regulations through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed within the village that incorporate a variety of residential uses. These areas will contain both individual building sites as well as common property which will be planned and developed as a unit. The PRD-S shall be applicable to any area of the village where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this district.
- B. Permitted uses.** The following uses and their accessory uses are permitted outright:
- (1) All residential types. In developing a balanced community, the use of a variety of housing types shall be deemed most in keeping with this district. Specifically included are all senior citizen residential types, adult homes, nursing home communities and similar residential facilities.
  - (2) Recreation and open space uses which are scaled primarily to serve the residents of the PRD-S. The open space shall comprise at least 25% of the development area unless deemed inappropriate or impractical by the Planning Board in connection with the site plan approval required hereinafter. Open space is defined as land that is available and is accessible for public recreational use and no other. There shall be no permanent occupancy allowed on land designated as open space.
- C. Conditional Uses.** Upon site plan approval and in accordance with Article IV, the following non-residential uses are permitted:
- (1) Permitted non-residential uses shall be scaled primarily to serve the specific needs of the residents of the district, rather than provide additional general commercial usage. Space allocated for such non-residential uses shall comprise not more than 0.3 acre of the entire PRD-S, including space for off-street parking, unless more or less extensive use is deemed appropriate or advisable by the Planning Board in connection with the site plan approval as required hereinafter. Non-residential uses within a PRD-S shall be consolidated into a single area within the district but not along the periphery. In recognition of the unique restrictions and limitations which impact non-residential uses within a PRD-S, various requirements which are otherwise imposed upon commercial use within the Village may be modified or waived, upon good cause shown, including but not limited to requirements regarding off-street parking.
    - (a) Buildings engaged in approved non-residential use activity within a PRD-S shall be of similar or complimentary architecture to the approved architectural scheme of the district. Signage shall be limited to a single sign per building or business, may be either attached or projecting, and limited to a maximum of 4 square feet in sign area.
    - (b) Additions and/or changes to structures, landscaping, and signage related to a non-residential use within a PRD-S shall be submitted and approved in accordance with the same requirements as structures located in an architectural district.

**24-309 PRD-S Planned Residential Development District - S**

**C. Conditional Uses - continued**

- (2) Permitted non-residential uses are the following:
  - (a) Small neighborhood convenience stores or delicatessens
  - (b) Day care facilities
  - (c) Neighborhood assembly spaces and club houses
  - (d) Personal care, beauty shops, barber shops and professional offices
  - (e) Coffee shops, restaurants of limited seating capacity
- (3) Notwithstanding the foregoing, said non-residential uses shall not include the following:
  - (a) Motor vehicle sales, repairs, maintenance or fueling services

**D. Dimensional Requirements**

- (1) All single family dwelling units within a PRD-S district shall have a living area computed on the outside dimensions of the dwelling unit of not less than the following:
  - (a) One (1) story dwelling with no more than two bedrooms: ground floor, one thousand and twenty (1,020) square feet for a one and two bedroom home.
  - (b) One (1) story dwelling with more than two bedrooms: ground floor, one thousand one hundred twenty (1,120) square feet.
  - (c) Split-level dwelling: one thousand one hundred twenty (1,120) square feet above ground, finished.
  - (d) Two-story dwelling: one thousand three hundred (1,300) square feet total, finished, on both floors.
  - (e) Raised-ranch dwelling: one thousand six hundred (1,600) square feet, with nine hundred eighty (980) square feet above ground, finished.
  - (f) The area of porches and auto garages shall not be included in the computation of the above square footage.
- (2) All multiple residential dwelling units within a PRD-S shall have a living area computed on the outside dimensions of the dwelling unit based on the following criteria:

<u>Type of Apartment</u>	<u>Minimum Unit Size</u>
Efficiency	550 sq ft
One-bedroom	700 sq ft
Two-bedroom	850 sq ft
Three or more bedrooms	1,120 sq ft

**D. Dimensional requirements (continued)**

- 3) Additional requirements for both residential and multiple residential dwelling units shall be as follows:
  - (a) A minimum of a one-foot overhang on the roof on the front and rear of all homes.
  - (b) A minimum of five (5) inches of rake on the gable roof end.
  - (c) A minimum of a twelve-foot-wide single-car garage, either attached or detached.
  - (d) A sump pump connected to the village storm sewer.
  - (e) Two (2) exit doors.
  - (f) The area between the gutter and sidewalk shall be paved the width of the driveway.
  - (g) All front steps are to be poured in place.
  - (h) Full basements shall be required for all single-family homes and apartments.
  - (i) There shall be no more than three (3) single-family detached homes of substantially similar style located on three adjacent lots which front on the same street.
  - (j) For single family dwelling units, a tree must be planted for each parcel, except on a corner lot which shall require two trees to be planted, one on each side of the lot facing the road
- (4) The PRD-S density in total shall not exceed 8 dwelling units per acre. Calculation of such dwelling unit density shall not include areas designated as open space.
- (5) Effective buffering areas shall be provided where a PRD-S borders on any properties within R-1 or R-2 districts. Such buffers shall be in the form of either single-family residences or its equivalent in open space. Such single family residences shall be in character and features similar to or exceeding that of the adjacent residential properties. A roadway, street, or alley shall not be used in such buffer area. Trail ways may be provided within such buffer areas of open space. The Planning Board shall determine any additional landscape features as may be necessary to provide an effective buffer area.
- (6) Any property less than 15 acres in area cannot be considered for PRD-S zoning.



**E. Special Provisions**

- (1) The following objectives shall be considered in the development of a PRD-S:
  - (a) Provide for a maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential residents.
  - (b) Provide for usable open space and recreation areas and other facilities serving the community, such as trail ways to neighboring properties, sitting benches and the like.
  - (c) Provide for access to trail ways, open space and other community services through clearly designated pathways as part of the project development.
  - (d) Provide for convenient location of accessory commercial and service areas.
  - (e) Provide for safe and convenient pedestrian access to public transportation facilities.
  - (f) Provide for auxiliary parking as may be necessary; such parking areas to be treated with appropriate landscaping or structural features to allow a more aesthetic presentation to the entire district.
  - (g) Provide for the preservation of trees, outstanding natural topography and geologic features and the preservation of soil erosion.
  - (h) Provide for a creative use of land and related physical development which allows orderly transition of land from rural to urban uses.
  - (i) Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs.
  - (j) Provide for service alleys to allow safe and adequate access to structures in the district for purposes of refuse removal, emergency access and other public or private services.
  - (k) Provide for a development pattern consistent with the objectives of the Comprehensive Plan.
  - (l) Provide for special security needs of persons and property within such district as deemed necessary by the nature of the development.
  - (m) Provide for a more desirable environment than would be possible through the strict application of other provisions of this local law.
  - (n) Promote community senior housing in an unique setting, appropriate to the anticipated residents of each such community, utilizing homeowners or condominium associations, deed restrictions and other regulatory procedures where appropriate.

**E. Special Provisions - continued**

- (2) The tract of land for a project may be owned, leased or controlled either by a single person, corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- (3) Before the consideration of zoning of any property to a PRD-S can take place by the Village Board, the owner or his authorized agent shall apply for and secure preliminary site plan approval of such in accordance with the site plan approval procedures established in Article V. Upon receipt of a favorable report from the Planning Board covering the preliminary site plan, or upon its own determination subsequent to an appeal from an unfavorable report, the Village Board shall set a date for and conduct the public hearings necessary for the purpose of considering PRD-S districting for the applicants plan in accordance with the procedures established in Article V. PRD-S districting shall be conditional upon securing of final site plan approval by the applicant in accordance with procedures set forth in Article V and compliance with all additional conditions and requirements as may be set forth by the Village Board in its resolution granting the PRD-S.
- (4) The Planning Board shall determine in each case the appropriate land use intensity or dwelling unit density for individual projects. The determination of land use or dwelling unit densities shall be completely documented, including all facts, opinions and judgments justifying the selection of the rating or density.
- (5) When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas, recreational and open space areas.
- (6) Site plan review under the provisions of Article V shall suffice for Planning Board review of subdivisions under Village Subdivision Regulations, subject to the following conditions:
  - (a) The developer shall prepare sets of subdivision plats suitable for filing with the office of the Monroe County Clerk, in addition to those drawings required for site plan review.
  - (b) The developer may either plat the entire development as a subdivision or as a single property, however, PRD-S being developed in stages may be platted and filed in the same stage.
  - (c) Final site plan approval under Article V shall constitute final plat approval under the Village Subdivision Regulations.
  - (d) Proposals for structures and/or landscaping must be submitted and approved in accordance with the same requirements as structures located in an architectural district.

**E. Special Provisions - continued**

- (7) For the purposes of regulating the development and use of property after initial construction and occupancy, any changes proposed shall require review and approval by the Planning Board in accordance with Article V of the Zoning Local Law. Any changes other than changes in use shall be processed as a conditional use request to the Zoning Board of Appeals. Changes of use shall also be processed as a conditional use request, except that Village Board approval shall be required. Properties lying in a PRD-S are unique and shall be so considered when evaluating these requests and maintenance of the intent and function of the planned unit shall be of primary importance.

- F. Financial responsibility.** No building permits shall be issued for construction within a PRD-S until improvements are installed; or cash is deposited with the Village Treasurer in an amount sufficient to cover the cost of installing such improvements, together with an agreement executed by the Builder or developer authorizing the village to use such deposited funds to complete the improvements if not completed by an agreed date; or a letter of credit or bond is posted in accordance with the same procedures as provided for in the Village Law relating to subdivisions.

- G.** Additions and/or change to structures and/or initial landscaping must be submitted and approved in accordance with the same requirements as structures located in an architectural district.

**24-310 Limited Commercial District** (Added 12-7-87 as L.L. No. 6 1987; renumbered through L.L. #2, 1998; deleted and replaced 7-5-05 as L.L. #3, 2005)

- A. Purpose and objectives:** The purpose of this district is to provide an area of mixed residential, commercial and non-commercial uses in buildings that appear residential in design and in a fashion that is consistent with the distinct and historical character of the district to act as a compatible transitional area.
- B. Permitted Uses:**
- 1) The following uses are permitted outright when conducted within a completely enclosed building:
    - a) Administrative, professional or executive offices including but not limited to real estate, lawyer, accounting & financial planning, municipal offices, insurance, counselor, travel, psychologist and social work offices.
    - b) Offices or clinics for the medical care and treatment of human beings.
    - c) Churches and other places of worship.
    - d) Conference rooms.
    - e) Funeral homes and mortuary services.
    - f) Personal services including but not limited to hair stylists, tanning salons and nail salons, dressmaking, tailor and shoe repair.
    - g) Laundromats, laundry and/or dry-cleaning pick-up stations.
    - h) Banks, savings and loans, credit unions and similar financial institutions, not including any drive-up services or facilities.
    - i) Bed and breakfast.
    - j) Art & photo studios
    - k) Pet grooming

**24-310 Limited Commercial District**

**B. Permitted Uses:**

- L) Retail sales and, as an accessory use thereto, manufacturing or processing of articles incidental to the conduct of such retail business, limited to the sale of the following and specifically excluding drive thru facilities:
  - (1) Antiques
  - (2) Art, craft and photographic supplies
  - (3) Books & stationery
  - (4) Gifts, cards & decorative accessories
  - (5) Flowers & plants
  - (6) Handcrafts
  - (7) Electronics and associated service and accessories
- 2) All residential uses are permitted.

**C. Conditional Use Permits:** Upon site plan approval and in accordance with Article IV, the following uses are permitted:

- (1) Drive-up teller windows and or/ automatic teller machines only as an accessory use in conjunction with a bank, savings or loan, credit union, or similar financial institution providing indoor services.
- (2) Eating and/or drinking establishments.

**D. Dimensional requirements:**

- (1) Building height: All buildings must be two stories in height.
- (2) Building size: The foundation for the principal structure shall not exceed 1,500 square feet..
- (3) Front setback: Minimum of ten (10) feet. Any property line adjacent to a street shall be deemed a front line.
- (4) Rear and side setbacks: Minimum of eight (8) feet each, except that where a limited commercial district abuts a residential district, the setbacks shall each be twenty (20) feet.

**24-310 Limited Commercial District****D. Dimensional requirements:**

- (5) All buildings shall have the following:
- a) At least one entrance facing the street.
  - b) A pitched roof.
  - c) A minimum of a one-foot overhang on all sides of the roof.
  - d) A single story garage of no less than twelve-foot-wide, no more than 36 feet wide, and no more than 24 feet in depth.
  - e) A sump pump connected to the village storm sewer.
  - f) A minimum of two (2) exit doors.
  - g) Poured in place front steps.
  - h) A full basement of no less than 8 feet below grade
  - i) A driveway of no less than 12 feet and no more than 24 feet in width.
- (6) There shall be no more than three (3) detached structures of substantially similar style located on three adjacent lots which front on the same street.

**E. Off-street parking:** Off-street parking shall be provided to the rear of the principal building and in accordance with Article VI, 24-601. Notwithstanding the foregoing, the Planning Board may waive some or all off street parking requirements during site plan review.

**F. Signs:** Signs are permitted as set forth in Article VI, 24-602.

**G. Fences, walls, hedges and screen plantings.** Fences, walls, hedges and screen plantings are permitted as set forth in Article VI, 24-603.

**H. Site plan approval.** Site plan approval by the Planning Board shall be required for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V. Notwithstanding the foregoing, no structure originally designed for residential use shall be altered or converted in whole or in part to a nonresidential use permitted under this section prior to review and approval of plans therefore by the Planning Board.

**I. Commencement of development.** All approvals and permits must be acted upon within two years. An extension may be applied for and issued if approved by the issuing Board.

**J. Performance Standards:** No limited commercial use shall be established or maintained unless it complies with the performance standards as set forth in section 24-307 (E). Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.

**HILTON CODE: ZONING**

- A. Purpose and objectives:** The purpose of this District is to establish mixed use areas for convenient shopping and services to serve the community and to regulate the location, design and use of structures and land therein in a fashion that is consistent with the distinctive and historical character of the district.
- B. Permitted Uses:** The following uses are permitted outright only when conducted within a completely enclosed building:
- 1) Administrative, professional or executive offices including but not limited to real estate, lawyer, accounting & financial planning, municipal offices, insurance, counselor, travel, psychologist and social work.
  - 2) Offices or clinics for the medical care and treatment of human beings.
  - 3) Retail sales and, as an accessory use thereto, manufacturing or processing of articles incidental to the conduct of such retail business and not including any drive-up services or facilities.
  - 4) Personal services including but not limited to hair stylists, tanning salons and nail salons, dressmaking, tailor and shoe repair
  - 5) Laundromats, laundry and/or dry cleaning pick-up stations.
  - 6) Eating and drinking establishments, not including any drive-up services or facilities.
  - 7) Banks, savings and loans, credit unions and similar financial institutions, not including any drive-up services or facilities.
  - 8) Theaters
  - 9) Pet grooming
  - 10) Conference rooms only on the second floor.
- C. Conditional Use Permits:** Upon site plan approval and in accordance with Article IV, the following uses are permitted:
- 1) Drive-up teller windows and or/ automatic teller machines in conjunction with a bank, savings or loan, credit union, or similar financial institution.
  - 2) Eating and/or drinking establishments with drive thru facilities
  - 3) Apartments above the first floor.
  - 4) Retail sales, eating or non-alcoholic drinking to the extent not conducted entirely within a completely enclosed building.

**24-311 Central Business District****D. Dimensional requirements:**

- 1) Front setback: All buildings must be constructed to the edge of the sidewalk. Any property line adjacent to a street shall be deemed a front line.
- 2) Side setback: All buildings shall be constructed to the side property lines.
- 3) Rear setback: Minimum of 5 feet.
- 4) Building height: All buildings must be at least two stories, but no greater than 3 stories or 45 feet high.
- 5) All buildings must have a full basement of no less than 8 feet below grade.
- 6) At least 60% of that portion of the first floor of a building which faces a street shall be transparent. Reflective glass, heavily tinted glass and any type of opaque window treatments are prohibited. Light transmission shall be at least 90%. Where visibility into the interior is not desired, showcase windows with at least 3 feet of depth shall be permitted.
- 7) All buildings shall have flat roofs. Elements may protrude along the facade above the roof line for aesthetic purposes, provided the flat roof line remains predominant.
- 8) All buildings must have a sump pump connected to the Village storm sewer.
- 9) All buildings must have at least one entrance facing the street.

**E. Off-street parking.** Off-street parking shall be provided to the rear of the principal building and in accordance with Article VI, 24-601. The Planning Board may waive some or all off street parking requirements during site plan review.

**F. Signs.** Signs are permitted as set forth in Article VI, 24-602.

**G. Fences, walls, hedges and screen plantings.** Fences, walls, hedges and screen plantings are permitted as set forth in Article VI 24-603.

**H. Site plan approval.** Site plan approval by the Planning Board shall be required for all new uses, changes in use, and new construction or alteration, in accordance with the procedures established in Article V.

**I. Commencement of development.** All approvals and permits must be acted upon within two years. An extension may be applied for and issued if approved by the issuing Board.

**J. Performance Standards:** No commercial use shall be established or maintained unless it complies with the performance standards as set forth in section 24-307 (E). Continued conformance with such standards shall be a requirement for the continuance of any certificate of occupancy and/or zoning permit.



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ARTICLE IV

**Conditional Uses**

**24-400**

(Amended 11-6-89 by L.L. #4 1989)

**24-401 Purpose**

The purpose of the conditional use permit is to allow uses which meet the intent of the zoning ordinance but which require certain conditions for the harmonious integration of that use into the community.

**24-402 Authorization to grant or deny**

- A. The conditional uses listed in the zoning law may be permitted, enlarged, or otherwise altered upon authorization by the Zoning Board of Appeals, in accordance with the standard and procedures set forth in this Article IV.
- B. The Zoning Board of Appeals may impose, in addition to those standards specified by this local law, any additional conditions which the Zoning Board of Appeals considers necessary to protect the best interests of the surrounding property, the neighborhood, or the village as a whole. These conditions include increasing/decreasing, modifying or limiting any or all of the following items:
  - (1) lot dimensions
  - (2) location within the lot
  - (3) height of buildings
  - (4) volume and type of traffic
  - (5) location and number of vehicle access points
  - (6) number of parking and loading spaces
  - (7) number, size and location of signs
  - (8) hours and days of operation
  - (9) lighting
  - (10) noise
  - (11) waste disposal, toxic emissions, radiation
  - (12) emissions of dust, smoke, odors and fumes
  - (13) diking, fencing, screening, or landscaping, grading, driveway width

**24-403 Application for conditional use**

- A.** A property owner(s) or his agent(s) may initiate a request for a conditional use or the modification of a conditional use by filing an application with the Zoning Enforcement Officer. The application shall be accompanied by a legal description of the property, a map showing all properties within a radius of two hundred (200) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed development, and other drawings or information necessary for an understanding of the proposed use and its relationship to surrounding properties.
- B.** The proposed conditional use shall be considered by the Zoning Board of Appeals at a duly advertised public hearing. Notice of said hearing shall be given as provided in Section 24-1105.

**24-404 Standards governing conditional uses**

A conditional use shall comply with the standards of the zone in which it is located, except as those standards have been modified by the Zoning Board of Appeals when consideration has been given to the following:

- A.** The proposed use shall be in harmony with the general purpose and intent of this local law, taking into account the locations and size of use, the nature and intensity of the operations, and the access thereto.
- B.** The establishment, maintenance or operation of the proposed use shall not be detrimental to the health, safety or general welfare of persons in the community or injurious to neighborhood property.
- C.** Where a non-conforming use existed prior to the effective date of this local law and there has been a requested change in use or in lot area or an alteration of structure.
- D.** A conditional use permit shall become void one (1) year after approval or after such time specified as a condition of approval, unless within that time the required building construction, alteration or enlargement is completed. The Zoning Board of Appeals may extend the permit for a period of one (1) year. The initial date of reference shall be the date of the final site plan approval.
- E.** The conditional use permit shall be void if the use shall cease for more than six (6) months for any reason.
- F.** The Zoning Board of Appeals may, in its concern for the community safety and welfare, place an expiration date on the permit at which time the established conditions shall be reviewed or appropriately modified for the renewal of the conditional use, or for sufficient cause the permit may be made void.
- G.** The Zoning Board of Appeals, on its own motion, may revoke a conditional use permit for non-compliance of any condition set forth in the granting of said permit after first holding a duly advertised public hearing.

**24-405 Notification**

The Zoning Board of Appeals shall notify the applicant for a conditional use, in writing, of the Zoning Board of Appeals action within five (5) days after the decision has been rendered.

**24-406 Appeal**

- A.** The applicant or any interested person may appeal a decision of the Zoning Board of Appeals to the NYS Supreme Court as provided for in the statutes of the State of New York.
- B.** An appeal from the action of the Zoning Board of Appeals shall automatically stay the issuance of the building or other permit until such appeal has been completed.

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**ARTICLE V :     Site Plan Approval**  
**24-500**

**24-501 Purpose**

The purpose of site plan approval is to determine compliance with the objectives of this local law in those zoning districts where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating unhealthful or unsafe conditions and thereby adversely affect the public health, safety and general welfare.

**24-502     Authorization to grant or deny**

The power to approve, approve with conditions or deny site plan, as required by this Article, is vested in the Planning Board. Prior to issuing a building permit for the construction of any apartment house, multiple dwelling unit, commercial, industrial, or manufacturing building or their accessory buildings or structures; and before any permit for erection of a permanent building in a planned residential development shall be granted, the Zoning Enforcement Officer shall refer the site plan and supporting documentation of such project to the Planning Board for its review and approval. All site plan information and dwelling designs shall be prepared by a licensed 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, his employees or by an agency of the federal, state or local government. No building permit shall be issued except in accordance with the standards and procedures set forth in this Article.

**24-503 Preliminary site plan application and approval.**

- A.** Preliminary application. Application for preliminary site plan approval shall be made in writing to the Zoning Enforcement Officer who shall refer the application, when complete in all respects, to the Planning Board for its review and approval. All applications shall be accompanied by the following information:
- (1) An economic analysis of the project indicating when applicable, but not limited to the following: costs, rentals, taxes, market area and utilities.
  - (2) Five (5) copies of an area map showing applicant's entire holding, that portion of the applicant's property under consideration and all properties, their ownership, uses thereon, subdivisions, streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.
  - (3) If grades exceed three percent (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 five (5) feet of elevation shall be provided with an overlay outlining the above susceptible areas if any.

- (4) A preliminary site plan to include the following information:
  - (a) Title of the drawing, including the name and address of the applicant.
  - (b) North point, scale and date.
  - (c) Boundaries of the project, plotted to scale.
  - (d) Existing watercourses.
  - (e) Location of proposed land uses and their area in acres and location, proposed use and height of all buildings.
  - (f) Location of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
  - (g) Location of all parking and truck loading areas, with access and egress drives thereto.
  - (h) Description of sewage disposal and water systems and the location of such facilities.
  - (i) Location, design and size of all signs and lighting facilities.
  - (j) Location and proposed development of buffer areas and other landscaping.
  - (k) Existing vegetation.
  - (l) Existing and proposed contours at intervals of not more than five (5) feet of elevation.
  - (m) Delineation of the various residential areas, if applicable, indicating for each such area its general extent, size and composition in terms of the total number of dwelling unit types, a general description of the intended market structure and a calculation of the residential density in dwelling units per gross acre for each such area.
  - (n) 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.
- (5) In addition the following documentation shall accompany the preliminary site plan:
  - (a) Evidence of how the developers 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.

- c) If the development is to be staged, a general indication of how the staging is to proceed.
  - d) Whether or not the development is to be staged, the preliminary plan shall show the intended total project.
  - e) Any project that requires more than twenty-four (24) months to complete shall be staged.
- (6) The Planning Board may require such additional information that appears necessary for a complete assessment of the project.

**B. Preliminary approval.**

- (1) Within ninety (90) days of the receipt of a certified complete preliminary site plan application from the Zoning 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 approved. If the Planning Board acts before the ninety-day period it shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is conditionally approved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report.
- (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-deterring buffer between adjacent uses and adjoining lands.
  - g) Adequacy of storm water 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.

- (3) The Planning Board's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, of which conformance with 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 a 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 Zoning Law and, where necessary, final site plan approval may require the modification or removal of unapproved site improvements.

**24-504 Final site plan application and approval** (Added 6/6/94 by L.L. #1 1994)

- A. Final application.** After receiving conditional approval 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 final site plan (five (5) copies) and apply in writing to the Zoning Enforcement Officer who shall refer the application, when complete in all respects, to the Planning Board for its review and approval. However, if more than six (6) months has elapsed between the time of the Planning Board's report on the preliminary site plan and 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 shall conform to the approved preliminary site plan and shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. All compliances shall be clearly indicated by the applicant.
- B. Final approval.** Within sixty (60) days of receipt of the certified complete final plan application from the Zoning Enforcement Officer, the Planning Board shall render a decision to the Building Inspector. If no decision is made within the sixty-day period, the final site plan shall be considered approved.
  - (1) Upon approval, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Building Inspector who shall then issue a building permit if the project conforms to all other applicable requirements.
  - (2) Upon disapproval, the Planning Board shall so inform the Building Inspector and he shall deny a building permit. The Planning Board 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) Requirement for improvements shown on the site plan shall be those set forth in this local law and in other local laws, ordinances, rules and regulations or in construction specifications of the municipality.

- C. Site plan termination.** Final Site Plan approval shall be valid for a period of 60 months from the date thereof for the purpose of obtaining building permits. Failure to secure, without subsequent revocation or termination, a building permit during this period, or revocation or termination of a building permit subsequent to this period, shall cause the Site Plan Approval to become null and void. Upon application, the Planning Board may extend this period not more than 84 months from the date of final Site plan Approval. Nothing herein shall prohibit a new application for Site Plan Approval following such termination in accordance with the requirements of this local law.

#### **24-505 Special provisions**

- A.** Adequate storm water drainage shall be provided and shall be based on a ten-year rainfall frequency for interior drainage design. A project shall be in or part of a drainage district.
- B.** The storage or accumulation of refuse shall be subject to village approval.
- C.** Any project with only one (1) access road shall have an alternate clear access way available for the use of emergency vehicles.
- D.** All projects shall be suitably landscaped; including 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 licensed landscape architect and shall show his seal and signature.
- E.** All projects shall have landscaping equal to a minimum expenditure of one percent (1%) 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.
- F.** The following special provisions apply only to multifamily developments:
- (1) Every development shall have within it suitable open space available for the use of the residents. Four hundred (400) square feet of such open space per resident family is an adequate reservation. Development of this open space for passive and/or active recreational uses shall be provided in a manner suitable to the prospective occupants of the development. Area devoted to swimming pools and other such formal recreation areas shall be considered in meeting this requirement. Yard areas may also be so considered as long as access to them is not prohibited by fencing or other means, but parking areas shall not be included in such assessment.
  - (2) All living units shall have a storage area in the same building, but not in the apartment, of at least seven percent (7%) of the living unit, and the smallest dimension shall not be less than four (4) feet.
  - (3) Buildings shall be located so that the privacy of individual units is protected, so that their arrangement creates usable open space, avoids monotonous, undifferentiated silhouettes, and produces a satisfactory microclimate.



- (4) Sidewalks shall be provided and be integrally designed so as to provide safe and convenient access between buildings and between buildings and internal recreation, parking and service areas.
- (5) A school bus loading area shall be provided that meets necessary safety standards and locational needs.

**24-506 Public hearing required**

Before a site plan is approved the proposed site plan shall be considered by the Planning Board at a public hearing. Notice of said hearing shall be given as provided in 24-1105.

**24-507 Appeal** (Amended 12-5-88 by L.L. No. 2 1988)

The applicant, or any interested person, may appeal a decision of the Planning Board to the Courts as provided by the laws of the State of New York. Reference is made to Section 24-1102 Supra.

**ARTICLE VI :   Supplementary Regulations  
24-600****24-601   Off-street parking and loading requirements**

No building or other permit shall be issued until plans and evidence are presented and approved by the Planning Board to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this local law.

- A.** Off-street loading. Every institutional, commercial or industrial building hereafter erected or established having a gross floor area ten thousand (10,000) square feet or more shall provide and maintain at least one (1) off-street loading space plus one (1) additional off-street loading space for each additional twenty thousand (20,000) square feet of gross floor area. Any use requiring one-half ( $\frac{1}{2}$ ) or more of a loading space shall be deemed to require the full space. Each loading space shall be not less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.
- B.** Off-street parking. Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time:
  - (1) A new building is hereafter erected or enlarged.
  - (2) A building existing on the effective date of this local law is enlarged by more than fifty percent (50%) in terms of the units used in the "Requirement" column of Subsection C.
  - (3) The use is changed to another use with greater parking requirements.  
(Amended 2-6-78 by L.L. No. 2,1978)
  - (4) Any use requiring one-half ( $\frac{1}{2}$ ) or more of a parking space shall be deemed to require the full space. The provision and maintenance of off-street parking space is a continuing obligation of the property owner.
- C.** Number of spaces required.
  - (1) OFF-STREET PARKING SPACES shall be provided as follows:  
(Amended 2-6-78 by L.L. No. 2, 1978)

**24-601 Off-street parking and loading requirements**

BUSINESS  
SPACES REQUIRED

<b>RESIDENTIAL</b> One & two family	2 spaces per dwelling unit
Multifamily dwellings	2 spaces per dwelling unit
Apartment - Hotel, rooming or boarding house	1 space for each guest accommodation, plus 1 additional space per 2 employees
<b>COMMERCIAL</b> Club or Lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.,
<b>INSTITUTIONS</b> Medical offices, dental clinics, convalescent hospital, nursing home, sanatorium, rest home, or home for the aged	1 space for every 200 square feet of gross floor area, 1 space per 2 beds for patients or residents
<b>PLACES OF PUBLIC ASSEMBLY</b> Library or reading room of floor area plus 1 space per 2 employees	1 space per 400 square feet
<b>Other Auditorium or meeting room</b>	1 space per 4 seats or 8 feet of bench length
<b>COMMERCIAL AMUSEMENTS</b> Stadium, arena or theater of bench length	1 space per 4 seats or 8 feet
<b>BOWLING ALLEY</b>	5 spaces per lane plus 1 space per 2 employees
<b>BUSINESS</b> Retail store, except supermarkets and stores selling bulky merchandise and grocery stores 1,000 square feet of gross floor area or less	1 space per 200 square feet of gross floor area
<b>SERVICE AND REPAIR SHOPS</b> Retail stores and outlets selling furniture or automobiles where the operator can show that bulky merchandise occupies the major area of the building	1 space per 400 square feet of gross floor area
<b>BANK OFFICES</b>	1 space per 200 square feet of gross floor area plus 1 space per 2 employees
<b>EATING OR DRINKING ESTABLISHMENTS</b>	1 space per 200 square feet of gross floor area or 1 space per 4 seats, whichever is greater
<b>MORTUARIES</b>	1 space for each 100 square feet of floor area in parlors or service rooms
<b>SHOPPING CENTERS</b>	5.5 spaces per 1,000 square feet of gross leasable floor area
<b>INDUSTRIAL</b> Storage warehouse, manufacturing establishment	1 space per employee on the maximum shift air, rail or trucking freight terminal

<b>WHOLESALE</b> establishment	1 space per employee plus 1 space per 700 square feet of patron serving area
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(2) Other uses not specifically listed above shall furnish parking as required by the Planning Board. The Planning Board shall use the above list as a guide for determining requirements for said other uses.

- D.** More than one (1) use on one (1) or more parcels. In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If a portion of the floor area, not less than one hundred (100) contiguous square feet, in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, such space may be deducted in computing parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this local law.
- E.** Joint use of facilities. The off-street parking requirements of two (2) or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
- F.** Location of parking facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not farther than two hundred fifty (250) feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving the existence of such off-premises parking arrangements shall rest upon the person who has the responsibility of providing parking.
- G.** Use of parking facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- H.** Parking in front yard. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single or two-family dwelling, but such space may be located within a required side yard or rear yard.

**24-601 Off-street parking and loading requirements**

- I. Development and maintenance standards for off-street parking areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
  - (1) An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins property situated in a residential district or the premises of any school or like institution.
  - (2) Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an R District.
  - (3) Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
  - (4) In a multiple-residence development parking shall be so distributed as to service the individual units. There shall be no more than two hundred (200) feet between the car and door. Parking lots should be kept small and in other ways broken up into smaller units through provision of islands and plantings. Parking spaces shall not run continuous more than ten (10) adjacent spaces.
  - (5) Design and development standards, such as surfacing, size of spaces, size and number of access points and width of internal circulation drives, shall be as specified in the Planning Board resolution, Standards for Design, Development and Maintenance of Off-Street Parking Facilities.

**24-602 SIGNS**

(Amended 8-7-89 by L.L. No. 2, 1989; 11-6-89 by L.L. #5 1989; L.L.#7 1992; and L.L. #2 1994)  
and then completely deleted and replaced with a new ordinance by L.L. No. 5, 2007)

**A. Purpose**

The purpose of this Article is to promote and protect the public health, welfare and safety by regulating existing and proposed signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction that may contribute to traffic accidents, to prevent one sign from obstructing the view of another sign and to curb the deterioration of natural beauty. No sign or outdoor advertising of any character shall be permitted in any zoning district of the Village of Hilton except in conformity with the regulations of this section.

**B. Definitions:**

As used in this Article, the following terms shall mean and include:

**BANNER/PENNANT** - A Sign that is painted or displayed on a sheet composed of plastic, paper, fabric or other non-rigid material, fastened to the exterior of a building or structure or a flagpole, but excluding any flag representing federal, state or other governmental entity and political unit or of any charitable, educational, philanthropic, civic or religious organizations.

**AUTOMATIC CHANGEABLE COPY SIGN** - A Sign which changes its content automatically on a frequency of more than once every 12 hours whether by electronic or mechanical means.

**FREESTANDING SIGN** - A Sign not attached to or part of any building.

**ILLUMINATED SIGN** - Any Sign illuminated by electricity, gas or other artificial light.

**INSTRUCTIONAL SIGN** - A Sign that defines and/or prohibits an activity.

**NONCONFORMING SIGN** - A Sign which exists at the time of enactment of this article and which does not conform to the regulations and restrictions imposed herein.

**OFF-PREMISES SIGN** - A Sign located on one site that relates to a different site.

**PORTABLE OR MOBILE SIGN** - A Sign that is designed and capable of being transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable Signs may or may not have wheels.

**PROJECTING SIGN** - A Sign which is attached to the exterior of a building beyond the surface of that portion of building to which the sign is attached and not parallel to the face of the building.

**SIGN** - Any material, structure, projection or device or part thereof composed of lettered or pictorial matter (two or three dimensional), a logo, which is located out-of-doors or on the exterior of any building or incorporated into a window or an awning/canopy which is attached to a building, or inside a building in view of the general public from a street or public way and displays an advertisement, announcement, notice, or name and shall include any declaration, demonstration, display, representation, illustration, direction, instruction or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public and may contain a non-commercial message constituting a form of expression in lieu of other copy, excluding however, safety signs, road signs, historical markers or highway directional signs which are installed by municipal or public agencies.

**SIGN AREA** - With respect to square or rectangular Signs, the entire area within the single continuous perimeter of the Sign. With respect to irregular-shaped Signs, the entire area of a parallelogram in which the entire Sign and/or images could be encompassed. The structure supporting a Sign shall be excluded unless the structure is designed in such a way as to form an integral background for the display.

**SIGN STRUCTURE** - Any supports, uprights, bracing and framework for a Sign.

**TRAFFIC CONTROL SIGN** - A Sign directing and guiding traffic and parking but bearing no advertising matter.

**WALL SIGN** - A Sign which is painted on or attached to the outside wall of a building, with the face of the sign in the plane parallel to such wall and not extending more than 12 inches from the face of such wall.

**24-602 C. Procedure for obtaining a permit.**

1. Except as otherwise provided in this Article, no Sign shall be erected, enlarged, redesigned, relocated, placed or modified without first obtaining a permit in accordance with this Article, Section 24-1104, and Chapter 2A Architectural Design District.
2. Notwithstanding the foregoing, it is not necessary to obtain a permit under the following circumstances:
  - a) General sign maintenance including cleaning, painting and repairs unless any of this changes the message of the Sign.
  - b) Changing of the copy of the Sign to reflect a new phone number or owner's name.
3. Application for a Sign permit shall be made in writing by the owner, lessee or installer and must be accompanied by a drawing showing dimensions, text, color, design, proposed location and other such information as may be deemed necessary by the Code Enforcement Officer and/or the Planning Board. Lessee or installer applicants shall present evidence of the approval of the owner for such installations.
4. The fee for the issuance of a Sign permit shall be as set by the Village Board. Any changes to an existing Sign shall be by permit application, as prescribed above. These fees may be amended by the Village Board from time to time.
5. A sign permit shall become null and void if the work for which the permit was issued has not begun within a period of six (6) months after the date of issue of the permit.



**24-602 - D. Provisions applicable to all districts:**

1. Unless otherwise specifically provided to the contrary elsewhere in this Article, no Sign shall exceed 16 square feet in total area and no Sign shall be more than 5 feet in height and may not be illuminated.
2. No Sign shall, by its light, brilliance, type, design, color, placement or character create a hazard, disruption or any form of nuisance as determined by the Code Enforcement Officer.
3. No Sign shall be animated, reflective, rotating or flashing, or consist of ribbons, streamers, spinners or similar moving, fluttering, revolving or scrolling objects. The use of a flashing and/or rotating light is prohibited.
4. Automatic Changeable Copy Signs are prohibited.
5. No Sign shall be erected or placed in such a manner as to cause a vehicular or pedestrian traffic hazard at any location where, by reason of the position, shape, or color of the Sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop, Look, Drive-In, Danger, Go Slow, Caution, Warning, Right, Left" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
6. No Wall or Banner/Pennant Sign shall extend above the first floor facade of the building or project beyond property lines.
7. No Signs, Banners/Pennants, or other like devices shall be permitted on the roof of any building or structure.
8. Notwithstanding any other provision to the contrary, all Signs shall be located on the same site as the use they identify or advertise except where a conditional use permit has been granted for an off-site location.
9. Notwithstanding any other provision to the contrary, Signs not exceeding one (1) square foot in area and bearing only property numbers, mailbox numbers, names of occupants of premises, or other identification of premises are allowed and shall not require a permit.
10. Banners/Pennants, regardless of content, shall be permitted only upon the following conditions:
  - a) There shall be no more than one (1) per enterprise at one time.
  - b) No permit shall be required if displayed for no more than 14 days in any 90 day period.
  - c) Shall not have a total face area in excess of 100 square feet nor a height of more than 4 feet.
  - d) Shall not be illuminated
  - e) Must not be placed in such a manner as to impede pedestrian traffic.

**24-602 - D. Provisions applicable to all districts:**

11. Notwithstanding any other provision to the contrary, one (1) Free-Standing entrance identification sign for each subdivision or multiple family dwelling development, or one (1) Free-Standing bulletin board for a community center, church, fire department or other non-profit community organizations is allowed provided that:
  - a) Such Sign is located on the subject property.
  - b) Such Sign is located not closer than 10 feet to any lot line.
  - c) Such Sign is not greater than 20 square feet in area.
  - d) The highest side of such Sign does not exceed 6 feet above the ground.
12. Notwithstanding any provision to the contrary, non-illuminated Traffic Control Signs on private property, not exceeding 4 square feet in area are allowed and shall not require a permit.
13. Notwithstanding any other provision to the contrary, all Free Standing Signs shall be set back from lot lines a minimum of 10 feet.
14. Notwithstanding any provision to the contrary, a non-illuminated Sign not exceeding 16 square feet in area and 5 feet in height shall be permitted at each entrance of an unimproved subdivision for a period of up to 3 years. If a building permit is not issued within the subdivision for a period of 12 months, or upon completion of the subdivision, such Sign must be removed immediately. Such Sign may be installed after approval of the Planning Board of the final subdivision plat or when a valid building permit has been issued.
15. Notwithstanding any provision to the contrary, a non-illuminated Sign, advertising real property for sale and/or lease, not exceeding 6 square feet in area shall be permitted for each parcel, home or building being advertised for sale and/or lease without a permit. Any such Sign must be located on the property which it advertises and shall be no more than 5 feet in height. All such Signs, not to exceed 2 per premises, shall be removed immediately upon completion of the sale or lease of the premises.
16. Notwithstanding any provision to the contrary, a non-illuminated Sign, advertising construction or home improvement work being performed, shall be allowed without a permit on the parcel where such construction or home improvement work is being performed. Any such Sign shall not exceed 6 square feet in area and shall be displayed for a period of no more than 14 consecutive days in any 3 month period.
17. Notwithstanding any provision to the contrary, a non-illuminated Sign advertising a candidate or ballot measure, not exceeding 5 square feet in area shall be allowed without a permit. Not more than one (1) Sign for each candidate or ballot measure shall be placed on any single parcel of land. No such Signs shall be posted more than 45 days prior to the election day and must be removed within 10 days following the election to which the Sign pertains.

**D. Provisions applicable to all districts:**

18. Notwithstanding any provision to the contrary, a Sign announcing a newly located or relocated enterprise shall be allowed upon the following conditions:
  - a) A permit is required.
  - b) Sign shall be exhibited for no more than 60 days following the date of issuance of the permit.
  - c) The Sign may be a two-sided Portable Sign or a two-sided Freestanding Sign
  - d) The Sign may be affixed to and parallel to the wall of the building in which the enterprise business is located and the Sign shall be easily removable.
  - e) Notwithstanding any provision to the contrary, Portable Signs shall be no larger than 6 square feet on each side.
19. Notwithstanding any provision to the contrary, where a sign permit is pending and/or the construction of a Sign pursuant to a sign permit is pending, a Portable Sign and/or Banner/Pennant shall be allowed without a permit for a period not exceeding 30 days. Such Portable Sign or Banner/Pennant shall not exceed 40 square feet in area or 5 feet in height and shall not have more than two sides.
20. Notwithstanding any provision to the contrary, one (1) non-illuminated or internally illuminated Portable or Mobile Sign shall be permitted on a parcel without a permit. Any such Sign shall be no more than 16 square feet in total area and no more than 5 feet in height, may contain a message on two sides, must be placed at least 10 feet from all property lines and shall be displayed for no more than 30 days.

**E. Provisions applicable to all Non-Residential districts**

1. No Sign shall be painted directly on any exterior wall.
2. No Sign shall cover or cause the removal of architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.
3. No Sign shall be placed on any motor vehicle, mobile home or trailer which is parked or stationed in a manner primarily intended to display the Sign.
4. Signs may be illuminated if the illumination is so designed and shielded that the light sources do not constitute a possible hazard to traffic and cannot be seen from any adjacent residential district. A certification of approval from a Village of Hilton - approved electrical inspector must be submitted for every electrically illuminated sign. Signs shall be illuminated only during business hours.
5. No projecting Sign is permitted unless placed on the front wall of the building and does not exceed 1 square foot in area per lineal foot of business frontage, with a maximum of 12 square feet. The minimum clearance from the ground level to the bottom of the Sign shall be 9 feet. The supporting structure shall be securely anchored and shall not swing or move in any manner. Such Sign may project over a public way.
6. No Sign or combination of Signs shall cover more than two-thirds of any window.

**E. Provisions applicable to all Non-Residential districts**

7. Any Sign on an awning or canopy shall be painted or affixed flat to the surface of the awning or canopy.
8. No more than one (1) Free Standing Sign shall be permitted per lot. Any Free Standing Sign shall be no more than 25 square feet in area and 5 feet in height as measured from the ground.
9. One A-frame or sandwich board Sign per lot shall be permitted subject to the following conditions:
  - a) Shall not be more than 3 feet in height or more than 3 feet in width.
  - b) Sign shall not be illuminated.
  - c) Sign must not be placed in such a manner as to impede pedestrian traffic.
  - d) Sign shall be displayed only during business hours.
  - e) The placement of any sign shall be determined by the Planning Board

**24-602 -F. Provisions applicable to specific zoning districts or uses:**

1. Commercial District
  - a) Each enterprise shall be permitted one (1) Wall Sign on each wall of the building in which the enterprise is located, which is not greater than 4 feet in height and may be illuminated.
  - b) Any such Sign facing a street or on the front or main entrance of the enterprise shall not exceed one and one half square feet of sign area for each linear foot of first story enterprise frontage, or twenty percent of the wall to which it is attached or applied, whichever is less.
  - c) Any such Sign not on the front of or on the main entrance of the enterprise shall not exceed 15 square feet of Sign Area.
  - d) Upon obtaining a conditional use permit, one (1) Freestanding Sign identifying a group of enterprises shall be permitted in addition to permitted Signs for individual enterprises. Such Sign shall not exceed 100 square feet in area and may be illuminated. Such Sign shall not exceed 10 feet in height.
2. Central Business District:
  - a) Notwithstanding paragraph E (7), no Sign or combination of Signs shall cover more than 20% of any window.
  - b) Except as set forth in F (2) (a), provisions applicable to Commercial Districts as set forth in paragraph (F) (1) shall be applicable to the Central Business District.
  - c) Notwithstanding any other provision to the contrary, A-frame or sandwich type Signs may be placed in the Village right-of-way as determined by the Planning Board.

**24-602 -F. Provisions applicable to specific zoning districts or uses:**

3. Limited Commercial District

- a) Notwithstanding paragraph E (7), no Sign or combination of Signs shall cover more than 20% of any window
- b) One (1) Wall sign no more than 12 square feet in area shall be permitted. If a building fronts on more than one street, one such Sign shall be permitted fronting each street.

4. Industrial and Light Industrial Districts

- a) One (1) Freestanding Sign of no more than 50 square feet in area and no more than 6 feet in height shall be permitted.
- b) One (1) Wall Sign per enterprise not exceeding 100 square feet in area shall be permitted. No such Sign shall be located within 100 feet of any residential district boundary unless screened from view from the residential district. Any such Sign may be illuminated.

**G. Maintenance of Signs**

- 1. All Signs shall be properly maintained together with their supports and shall be kept in good repair. The display surfaces shall be kept neatly painted and cleaned at all times. The Code Enforcement Officer may order the removal of any Sign that is not maintained in accordance with the provisions of this Article.
- 2. After the termination or discontinuance of the subject to which a Sign refers, all such Signs pertaining to said subject and the structure supporting them, if any, shall be removed in their entirety within 14 days after such termination or discontinuance.

**H. Enforcement**

1. Pre-approved non-conforming signs to this Article shall be brought into conformity upon:
  - a) Any changes to such Sign.
  - b) Removal of a non-conforming sign for a period in excess of 14 days or 14 days following an order of removal pursuant to G (1) of this Article, whichever is earlier.
  - c) Destruction or damage to said Sign to the extent of 51% of its replacement cost determined as of the time of the destruction or damage.
  - d) Creation of a hazard or disturbance to the health and welfare of the general public as determined by the Code Enforcement Officer.
2. The Code Enforcement Officer shall have the authority to enforce the removal of any signs that are in violation of this Article. Failure to comply with a written order of the Code Enforcement Officer, within 14 days of delivery or mailing of said order by first class mail to the address on which the Sign is located, shall be subject a penalty pursuant to the provisions of Article XII of the Zoning Local Law.
3. If, after thirty (30) days from the date of delivery or mailing of such order, the objectionable Sign has not been removed, the Code Enforcement Officer shall be authorized to remove such Sign and the owner of the Sign and/or owner of the property on which the Sign is located will be charged for the cost of the removal, such costs which may be added to the Village tax bill for the property on which the Sign is located.
4. Any Sign placed in a public right-of-way, affixed to telephone poles or on Village property may be removed at any time without notice.

**I. Severability:**

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remaining portions thereof, but shall be confined to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**24-603 Fences, walls, hedges and screen plantings**

Fences, walls, hedges and screen plantings are permitted as follows;

- A.** In any front yard, provided that they do not exceed three (3) feet in height above the elevation of the surface of the ground at the point of construction and shall be of ornamental stone or open construction (not wire), such as ornamental iron, picket (iron or wood) or rail or hedge.
- B.** In any rear or side yard, provided that they do not exceed six (6) feet in height above the surface of the ground at that point.
- C.** On a corner lot, no fence, wall hedge or screen planting over three (3) feet above road grade in height shall be constructed within the yards required adjacent to the streets.
- D.** Fences must be constructed at least three (3) feet from Village sidewalks.
- E.** Fences, walls, hedges or screen plantings may be required in multifamily, commercial or industrial districts by the Planning Board as are necessary to protect the residential quality of adjacent property in any residential district.
- F.** No fence shall be constructed of barbed wire or be electrified unless said fence is on a farm, but in any place where a farm abuts a residence or residences, barbed-wire fences are prohibited.

**24-604 Establishment and measurement of clear-vision areas**

Vision clearance areas shall be provided with the following distances establishing the size of the clear-vision area, measured along lot lines.

- A.** In any residential district, the minimum distance shall be twenty-five (25) feet or, at intersections including an alley, ten (10) feet.
- B.** In all other districts, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet. When the angle of intersection between streets other than an alley is less than thirty degrees (30 ), the distance shall be twenty-five (25) feet.
- C.** The vision clearance area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the street pavement; except that street trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight (8) feet above the grade.

**24-605 Gasoline filling stations and service stations**

**A.** On premises used as gasoline filling stations or for motor vehicle service or supply stations, no portion of any building shall be closer than sixty (60) feet to the front property line or closer than forty (40) feet to the rear property line, nor closer than twenty (20) feet to the side property line; and the minimum width of approach driveways shall be fifty (50) feet, such driveways to be separated or set off by curbs or masonry not to exceed two (2) feet in height. All signs, structures bearing lights, or lighting facilities shall be set back a minimum of ten (10) feet from the front property line. Lot size for gas stations shall be at least two hundred (200) feet wide and one hundred forty (140) feet deep.

**B.** No fuel pump, gasoline pump, or island in any gasoline or motor-fuel filling station containing the same, shall be constructed closer than thirty-five (35) feet to any street line.

**C.** Before granting a special permit or variance for a gasoline station or motor vehicle service or supply station, the Board to which application for such permit is made shall consider and determine that:

- (1) The proposed location is consistent with public necessity.
- (2) The proposed structures are located consistent with the regulations of the district which they are to be located, and that the design and type of proposed structure is in harmony with other structures in such neighborhood.
- (3) The proposed use will not create a traffic hazard at the proposed location, or a hazard from fire or explosion.
- (4) The applicant has, in writing, agreed to construct and operate such proposed station in strict accordance with the provisions of Subsection D of this section, and will use the premises only for purposes of a gasoline filling station as herein defined.

**D.** All gasoline or motor vehicle supply stations hereafter erected or maintained pursuant to a special permit or variance issued hereafter shall comply with the following regulations:

- (1) Any pump or other device for distributing or conveying gasoline hereafter installed, or constructed, in violation of this local law, may be removed by the Building Inspector.
- (2) When being sold or dispensed to the public, gasoline shall be pumped only by individuals who are sixteen (16) years of age or older. When being pumped by the holder of the permit, or his/her employee, said individual must be competent to aid in an emergency. When being pumped by the consumer, the holder of the permit or an employee who is sixteen (16) years of age or older and competent to aid in an emergency must observe the pumping of gasoline by the consumer.

(Amended 6/1/92 by L.L. #3 1992)



- A.** A "satellite antenna," as used in this section of the Village Zoning Law, is intended to mean and to include any parabolic dish or other antenna or device which is to receive television, radio and/or microwave or other electrical signals.
- B.** No person(s) shall cause, suffer or permit, through the use of space satellites, the erection of any parabolic dish or other antenna or device which is to receive television, radio and/or microwave or other electric signals, except as set forth herein.
- C.** Provisions applicable to all districts.
- (1) The maximum number allowed per lot shall be one (1), and the antenna shall be located on the same site it services.
  - (2) Any such antenna shall be confined to the rear yard of any lot and shall be erected at ground level, unless otherwise granted.
  - (3) No antenna shall be constructed, erected or maintained except as an accessory structure on an existing improved residential lot or parcel of land containing one (1) or more family units. No more than one (1) antenna shall be erected on any such lot or parcel of land except in the granting of a variance pursuant to Article IX of this chapter, except in the case of lots containing five (5) or more dwelling units, and then no more than three (3) antennas shall be erected. A "lot" or "parcel of land" is defined as a parcel of land described in a recorded deed of a size and dimensions to comply with the requirements of this chapter and of Subsection C(4) below. (Amended 3-16-87 by L.L. No. 3, 1987)
  - (4) Lots must be of sufficient size to allow for side line setback requirements and set back from existing structures equal to the height of the antenna measured from the base, plus six (6) feet. The minimum side yard or rear yard setback shall be eight (8) feet. No antenna shall exceed twelve (12) feet in height, width or depth. "Height" is intended to mean the distance from the ground to the top of the antenna. (Amended 3-16-87 by L.L. No. 3, 1987)
  - (5) All antennas shall be suitably protected by screening, fencing and anti-climb protection.
  - (6) No antenna installation shall be permitted except by building permit after being reviewed and approved by the Planning Board. Annual permit fees shall be as set by the Village Board, from time to time, by majority vote thereof. (Amended 3-16-87 by L.L. No. 3, 1987)
  - (7) Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis and site plan depicting structures and plantings on the property and all adjacent properties.
  - (8) The Planning Board of the Village of Hilton is empowered to designate the approximate location of the antenna to be installed and require protective measures as it deems necessary to reduce or eliminate aesthetic damage and provide safety to the community. In no event shall antennas be erected elsewhere than in the rear yard of any lot or parcel. (Amended 3-16-87 by L.L. No. 3, 1987)

**HILTON CODE: ZONING**

- (9) The applicant may be required to present documentation of possession of any required license or licenses by any federal, state or local governing authority or agency.
- (10) Where the antenna is to be installed by the tenant, the consent of the property owners shall be filed.

**24-607 Towers** (Added 10-3-83 by L.L. No. 4, 1983; Amended 7/6/92 by L.L. No. 4 1992)

- A.** The term "tower," as used in this section of the Village Zoning Law is intended to mean and include any fixed tower, edifice, pole or other structure, whether attached to a building, free-standing/self-supporting or guyed, designed to be used for supporting transmission and/or reception of radio frequency signals, but not limited to broadcast, shortwave, citizens band, television signals, wind speed and/or direction indicators and personal observation.

Provisions applicable to all districts.

- (1) No tower shall exceed the height of fifty (50) feet as measured from the ground surface with the following exceptions:
  - (a) Towers constructed of wood may not exceed twenty (20) feet in height.
  - (b) Amateur communications and radio towers may have a maximum height of sixty (60) feet in height, provided that all other provisions of this local law are met. "Amateur communications" as used in this section of the Village Zoning Law is intended to mean those antennas used for recreation or non-commercial purpose.
- (2) The tower shall be located on the same site/lot as it services and shall be limited to one (1) per lot.
- (3) Any such tower shall be confined to the rear yard of any lot and shall be anchored at ground level.
- (4) No tower can be constructed, erected or maintained except as an accessory structure to a building or one-family dwelling on the same lot. Guy wires (supporting tower) can not be fastened to any adjoining property.
- (5) Lots must be of sufficient size to allow for side line setback requirements and set back from existing structures equal to the height of the tower measured from the base at ground level, plus the height of any device placed on top of the tower. Setback requirements are six (6) feet, with minimum side yard or rear yard setback being eight (8) feet from any guyed wire.
- (6) All towers shall be suitably protected by screening, fencing and anti-climb protection.
- (7) No tower installation shall be permitted except by building permit after being reviewed and approved by the Planning Board.
- (8) Application for the permit must include construction drawings, showing proposed method of installation, structural engineering analysis, site plan depicting structures and plantings on the property and all adjacent properties, manufacturers specifications, engineering data and stress analysis, and other pertinent information may also be required for the tower, its support, guys and braces as the Planning Board deems necessary to meet safety measures.
- (9) The Planning Board of the Village of Hilton is empowered to designate the approximate location of the tower to be installed and require protective measures as it deems necessary to reduce or eliminate aesthetic damage and provide safety to the community.

## **24-607 TOWERS**

(10)The applicant shall present documentation of possession of any required license or licenses by any federal, state or local governing authority or agency.

(11) Where the tower is to be installed by a tenant the consent of the property owner shall be filed.

(12)The Zoning Board of the Village of Hilton is authorized to permit variances from the above requirements pursuant to the Article IX of the Village Zoning Law.

### **24-608 Wind energy conversion systems** (Added 10-3-83) by L.L. No. 4, 1983

A. A "wind energy conversion system" is any tower device that utilizes the wind to generate electrical energy.

B. For safety reasons, wind energy conversion systems are prohibited in the Village of Hilton.

## **24-700 ARTICLE VII : General Exceptions**

### **24-701 Exception to lot size requirements**

If at the time of passage of this local law, a lot or the aggregate of contiguous lots of land parcels held in a single ownership has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district; provided, however, that the use of a lot in any residential district which has an area deficiency shall be limited to a single-family dwelling.

### **24-702 Exception to height requirements** (Amended 7/6/92 by L.L. No 4 1992)

Except as is specifically directed to the contrary in this local law, projections such as chimneys, spires, domes, elevator shaft housings which are constructed integrally in a primary structure, and free-standing flag poles are not subject to the building height limitations of this local law.

### **24-703 Projections from buildings**

Architectural features, such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues, shall not project more than two (2) feet into a required yard.

**24-800 ARTICLE VIII : Nonconforming Uses**

**24-801 Continuation of nonconforming use or structure** (Amended 11-6-95)

Subject to the provisions of this Article, a structure which fails to conform with the provisions of the zoning laws of the Village of Hilton may be maintained so long as the non-conformity predated the adoption of the applicable zoning law and so long as the structure is maintained in good repair. In the event the structure is replaced, changed or altered, it must then comply with the applicable zoning laws except if such replacement, change or alteration maintains or reduces the pre-existing non-conformity, in which case such structure may be so maintained.

**24-802 Discontinuance of nonconforming use** (amended 9-6-05)

- A.** Subject to the provisions of this article, a use which fails to conform with the provisions of the zoning laws of the Village of Hilton may be maintained so long as the non-conforming use commenced prior to the adoption of the applicable zoning law and continues, uninterrupted, pursuant to paragraph B of this section.
- B.** If a non-conforming use in either the Commercial, Limited Commercial, or Central Business Districts is discontinued for a continuous period of one (1) year or more, said non-conforming use shall not be permitted and any future use shall conform with applicable zoning laws. If a non-conforming use in any other zoning district is discontinued for a continuous period of six (6) months or more, said non-conforming use shall not be permitted and any future use shall conform with applicable zoning laws.

**24-803 Change of nonconforming use** (Amended 11-5-79 by L.L. No. 2, 1979)

If a nonconforming use or structure is replaced by another use or structure, the new use or structure shall conform to this local law.

**24-804 Destruction of nonconforming use** (amended 9-6-05)

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding seventy-five percent (75%) of the dwelling, the future structure or use on the site shall conform to this local law.

**24-805 Completion of structure**

Nothing contained in this local law shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this local law provided that the building, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the building permit is issued.

**ARTICLE IX: Variances**  
**24-900**

**24-901 Purpose**

Where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this local law may result from the strict application of certain provisions thereof, variances may be granted as provided in this Article. This Article shall not be used to allow a use that is not permitted by this local law for the district in which the land is located.

**24-902 Authorization to grant or deny**

Any permitted variance to this local law shall be authorized by the Village Zoning Board of Appeals, in accordance with the standards and procedures set forth in this Article. In granting a variance, the Zoning Board of Appeals may impose conditions similar to those provided for conditional uses (24-402) to protect the best interests of the surrounding property and the neighborhood or the village as a whole.

**24-903 Application required** (Revised 3/19/90 by L.L. No. 4, 1990)

A property owner(s) or his agent(s) may initiate a request for a variance by filing an application with the authorized official. Such application shall be accompanied by a legal description of the property, a map showing the property and all properties within a radius of two hundred (200) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed variance, other drawings or information necessary to show an understanding of the proposed use and its relationship to surrounding properties and a filing fee, no part of which is returnable.

**24-904 Circumstances for granting of variance**

A variance may be granted only in the event that all of the following circumstances exist:

- A.** The exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this local law, topography, or other circumstances over which the applicant has no control.
- B.** The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- C.** The variance would not be materially detrimental to the purposes of this local law, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any village plan or policy.
- D.** The variance requested is the minimum variance which would alleviate the hardship.

**24-905 Public hearing required**

Before the Zoning Board of Appeals may act on a request for a variance, it shall hold a public hearing. Notice of said hearing shall be given as provided in 24-1105.

**24-906      Appeal**                      (Amended 11-6-95)

The applicant, or any person with an affected interest, may appeal a decision of the Zoning Board of Appeals to the New York State Supreme Court as is set forth in 24-1102.

**24-907      Notification of decision**

The Zoning Board of Appeals shall notify the applicant for a variance, in writing, of the Zoning Board of Appeals' decision within five (5) days after the decision has been rendered.

**ARTICLE X : Amendments  
24-1000**

**24-1001 Purpose**

This local law may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this Article.

**24-1002 Authorization to initiate amendments**

The Village Board of Trustees may, from time to time, on its own motion or on petition, amend, supplement or repeal the regulations and provisions of this local law after public notice and hearing, in accordance with the laws of the State of New York.



**ARTICLE XI : Administrative Provisions**  
**24-1100**

**24-1101 Zoning Enforcement Officer**

- A.** This local law shall be enforced by the authorized official appointed by the Village Board, who shall serve at the pleasure of the Board and shall be identified as the "Zoning Enforcement Officer." No building permit or certificate of occupancy shall be issued by him except where all the provisions of this local law have been complied with, and provided that all other ordinances and local laws of the Village of Hilton and laws of the State of New York have been complied with.
- B.** All applications for building permits and certificates of occupancy and other licenses and permits required by this local law shall be made to the Zoning Enforcement Officer.
- C.** The Zoning Enforcement Officer shall maintain all records pertaining to the administration of this local law, including investigating complaints and matters referred to him by the Village Board and reporting thereon appropriate enforcement action to ensure compliance with this local law.
- D.** The Village Board may appoint a Building Inspector, and he shall serve until removed by the Village Board. He shall report to the Zoning Enforcement Officer. No building permits or certificates of occupancy will be recommended by him except where his inspection list indicates compliance with this local law or other laws or ordinances of the Village of Hilton and laws of the State of New York.
- E.** The payment of a building permit at rates established by the Village Board shall cover three (3) inspections. For all inspections over three (3), an additional charge shall be made as established by the Village Board.
- F.** All decisions of the Zoning Enforcement Officer may be appealed to the Zoning Board of Appeals by the appropriate action. (Added 11-6-95)
- G.** The charge for a Certificate of Occupancy and for any Conditional Certificates of Occupancy shall be established by the Village Board from time to time. (Added 2/3/97)

**24-1102 Appeal from ruling of Planning Board or Zoning Board of Appeals**  
(Amended 2-6-78; 11-6-95)

Any action, decision or ruling of the Planning Board or Zoning Board of Appeals pursuant to this local law may be appealed to the New York State Supreme Court as set forth in the statutes of New York State.

**24-1103 Form of petitions and applications** (Amended 2-6-78 by L.L. No. 2, 1978)

All petitions and applications provided for in this local law shall be made on forms prescribed by the Village Board. Forms shall be accompanied by plans and specifications as required by this local law.

**24-1104 Building permits, filing fees and certificates of occupancy**

- A.** No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Enforcement Officer, except upon written order of the Zoning Board of Appeals. The erection of a fireplace or chimney shall be, for the purposes of this section an addition to a building or structure. No such building permit nor any certificate of occupancy shall be issued for any buildings where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this local law. (Amended 2-6-78 by L.L. No. 2, 1978; 11-2-81 by L.L. No. 8, 1981)
- B.** There should be submitted with all applications for building permits two (2) copies of the 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 local law.
- C.** Fees shall be as determined by resolution of the Village Board as the same may be enacted and amended by the Board from time to time.
- D.** No land shall be used or occupied and no building which has been erected, altered or extended shall be used, occupied and/or changed in use prior to the issuance of a Certificate of Occupancy by the Zoning Enforcement Officer. No Certificate of Occupancy shall be issued unless and until such land and/or building and its intended use comply, in all respects, with the provision of this Code, including but not limited to all zoning and building requirements. However, for good cause shown, where it is impossible to complete all plans for the building and/or land at a time when, in the opinion of the Zoning Enforcement Officer, the building and/or land, or some portion thereof, is suitable for use and/or occupancy, the Zoning Enforcement Officer may issue one or more temporary Conditional Certificates of Occupancy, each of which shall expire automatically in a reasonable period of time to be fixed by the Zoning Enforcement Officer but in no event to exceed eight (8) months in the aggregate from the date the first such Conditional Certificate of Occupancy was issued.

A Conditional Certificate of Occupancy shall be issued only upon the receipt from the applicant of a sworn affidavit, setting forth the extent to which the plans for the building and land have been completed, the portion of the building and land which the applicant wishes to occupy prior to completion, the items which remain to be completed before a Certificate of Occupancy would be issued, the reason occupancy is necessary prior to completion, the reason such items cannot be completed prior to occupancy, the amount of time estimated to be required for completion of such items, the total amount expended for construction up to the time of such application, and the estimated cost for completion of all items required to obtain a final Certificate of Occupancy. Said affidavit shall be accompanied by a certified check or bank draft, payable to the Village of Hilton, in an amount not less than one and one-half (1 ½) times the estimated cost of completing the items required to obtain a final Certificate of Occupancy, as set forth in said affidavit. If either the Zoning Enforcement Officer or the Village Administrator reasonably determine, in his/her discretion, that the amount required for such completion has been underestimated in said affidavit, he/she may independently estimate such cost and require one and one-half (1 ½) of such estimate to be paid by the applicant to the Village.

**24-1104 Building permits, filing fees and certificates of occupancy - continued**

**D.** If the applicant for a Conditional Certificate of Occupancy is rejected, said funds shall be returned to the applicant. If said application is granted, a Conditional Certificate of Occupancy shall be issued, setting forth the duration thereof, the date of expiration and the specific conditions upon which the Certificate of Occupancy has been issued. It shall be a condition of any Conditional Certificate of Occupancy that if, following the issuance but prior to the termination thereof, the Zoning Enforcement Officer and/or the Village Administrator shall reasonably determine, in his/her discretion, that the estimated cost of complying with the required conditions has increased and/or is greater than previously estimated, the applicant shall be required to make an additional payment to the Village in an amount equal to one and one-half (1 ½) times said increase. It shall be a further condition of any Conditional Certificate of Occupancy that if, following the issuance but prior to the expiration thereof, the Zoning Enforcement Officer and/or Village Administrator shall discover that the subject building and/or land is in violation of any provision of this code which had not been disclosed in the applicant's affidavit and/or that any representation in the applicant's affidavit is false or inaccurate, the Zoning Enforcement Officer and/or the Village Administrator may revoke said Conditional Certificate of Occupancy or, in his/her sole discretion, may require the applicant to make the additional payment to the Village in an amount equal to one and one-half (1 ½) times the estimated cost of correcting any such violations and/or inaccuracies.

Any funds held by the Village of Hilton pursuant to this local law shall be held in a non-interest bearing account.

If, following the issuance of a Conditional Certificate of Occupancy, the stated conditions are satisfied prior to the termination of the Conditional Certificate of Occupancy, a final Certificate of Occupancy shall be issued following an inspection of the building and/or land by the Zoning Enforcement Officer to confirm that all such conditions have been completely satisfied, and the funds being held by the Village shall be returned to the applicant. In the event such conditions are not satisfied prior to the termination of the Conditional Certificate of Occupancy, and no additional Conditional Certificate of Occupancy is issued, or, in any event, upon the termination or revocation of any Conditional Certificate of Occupancy, all temporary use and/or occupancy of the subject land and/or building shall immediately cease and the funds being held by the Village shall be returned to the applicant. (Amended 2/3/97 by L.L. #2 1997)

- E.** No nonconforming use shall be granted, renewed, changed or extended without a certificate of occupancy having first been issued by the Zoning Enforcement Officer.
- F.** No permit for excavation or the erection or structural alteration of any building shall be issued until an application has been made for a certificate of occupancy.
- G.** Application for a certificate of occupancy shall be made at the same time as application is made for a building permit. No building permit shall be issued unless an application has been made for a certificate of occupancy. The charge for a Certificate of Occupancy shall be as established by the Village Board from time to time. (Amended 2/3/97 by L.L. No. 2,97)

**24-1105 Notice of public hearing**

(Revised L.L. No. 1 6-12-89 and L.L. #2 2-5-90)

(Revised 7/1/91 as L.L. #2,

24-1105)

When the Village Board, Planning Board or Zoning Board of Appeals is required to hold a public hearing, as provided for in this local law, notice of the hearing shall be given in the following manner:

- A. Notice of public hearing held in connection with applications for amending or changing local zoning laws, variance requests or conditional use requests shall be made by first class mail to property owners within two hundred (200) feet of the outside boundaries of the property subject to the application, addressed to such owners at the address as appears on the tax rolls of the Village.
- B. Notice of a public hearing shall be published once in the official Village Newspaper at least ten (10) days and not more than twenty (20) days prior to the date of the hearing.
- C. Notice of such public hearing shall be posted on the public bulletin board in the Community Center not less than ten (10) days and not more than twenty (20) days prior to the public hearing. An Affidavit of such posting shall be filed with the Village Administrator prior to the hearing.
- D. The Village shall install a sign, facing the street on which the property is located, on the property grounds or affixed to the front wall of the building(s) involved, indicating the nature of the requested relief and the date on which the Public Hearing will be held. Said sign shall be in position for seven (7) continuous days prior to and including the day of the Public Hearing by the Village. During time of display, it shall be the responsibility of the applicant to maintain the sign.

**24-1106 Limitation on new applications**

(Amended 2-6-78 by L.L. No. 2, 1978)

In a case where a conditional use permit or a variance is denied by the Zoning Board of Appeals, or denied in either case by the courts on appeal, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one (1) year from the date of said denial, unless, in the opinion of the Zoning Board of Appeals, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

**ARTICLE XII : Penalties for Offenses**  
**24-1200**

**24-1201 Penalty**

Any person, firm, company or corporation owning, controlling or managing any building, structure or premises wherein or whereon there shall be placed or there exists anything in violation of any of the provisions of this local law; and any person, firm, company or corporation who shall assist in the commission of any violation of this local law or any conditions imposed by the Planning Board or the Zoning Board of Appeals, or who shall build, contrary to the plans or specifications submitted to the authorized officer and by him certified as complying with this local law, shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or to imprisonment for a period of not less than one (1) day, nor more than six (6) months, or both such fine and imprisonment; or by a penalty of two thousand five hundred dollars (\$2,500.00) to be recovered by the Village of Hilton in a civil action. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such violation, disobedience, omission, neglect or refusal shall continue.

**24-1202 Alternative penalty**

In case of any violation or threatened violation of any of the provisions of this local law, or conditions imposed by the Planning Board or Zoning Board of Appeals, in addition to other remedies herein provided, the Village Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct business or use in or about such premises.

**ARTICLE XIII : Planning Board and Zoning Board of Appeals****24-1301 Planning Board**

Pursuant to the Village Law, the Planning Board of the Village of Hilton shall consist of five (5) members appointed in such manner and for such terms as provided in the Village Law. For the purpose of initiating a Planning Board under this local law, the normal continuance of the existing Planning Board is established. The Planning Board shall have power to pursue all those duties established for it by the Village Law and this local law. It shall establish such rules and regulations as are necessary for the transaction of its business, and may amend, modify and repeal the same.

**24-1302 Zoning Board of Appeals**

(Amended 2-6-78 by L.L. No. 2, 1978; 7-12-82 by L.L. No. 2, 1982)

Pursuant to the provisions of the Village Law, a Zoning Board of Appeals is hereby created. Said Board shall consist of five (5) members who shall be appointed by the Village Board in such manner and for five-year terms as provided by the Village Law and any amendments thereto, and shall have all the powers and perform all the duties prescribed by statute and by this local law. For the purpose of initiating a Zoning Board of Appeals under this local law, the normal continuance of the Zoning Board of Appeals is established.

The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error or misinterpretation in any order, requirement, decision or determination by an administrative official charged with the enforcement of the provisions of this local law. The Zoning Board of Appeals may reverse, modify, affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in its opinion, ought to be made in strictly applying and interpreting the provisions of this local law and for such purposes shall have all the powers of the officer from whom the appeal is taken.

**ARTICLE XIV : Word Usage and Definitions  
24-1400**

**24-1401 Word usage**

The following rules of construction of language shall apply to the text of this local law.

- A.** Words used in the present tense include the future tense.
- B.** Words used in the singular include the plural, and words used in the plural include the singular.
- C.** The word "lot" includes the word "plot," "parcel," or "tract."
- D.** The word "person" includes an individual, firm, or corporation.
- E.** The word "shall" is always mandatory.
- F.** The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."
- G.** Any reference to a residence or residential district shall be interpreted to mean any district with the word "residential" in its title.
- H.** A "building" or "structure" includes any part thereof.
- I.** The words "to erect," "to construct" and "to build" a building have the same meaning and include "to excavate" for a building, and "to relocate" a building by moving it from one location to another.
- J.** The word "premises" includes a lot and all the buildings thereon.

**24-1402 Definitions** (Amended 4-1-04 by L.L No 2, 2004)

The following words and phrases as used in this local law are defined as indicated:

**ACCESSORY STRUCTURE OR USE** - A structure, or a portion of a main structure, or a use located or carried on the same premises and incidental and subordinate to the main structure or use which customarily accompanies or is associated with such main use and structure not intending to include, however, auxiliary service equipment, such as air conditioners, air compressors, water pumps, electric generators and the like.

**APARTMENT HOUSE** - A building arranged, intended or designated to be occupied by three (3) or more resident households living independently of each other. An "apartment house" is a structural definition and applies irrespective of how the individual dwelling units therein are offered for sale or rental.

**BASEMENT** - That portion of a building that is partly or entirely below grade level.

**BUILDING** - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

**COMMON AREAS** - Space reserved for use by any and all residents of a housing development such as halls, stairways and landings in apartment houses and open space.

**CONDOMINIUMS** - A form of ownership in a residential development.

**CUSTOMARY AGRICULTURAL USE** - The raising of agricultural products, including livestock, poultry, dairy products, farm crops, fruit and vegetables, and nursery stock, whether for gain or otherwise. The term includes livery or boarding stables and kennels, but does not include the manufacturing or processing of agricultural products as a principal use.

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

- A. Is carried on wholly within the enclosed walls of dwelling; and
- B. Is carried on by a member of the family in the dwelling; and
- C. Is clearly incidental and secondary to the use of the dwelling for residential purposes; and
- D. Employs not more than one (1) person outside the family; and
- E. Expressly excludes repair of gasoline or diesel engines or motors which are not owned by one (1) of the residents of the property for his own use.

**CUSTOMARY INDUSTRIAL USES** - The storage, manufacture, preparation, processing or repair of any article, substance or commodity and the conduct of any industrial trade, but not such preparation, processing or repair as is customarily applied to articles, substances or commodities in retail businesses or trade for on-the-premises transactions.

**DWELLING, SINGLE-FAMILY DETACHED** - A building consisting of one (1) dwelling unit.

**DWELLING, TWO-FAMILY DETACHED** - A building consisting of two (2) dwelling units.



**DWELLING UNIT** - One (1) or more rooms designed for occupancy by one (1) family for residential purposes with independent housekeeping facilities.

**EFFECTIVELY SCREENED** - A particular use shall be considered "effectively screened" when barriers of sufficient height and capacity are provided so as to reduce the transmission of sound and light into adjacent properties to the point where the adjacent property owner is not disturbed thereby.

**EFFICIENCY APARTMENT** - A dwelling unit without a separate, distinct room for sleeping.

**FARM** - A unit of land having more than five (5) acres and used for cultivation, pasturing or other customary agricultural purposes, but not including the raising of furbearing animals.

**FENCE** - Any fence, any brick or stone wall, and any hedge or other natural growth located outside of the area bounded by the front building foundation line and the side and rear setback requirements. The face side of any "fence" erected in any district shall face the nearest abutting property, and all posts or supports shall be on the inside of said "fence" unless said posts or supports constitute an integral part of said face side.

**GRADE LEVEL** - The level where the finished grade of the ground intersects the foundation wall at the main entrance.

**HEIGHT OF BUILDING** - The vertical distance measured from the elevation of the grade level to the highest point of the roof.

**INTERIOR PROJECT ROAD** - A road wholly within a single residential development, whether dedicated or not, which is designed solely to provide access to the residences therein.

**LOT AREA** - The area within property lines, excluding any portion thereof within the boundaries of a street or highway.

**MAJOR ROAD** - All state and county roads and highways, plus those town roads that appear on the Official Road Map of Monroe County as published annually by the Monroe County Department of Public Works.

**MULTIPLE-FAMILY DWELLING** - A type of dwelling equivalent to an apartment house.

**MULTIPLE-FAMILY UNIT** - A dwelling unit in a building which contains three (3) or more dwelling units. Dwelling units in town houses, as well as in other apartment houses, are "multiple-family units."

**NONCONFORMING USE OR STRUCTURE** - A use of land or of a building or structure which lawfully existed at the time of the adoption of this local law, or of any amendment thereto, but which does not conform to the use or dimensional requirements imposed by this local law or such amendment thereto.

(Added 11-5-79 by L.L. No. 2, 1979)

**OPEN SPACE** - An area unoccupied by any building, structure or parking area, whether paved or unpaved.

**PARKING SPACE** - The area for vehicle parking, which shall be no less than nine (9) feet wide and eighteen (18) feet deep, but increased when necessary for safe ingress and egress. (Amended 3-17-86) by L.L. No. 3, 1986)

## **HILTON CODE: ZONING**

24-1402

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### **24-1402 Definitions (Continued)**

**PUBLIC BUILDINGS AND GROUNDS** - Designates any one (1) or more of the following uses, including the grounds necessary for their use and accessory buildings:

- A. Churches, places of worship, parish houses and convents.
- B. Public parks, playgrounds and recreational areas, when authorized or operated by a governmental authority.
- C. Nursery schools, elementary schools, high schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York.
- D. Public libraries and museums.
- E. Municipal buildings.
- F. Hospitals for the treatment of human beings, convalescent or nursing homes, all duly licensed by the State of New York.
- G. Nonprofit membership corporations established for cultural, social, or recreational purposes upon application to the Zoning Board of Appeals for a conditional use permit. Said conditional use permit shall be for the proposed use only. If said permit is granted, site plan approval must be secured from the Planning Board.  
(Amended 2-6-78 by L.L. No. 2 1978)

**RESERVOIR SPACE** - Any temporary storage space for a vehicle waiting for service or admission. Such space shall be in addition to drives, aisles or other required parking spaces.

**SETBACK** - The distance from the nearest street line or lot line to the nearest enclosed portion of the structure in question, measured at right angles or radially from the street line or lot line.

**STORY** - That portion of a building included between the surface of the floor and the ceiling next above it, having a height of at least seven (7) feet six (6) inches.

**STREET, ARTERIAL** - All state and county roads and highways.

**STREET, COLLECTOR** - All major roads other than arterial streets.

**STREET, MINOR** - All other streets, whether dedicated or not.

**STREET or HIGHWAY** - A right-of-way formally dedicated to public use or accepted or maintained by the appropriate governmental or municipal body for public use.

**STRUCTURE** - Anything constructed or built, any edifice or building of any kind, or any piece of work artificially buildup or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but within limitation, swimming and wading pools, covered patios, towers, smokestacks, poles, etc., except outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas and also except auxiliary service equipment, such as air conditioners, air compressors, water pumps, electric generators and the like.  
(Amended 3/3/97 by L.L. #3 1997)

**24-1402 Definitions (Continued)**

**SUITABLE VEGETATION** - Vegetation in sufficient quantity and of sufficient maturity so as to prevent erosion, maintain the general character of the area, and provide effective screening when such purpose is warranted.

**SUITABLY LANDSCAPED** - Landscaped with vegetation of a type sufficient to effectively screen differing uses, enhance the quality of the environment and protect the general welfare.

**TOWNHOUSE** - A dwelling unit in an apartment house, which unit is one (1) of a series of non-communicating dwelling units having a common party wall between each adjacent unit, each with a private outside entrance.

**USABLE LIVING SPACE** - The area of the floors of a dwelling unit, excluding unenclosed, unheated porches.

**USE** - The purpose for which any structure or part thereof and the premises or any part thereof is occupied or intended to be occupied, or if unoccupied, the purpose for which it may be occupied.

**WRECK** - A motor vehicle in such condition that it cannot be repaired, or which has remained unrepaired for thirty (30) days after the damage occurred, or which, by reason of age and prior use, is unsuitable for use on the highway. An unlicensed motor vehicle is one for which the registration for the current year has not been issued and affixed thereto. This local law, however, shall not be construed to prevent the storage of unlicensed vehicles in private garages upon the premises of the owners thereof.

**YARD** - The open space between a structure and the nearest street line or lot line. Any required "yard" shall be entirely open and unoccupied by buildings other than an entrance porch or steps not over seven (7) feet deep, front to rear, in a front yard; porches and terraces in side or rear yards, provided that they are not covered, not enclosed and are no closer to the lot lines than required by the setback restrictions applying to the district; or detached accessory buildings occupying not over twenty-five percent (25%) of a required rear yard and setback as required by this local law. No part of a "yard" or open space required for any building shall be included as part of the yard or open space required for another building.