Village of STILLWATER



VILLAGE OF STILLWATER FORM-BASED CODE





Adopted June, 20 2017

PLANNING4PLACES

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ACKNOWLEDGEMENTS

The Village of Stillwater gives special thanks to the many people and organizations who provided invaluable assistance in the development of this Form-Based Code.

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Planning 4 Places
The Chazen Companies

The Form-Based Code and Stillwater Route 4 Corridor Design Guidelines are a culmination of past planning efforts, including the Village's prior Zoning Law, the Village and Town of Stillwater Comprehensive Plans, the Stillwater Hudson River Waterfront Revitalization Plan, and the Stillwater Route 4 Corridor Plan. These planning efforts included cooperation with the Town of Stillwater, Capital District Transportation Committee (CDTC), Capital District Regional Planning Commission (CDRPC), and Saratoga County.

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Introduction

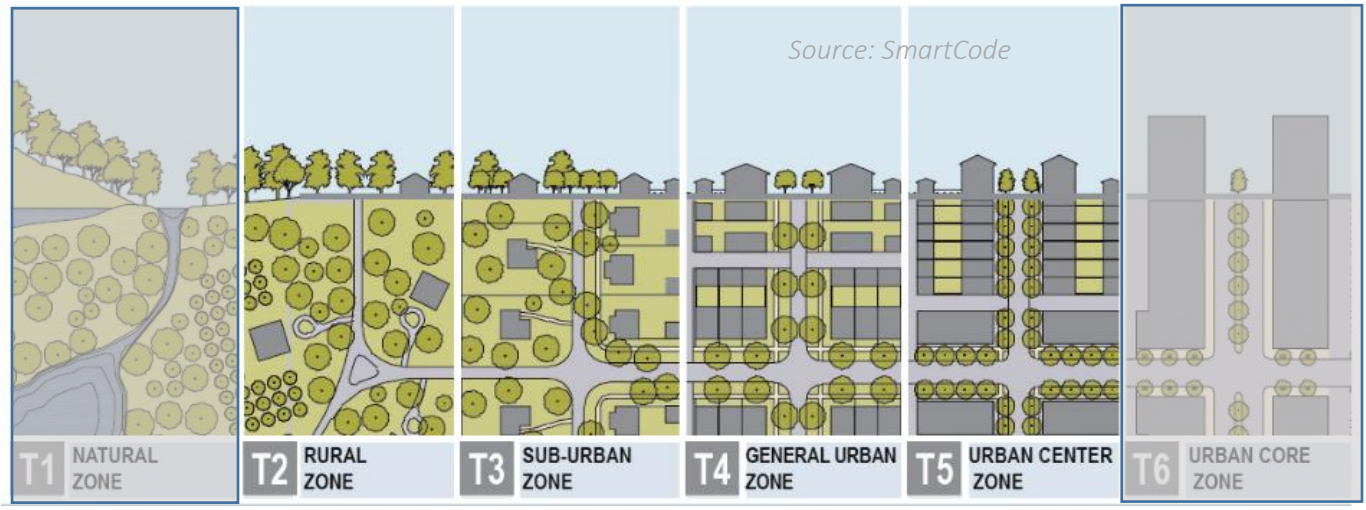
What Is a Form-Based Code?

Form-Based Codes (FBCs) provide a flexible approach to encourage creative development that can work well in existing environments where lot sizes and setbacks can vary. The codes focus on form and function rather than solely on uses within a building and are presented with both words and clearly-drawn diagrams. FBCs address building design, building location, streetscape amenities including landscaping, lighting, signage, and civic spaces.

Some FBCs utilize the Transect principle which divides areas into zones (the SmartCode model uses T1-T6 – see image at below) which reflects the intensity of development from lower intensity (T1: the Natural Zone) to higher intensity of uses (T6: the Urban Core Zone).

The Process for Developing the Form-Based Code

The Town and Village of Stillwater, in partnership with the Capital District Transportation Committee (CDTC), are jointly working together to collaboratively develop and update new zoning code changes and design standards for both the Town and Village. The *Stillwater Route 4 Corridor Rezoning and Design Standards* project is looking at what zoning is appropriate for the future (over the next 10 years) while being reflective of existing conditions. Early on in the project, the Study Advisory Committee (who provide project oversight) determined that the T2-T5 Transects were applicable to Stillwater along the Route 4 Corridor. Project goals are found below.



Project Goals:

- **Provide regulatory consistency along the Route 4 Corridor**
- **Support, maintain, and enhance the unique and historic mixed use, walkable land use/development pattern**
- **Promote walkable mixed use development where there is existing development**
- **Support economic development and revitalization efforts along the Route 4 Corridor**
- **Protect and preserve the rural and historical areas including north of the Village and near the Saratoga National Historical Park**

The *Stillwater Route 4 Corridor Rezoning and Design Standards* process included seven Study Advisory Committee meetings, stakeholder interviews, two public workshops, and presentations to the Town and Village governing bodies to present the Final Draft of the zoning changes and Stillwater Route 4 Corridor Design Guidelines.

The project started kickoff meeting included a bus tour of much of the study area with Study Advisory Committee Members. During the tour, participants discussed existing land uses and development patterns in the context of the proposed Transect zoning proposal.



Walking through the Village of Stillwater



On the Bus reviewing the tour itinerary

A number of plans and studies were reviewed as a part of this project (which can be found in the Technical Review document described below). The purpose of this effort was to ensure that the Consultant Team and Study Advisory Committee were reacquainted with previously developed zoning-focused planning work and recommendations developed for this area.

To get the word out about the public workshop in June 2016, posters and flyers were distributed throughout the Town and Village, flyers were emailed to stakeholders and interested parties who had provided their email addresses previously, press releases were sent to several news outlets, and the Village distributed meeting flyers in a utility mailing. A poster board was also available at Family Day on June 3, 2016 with project information so that interested residents could learn more about the project. There were also several news articles about the zoning project.

The Town and Village of Stillwater held their first public meeting to gather input on June 16, 2016. The workshop began with a project overview, had an open house format, and included a guided presentation where participants were provided with a handheld remote and were asked to choose from one of four pictures that represented their desired design. The presentation covered everything from residential and commercial building design to desired waterfront activity, building signage options, public gathering spaces, crosswalk designs, and awning designs, among others. Participants expressed interest in seeing this effort protect rural character, consider viewshed protection and create an inviting streetscape and walkable experience to keep/enhance the traditional main street experience. Waterfront access, public gathering areas, and outdoor dining were key goals discussed during the workshop. Overall the FBC approach was of interest and participants were excited about the

code's flexibility for making it easier for businesses to locate here. Twenty-two people participated in the Community Preference Survey during the Public Visioning Session described above. An online Preference survey replicating the above described guided presentation was filled out by 28 people.



June 16, 2016 Public Workshop

A Technical Review Document was prepared following the Public Workshop to highlight preliminary recommendations to assist the TAC in the discussion about proposed zoning changes. In general, the recommendations included simplifying the Town and Village Zoning Ordinances along the Route 4 Corridor, providing greater flexibility to support economic development and waterfront revitalization goals, removing some existing issues in existing zoning regulations, and protecting the rural and historic–character of the Town and Village of Stillwater. This document was finalized in July and was used as the basis for preparing the Draft Form-Based Code for both the Village and the Town and the Draft Stillwater Route 4 Corridor Design Guidelines.

A second public workshop was held on December 6, 2016. Public notification of the workshop was conducted through flyers distributed throughout the Town and Village and emailed to stakeholders and interested parties who had provided their email addresses. Press releases were also sent to several news outlets.

The second public workshop included a presentation on the draft documents followed by an open house format where participants could ask questions about the drafts. There were about thirty people in attendance. Stations were scattered around the room where participants could view the use and dimensional tables, Regulating Plans, and draft documents. Attendees were also provided with the ability to "test the Form-Based Code" through interactive exercises where participants could adjust setbacks for buildings and building heights as well as signage on different building types. A public comment portal was provided on both the Village and Town project websites for 45-days to solicit comments on the draft documents. Following a seventh Study Advisory Committee meeting, the drafts were revised to reflect comments from the public and additional comments from the Study Advisory Committee.



December 6, 2016 Public Workshop

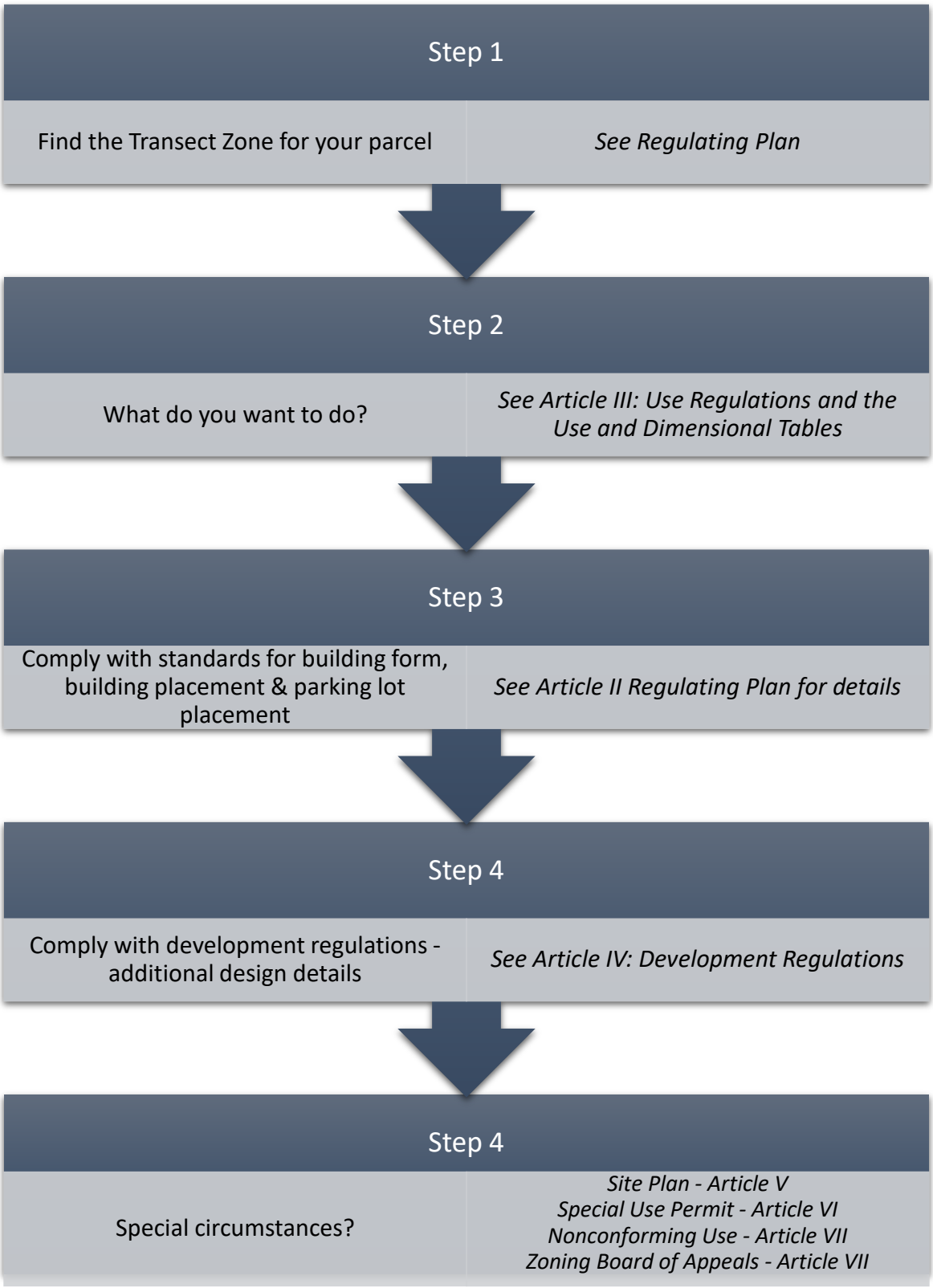
A joint presentation/hearing on the final documents was held on March 23, 2017.

The Route 4 Transect

The *Hudson River Waterfront Revitalization Plan* detailed preliminary Transect recommendations. Over the course of the *Stillwater Route 4 Corridor Rezoning and Design Standards* project the Transect Zones were

further refined. The Transect for the Corridor follows T2-T5. In the Village, for creating a separate identify for these Transect Zones, the terminology V3-V5 was used.

How to use this Code



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ARTICLE I: General Provisions

1.1 Title. Repeal of Prior Zoning Law.

A. This Code shall be known as the "Village of Stillwater Form-Based Code." The Village of Stillwater is hereinafter referred to as the "Village."

B. This Form-Based Code repeals and replaces the Village of Stillwater "Zoning Law" as adopted by Local Law No. 3 of 2007 on April 5, 2007 and last amended by Local Law No. 4 of 2016 on October 18, 2016.

1.2 Authority.

A. This Code is enacted pursuant to the Village Law of the State of New York to protect and promote public health, safety, economy, aesthetics and the general welfare of the community.

B. This Code is enacted pursuant to the Village Law of the State of New York to protect and promote public health, safety, economy, aesthetics and the general welfare of the community.

1.3 Purpose.

A. The Form-Based Code as herein set forth have been made in accordance with the Village Comprehensive Plan for the purpose of promoting health, safety and the general welfare of the community. The Code also follows recommendations from the Hudson River Waterfront Revitalization Plan. The Form-Based Code is adopted to:

(1) Provide a guide for the physical development of the Village and coordinate development with the Town of Stillwater along the Route 4 Corridor.

(2) Preserve the character of the Village of Stillwater.

(3) Increase economic stability, vitality, and tourism.

(4) Ensure housing stability, diversity, and property maintenance.

(5) Promote pedestrian- and bicycle-friendly environments.

(6) Preserve, protect, and promote recreation, historic/cultural/natural and open space resources.

(7) Encourage use, enjoyment, and focus on the unique Hudson River waterfront.

1.4 Legislative Intent.

A. In interpreting and applying this Code, the requirements contained herein are declared to be the minimum standards applicable to land development as regulated herein. Further, this Code shall not be deemed to affect, in any manner whatsoever, any easements, covenants, or other agreements between parties, provided, however, that where this Code imposes a greater restriction upon the use of buildings or land, or upon the erection, construction, establishment, moving, alteration, or enlargement of

buildings than are imposed by other ordinances, local laws, rules, licenses, certificates, or other authorizations, or by easements, covenants, or agreements, the provisions of this Code shall prevail.

1.5 Severability.

A. If any section, subsection, paragraph, clause, or other provisions of this Code shall be held to be invalid, the invalidity of such section, subsection, paragraph, clause, or other provision shall not affect any of the other provisions of this Code.

1.6 Effective Date.

This Local Law shall become effective twenty (20) days after it is filed as provided in section twenty-seven of the Municipal Home Rule Law.

ARTICLE II: Regulating Plan

2.1 Zones.

A. For the purposes of this Code, the Village of Stillwater is hereby divided into the following Zones:

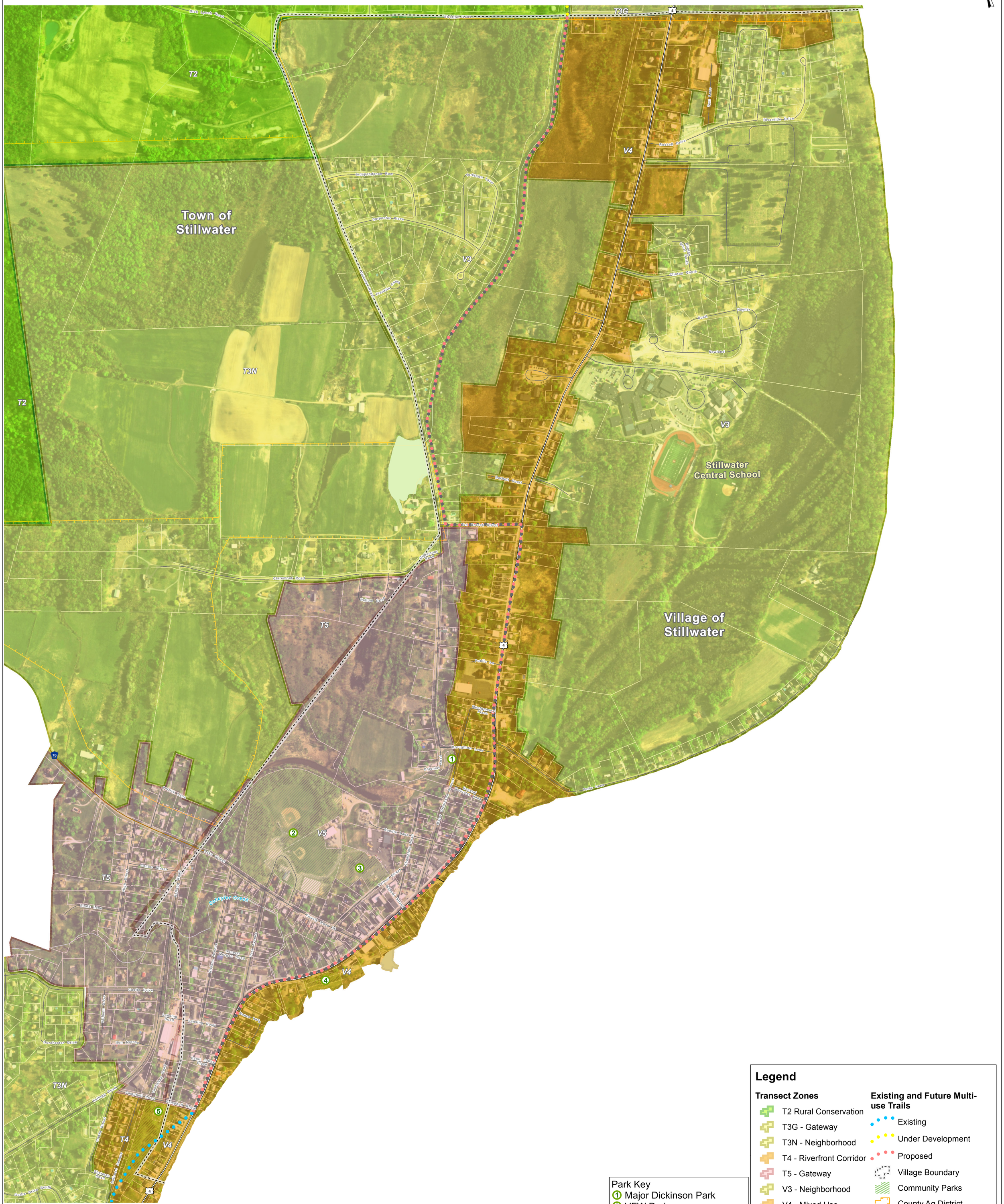
Title	Symbol
V3 Neighborhood	(V3)
V4 Mixed Use	(V4)
V5 Mixed Use Center	(V5)

2.2 Regulating Plan.

A. The boundaries of the Zones are hereby established on a map entitled "Regulating Plan of the Village of Stillwater," adopted by the Village Board of Trustees as part of this Code. The Regulating Plan may be amended in the same manner as any other part of this Code. Such changes shall be noted by the Village Clerk on the official Regulating Plan promptly after the amendment has been approved by the Village Board of Trustees.

B. In addition to the Zones established on the Regulating Plan, the locations and extents of existing parks and existing and future multi-use trails are included on the Regulating Plan for illustrative purposes.

Zoning Map & Regulating Plan - Village of Stillwater
June 20, 2017



THE Chazen COMPANIES
Proud to be Employee Owned
Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

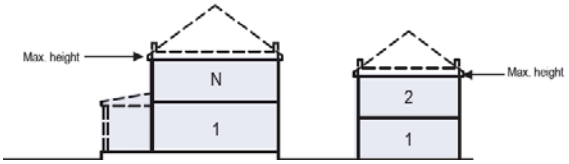
PLANNING 4 PLACES

This map is a product of The Chazen Companies. It should be used for reference purposes only. Reasonable efforts have been made to ensure the accuracy of this map. The Chazen Companies expressly disclaims any responsibilities or liabilities from the use of this map for any purpose other than its intended use.

V3 Neighborhood (V3)

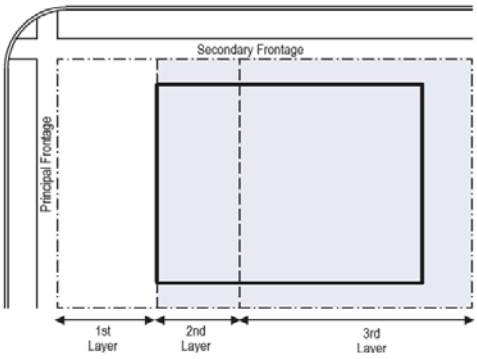


Purpose
Promote a range of housing types and opportunities in keeping with the surrounding neighborhood and encourage walkability to surrounding neighborhoods and the Village mixed use areas.



2-story maximum building height

Building Placement & Parking Lot Placement	
Setback	
Front	15 ft
Side	10 ft
Rear	20 ft
Front Setback Encroachments	
Open Porch	50% max
Balcony and/or bay window	25% max
Parking Placement	
1st Layer	Not permitted
2nd Layer	Permitted - to the side and rear of the building
3rd Layer	Permitted



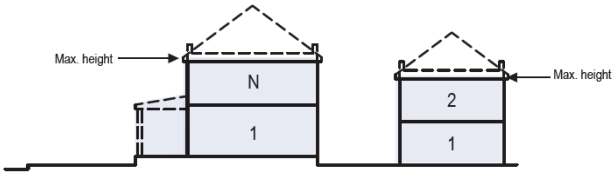
Building Form	
Maximum Building Height	
Max. Building Height[1]	2-story
Lot Requirements	
Lot Size	10,000 sq. ft.
Max. Lot Coverage	60%
Min. Lot Width	40 ft
Building Frontage - See Required Private Frontage Types (Table 3)	
Principal Frontage	Common yard, porch & fence
Secondary Frontage	Common yard, porch & fence
Minimum Window Transparency	
Ground Floor	20%
Upper Floors	20%

[1]Maximum building heights shall be consistent with the International Building Code (Currently Section 504.3 as adopted by NYS) and subject to approval by the Fire Marshall and Code Enforcement Officer.

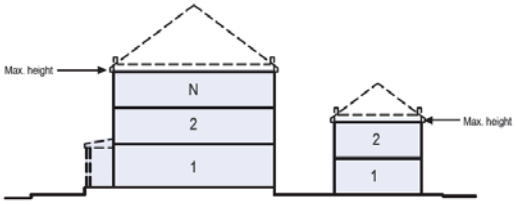
V4 Mixed Use (V4)



Purpose
Promote and retain the existing historic character and traditional Village streetscape, enhance the Village downtown identity by encouraging mixed use development, street level activity, and walkability to surrounding neighborhoods, and encourage additional public access to the Hudson River.

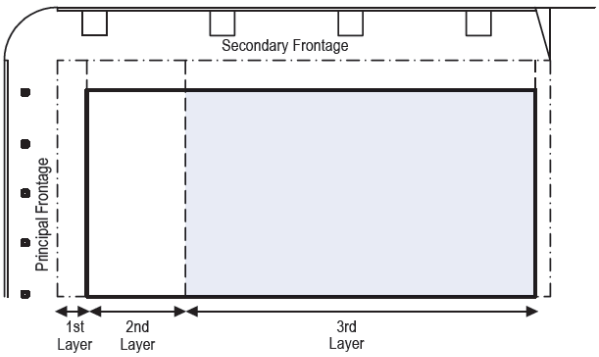


Waterfront Maximum Height



Non-waterfront Maximum Height

Building Placement & Parking Lot Placement	
Setback	
Front	0-10 ft or 15 ft with outdoor dining/plaza
Side	5 ft non-waterfront; 10 ft waterfront
Rear	5 ft
Front Setback Encroachments	
Open Porch	80% max
Balcony and/or bay window	
Stoop or terrace	
Sidewalk Encroachments	
Awning or gallery	Within 2 ft of curb
Parking Placement	
1st Layer	Not permitted
2nd Layer	Not permitted
3rd Layer	Permitted



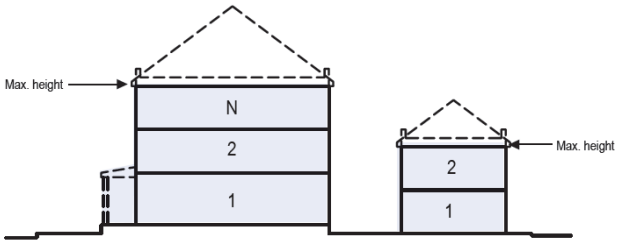
Building Form		
Maximum Building Height		
Max. Building Height[1]	2-story waterfront; 3-story non-waterfront	
Lot Requirements		
Lot Size	5,000 sq. ft.	
Max. Lot Coverage	75%	
Min. Lot Width	30 ft	
Building Frontage - See Required Private Frontage Types (Table 3)		
Principal Frontage	Porch & fence, stoop, terrace, forecourt, shopfront, gallery	
Secondary Frontage	Porch & fence, stoop, terrace, forecourt, shopfront, gallery	
Minimum Window Transparency		
	Residential-only	Other Uses
Ground Floor	20%	60%
Upper Floors	20%	35%
Ceiling Height		
Ground Floor (commercial)	12-18 ft	
Upper Floors	Up to 14 ft	

[1]Maximum building heights shall be consistent with the International Building Code (Currently Section 504.3 as adopted by NYS) and subject to approval by the Fire Marshall and Code Enforcement Officer.

V5 Mixed Use Center (V5)

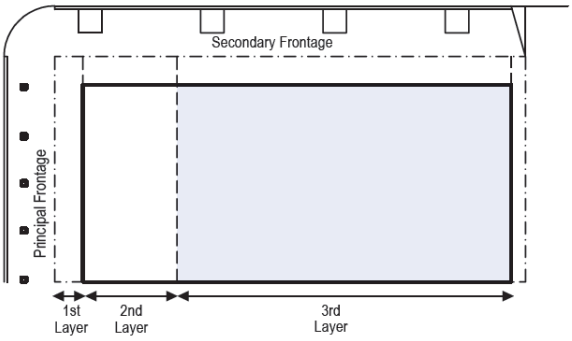


Purpose
Maximize economic development potential by encouraging infill, reuse, and expansion of businesses while promoting and retaining the existing historic character and traditional Village streetscape, enhance the Village downtown identity by encouraging mixed use development, street level activity, and walkability to surrounding neighborhoods.



3-story maximum building height (4-story permitted by bonus)

Building Placement & Parking Lot Placement	
Setback	
Front	0-10 ft or 15 ft with outdoor dining/plaza
Side	5 ft
Rear	5 ft
Front Setback Encroachments	
Open Porch	100% max
Balcony and/or bay window	
Stoop or terrace	
Sidewalk Encroachments	
Awning or gallery	Within 2 ft of curb
Parking Placement	
1st Layer	Not permitted
2nd Layer	Not permitted
3rd Layer	Permitted



Building Form		
Maximum Building Height		
Max. Building Height[1]	3-story; 4-story by Bonus see Section 4.1	
Lot Requirements		
Lot Size	5,000 sq. ft.	
Max. Lot Coverage	80%	
Min. Lot Width	30 ft	
Building Frontage - See Required Private Frontage Types (Table 3)		
Principal Frontage	Porch & fence, stoop, terrace, forecourt, shopfront, gallery	
Secondary Frontage	Porch & fence, stoop, terrace, forecourt, shopfront, gallery	
Minimum Window Transparency		
	Residential-only	Other Uses
Ground Floor	20%	60%
Upper Floors	20%	35%
Ceiling Height		
Ground Floor (commercial)	12-18 ft	
Upper Floors	Up to 14 ft	

[1]Maximum building heights shall be consistent with the International Building Code (Currently Section 504.3 as adopted by NYS) and subject to approval by the Fire Marshall and Code Enforcement Officer.

ARTICLE III: Use Regulations

3.1. Uses.

A. Allowed uses are identified in the Village of Stillwater Schedule of Uses, Table 1.

B. Unlisted Uses. If a use is not listed as allowed or allowed with a special use permit, but is similar in nature and impact to a use listed in this Code, the Zoning Board of Appeals may interpret the use as allowed or allowed with a special use permit.

C. If a use is not listed and cannot be interpreted by the Zoning Board of Appeals as similar in nature, the use is deemed prohibited.

3.2. Accessory Uses and Structures.

A. Uses customarily incidental to principal uses listed in the Schedule of Uses shall be allowed on the same terms as the principal uses or other provisions of this Code.

B. In the case of any detached garage, tennis court, swimming pool, or any non-agricultural accessory structure attached to the principal structure, all the minimum setback requirements of this Code applicable to the principal structure shall be met. Other detached accessory structures or uses may encroach into required setback areas provided that they:

(1) Are not used for human inhabitation;

(2) Have a footprint no larger than two-hundred (200) square feet;

(3) Do not exceed ten (10) feet in height;

(4) Do not occupy more than ten percent (10%) of a required rear setback area;

(5) Are setback at least ten (10) feet from side or rear lot lines;

(6) Do not prevent emergency firefighting access or shade a residential structure on an adjacent lot; and

(7) Are not located closer to the street than the setback required for a principal structure, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins, and similar roadside structures with less than one-hundred (100) square feet of footprint, as well as ornamental structures such as entry pillars and statues.

Table 1: Village of Stillwater Schedule of Uses				
	Transect Zones			Other Regulations
	V3	V4	V5	
RESIDENTIAL				
Assisted Living, Adult Care Facility		○	○	
Dwelling, Multifamily (5+)		○	○	
Dwelling, 1-Family	■	■	■	
Dwelling 2-Family	◊	■	■	
Dwelling, 3-and 4-Family	◊	○	○	
Manufactured Home or Manufactured Home Park	◊			See Article III
AGRICULTURAL				
Agricultural and Agricultural Tourism Use	■			
Roadside Stand, Farm Stands, Farmers Markets	■	○	○	
Greenhouse, Nurseries, Garden Shop	○	○	○	
ACCESSORY USES				
Accessory Dwelling Unit	■	■	■	See Article III
Accessory Uses	■	■	■	See Article III
Home Occupation I	■	■	■	See Article III
Home Occupation II	◊	■	■	See Article III
LODGING				
Bed & Breakfast	○	○	○	See Article III
Hotel or Motel		○	○	
Inn		○	○	
CIVIC				
Cemetery	◊			
Club (Public or Private)	○	○	○	
Community, Governmental, Municipal	○	○	○	
Medical Services		○	○	
Schools	○	○	○	
Public parks and recreational uses	○	○	○	
Religious Use	○	○	○	
RETAIL & SERVICE				
Adult Use			◊	See Article III
Assembly Hall, Theater		○	○	
Auto Sales			◊	
Bank		○	○	
Car Wash			◊	
Child-care Center	◊	○	○	
Drive-through Window		◊	◊	See Article IV
Funeral Home		○	○	
Marina and other waterfront-related use	○	○		
Office and professional office		○	○	
Recreational and Entertainment Facility	◊	○	○	
Retail		○	○	
Restaurant (Fast Food)		◊	◊	
Restaurant/Drinking Establishment		○	○	
Vehicle Service Station (Gasoline & Repair)			◊	See Article III
MIXED USE				
Live-work		○	○	
Mixed use building		○	○	
INDUSTRIAL USES				
Craft production		◊	◊	
Light Industrial		◊	◊	
Self-Storage Facility	◊			
Key:	■ Permitted Use ○ Site Plan ◊ Special Use Permit			

3.3. Accessory Dwelling Units.

A. Only one accessory dwelling unit per one-family dwelling shall be permitted.

B. The owner(s) of the one-family dwelling with which the accessory dwelling unit is located shall occupy at least one of the dwelling units on the premises.

C. At least one occupant of each dwelling unit shall be a family member as defined herein.

D. An accessory dwelling unit shall be connected to municipal utilities.

3.4. Adult Uses.

A. Purpose. In the execution of this provision, it is recognized that there are some adult uses which, due to their very nature, have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods and other sensitive land uses. The objectionable characteristics of these uses are further heightened by their concentration in any one area thereby having deleterious effects on adjacent areas. It has been acknowledged by communities across the nation that state and local governments have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable secondary effects arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods and important natural and human resources of the Village, to deter the spread of blight and to protect minors from objectionable characteristics of these adult uses.

B. Adult uses, as defined in this Code, are to be restricted in the following manner, in addition to any other requirements of this Code:

(1) Adult uses shall not be located within a one thousand (1,000) foot radius of any residential use. For measurement purposes, the distance between an adult use and any residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest structural wall of such adult use to the boundary line of such residential district.

(2) Adult uses shall not be located within a one-thousand-five-hundred (1,500) foot radius of another adult use. For measurement purposes, the distance between adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest structural wall of any adult use to the closest structural wall of any other adult use.

(3) Adult uses shall not be located within a one-thousand (1,000) foot radius of any school, child-care center, educational institution, religious facility, park or playground, historic or scenic resource and civic

or cultural facility. For measurement purposes, the distance between an adult use and other such named uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest structural wall of such adult use to the closest property boundary of such school, child-care center, educational institution, religious facility, park or playground, historic or scenic resource and civic or cultural facility.

(4) Not more than one adult use shall be located in the same building or upon the same lot or parcel of land.

(5) No loudspeakers or sound equipment shall be used for adult uses that can be discerned by the public from public or semipublic areas.

(6) Any signage associated with an adult use shall be subject to the standards and guidelines contained in Article III, Subsection "Signs" of this Code.

C. Display prohibited. All adult uses and entertainment establishments shall be conducted in an enclosed building. It shall be a violation to display or exhibit (in the open air, through a window, or by means of a sign, depiction or decoration), or to allow to be displayed or exhibited, any specified anatomical area or specified sexual activity.

D. Waivers. The restrictions enumerated above may be waived by the Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met:

(1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Code will be observed.

(2) That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential.

E. Violations. Any person, firm, corporation or entity that shall violate any portion of this Code shall be guilty of a violation and, upon conviction thereof, shall be fined in an amount not to exceed $500 for each violation. The continuation of a violation of the provisions of this Code shall constitute, for each day the violation is continued, a separate and distinct offense hereunder. Any person, firm, corporation or entity violating any of the provisions of this Code shall become liable to the Village for any expense or loss or damage occasioned the Village by reason of such violation. The imposition of penalties herein prescribed shall not preclude the Village or any person from instituting appropriate legal action or proceedings to prevent a violation of this Code, or to restrain or enjoin the use or occupancy of a building, premises or part thereof in violation of this Code.

3.5. Bed and Breakfasts.

A. A bed and breakfast may have no more than seven (7) bedrooms for guests and may accommodate no more than fourteen (14) transient lodgers at any one time.

B. The only meal to be provided shall be breakfast.

C. Guest rooms shall primarily be accessed through interior entryways. Secondary exterior entryways shall be limited such that the individual guest rooms are not apparent from off the premises.

D. No food preparation or cooking for guests shall be conducted within any bedroom made available for guests, with the exception of coffee makers and similar small beverage-warming appliances.

E. The applicant/operator shall be the owner and shall reside full-time in the residence that is to be the bed and breakfast facility unless an accessory structure is to be converted to a bed and breakfast, in which case the owner shall reside in the principal residence on the same parcel as the accessory structure. If the principal residence and an accessory structure are to have bed and breakfast rooms, the total bedrooms allowed is still limited to seven (7) and the total transient lodgers is still limited to fourteen (14).

F. Small-scale receptions or similar gatherings may be held incidentally to the primary bed and breakfast inn use, subject to the following:

(1) The location and characteristics of the site (e.g. size of parcel, level of traffic, number of parking spaces, proximity to adjoining residences, and number of restrooms).

(2) The gatherings and all participants shall be restricted to the vicinity of the bed and breakfast inn; and

(3) The gatherings shall not involve the use of amplified sound or lighting that is highly visible from off-site.

G. The applicant shall comply with all applicable health codes, building codes and other applicable laws. Upon request the operator shall provide documentation that all required permits, including but not limited to, the County Health Department, State, County, and Local highway permits, etc. have been obtained. Prior to the issuance of a certificate of occupancy, the applicant shall show that all applicable permits have been received.

3.6. Home Occupations.

A. Home occupations shall be conducted in a manner which does not give the outward appearance of a nonresidential use or business being conducted on the premises; does not infringe on the right of neighboring land owners to the quiet enjoyment of their land; and does not alter the character of the district in which the lot is located.

B. Type 1 Home Occupation Use. All home occupations that comply with the following requirements are considered minimal impact home occupations and shall be considered Type 1 Home Occupations and are allowed as accessory uses to a residential dwelling pursuant to the following:

(1) No employees working on the premises other than family members residing thereon;

(2) No additional parking required;

(3) No outside storage of equipment, vehicles other than a personal vehicle which may display a home

occupation advertisement decal, other supplies or materials used in the business other than an automobile for personal transportation;

(4) No regular traffic to the site for other than mail services, occasional deliveries, and client/customer visits. Such mail services, deliveries, or client/customer visits shall occur no more than ten (10) times per week; and

(5) No physical change to the exterior of a principal or accessory structure is required to accommodate the Home Occupation.

C. Type 2 Home Occupation Use. All home occupations that comply with the following requirements are considered a Type 2 Home Occupation and are allowed as accessory uses to a residential dwelling but only pursuant to a Special Use Permit. The special permit expires when the occupation changes or the property is sold. Permitted home occupations operated in any dwelling unit may be operated only if they comply with the following conditions:

(1) The dwelling unit shall be owner-occupied and a resident of the dwelling unit shall carry out the home occupation.

(2) The home occupation shall employ no more than three (3) persons who are not a resident in the dwelling unit.

(3) The home occupation must be conducted wholly within an area not to exceed the equivalent of thirty percent (30%) of the total living floor area of the dwelling unit. In no case shall the home occupation cause the scale of use on the lot to exceed the maximum permitted. More than one home occupation may be conducted on a lot provided that the total floor area of the dwelling unit devoted to all of the home occupations does not exceed the maximum floor area as provided herein.

(4) An existing accessory structure may be used for a home occupation, provided that there are no exterior modifications resulting in a change in the residential character of the property and that the use will not change the residential character of the area.

(5) There shall be no exterior display, exterior storage of materials, or other exterior evidence of any home occupation except for signs and off-street parking.

(6) In no case must a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 8:00 p.m.

(7) Delivery and pick-up of material or commodities to and from the premises by a commercial vehicle shall not exceed ten (10) trips per week and the parking of delivery vehicles shall not impede or restrict the movement of traffic on adjacent streets.

(8) The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or

be detrimental to the residential character of the neighborhood.

(9) The Planning Board shall determine the number of off-street parking space(s) for the home occupation use on a case-by-case basis and may require landscaping, buffering, and other such considerations to protect the residential character of the neighborhood.

(10) One nameplate sign is permitted subject to the provisions in Article IV.

(11) Such uses may be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.

3.7. Manufactured Homes and Tiny Homes.

A. Manufactured homes and tiny homes shall have all wheels removed and be installed on a permanent foundation and connected to municipal utilities.

B. Manufactured homes and tiny homes shall require a building permit.

C. If tiny homes are removed from a site and not replaced within 12 months, the foundation shall also be removed and all utilities properly shut off by the appropriate agency or company.

3.8. Auto Sales, Vehicle Service Stations, and Gasoline Stations.

A. Pumps, fuel and oil storage, except air pumps, shall be located at least twenty (20) feet from any street right-of-way and twenty (20) feet from any property boundaries.

B. All major repair work, automobile parts and dismantled vehicles are to be stored within a building, and no major repair work is to be performed outside a building. Gasoline or oil sales, changing of tires and other similar automobile servicing shall not be considered to be major repair work.

C. No automotive use area shall be used for auto wrecking or for the storage of wrecked, partially dismantled or junked vehicles or equipment or motor vehicles which do not qualify for New York State vehicle registration except as allowed above in Section B.

D. Vehicle service station and gasoline station premises shall not be used for the display of automobiles, trailers, mobile homes, boats or other vehicles for the purposes of sale, unless Auto Sales is a permitted by the Schedule of Uses.

E. Inoperative motor vehicles kept on the premises of a vehicle service station shall be screened from public view, including adjacent properties. Said screening shall consist of a solid row of evergreens or solid fencing sufficient to hide or obscure the inoperative motor vehicles from public view. Such specifications shall be determined and approved by the Planning Board.

F. No motor vehicles shall be serviced on or over a public property including sidewalks.

G. No portable or temporary tire racks may be used outside of any building. Permanent, enclosed tire racks may be constructed in accordance with plans which shall be approved by the Planning Board prior to construction. Such

storage racks shall not be used for advertising or for merchandise display.

H. Entrance and exit driveways shall be located not nearer than ten (10) feet to any adjacent property line and shall be so laid out as to avoid the necessity of any vehicle entering the property having to back out across any public right-of-way or portion thereof.

I. All service or repair of motor vehicles and all storage of gasoline or flammable oils shall be performed or located in accordance with the regulations contained in the State Uniform Fire Prevention and Building Code.

J. Pump canopies shall be consistent in style, form, and materials to the main building.

K. Pump canopies shall not be located along the principal frontage but may be located to the side and rear of the building.

L. Lighting under pump canopies or drive-through bays must be shielded. Lighting shall be mounted on or recessed into the lower surface of canopies.

M. Additional design details can be found in the Stillwater Route 4 Corridor Design Guidelines.

3.9. Nonconforming Lots, Structures and Uses.

A. Any lot, structure and or use in existence at the time of the effective date of this Code, except as otherwise provided in this Article, which does not comply with the requirements of this Code shall be deemed to be legally nonconforming, provided:

(1) The nonconformity results solely from the adoption of this Code (including any preceding Code or subsequent amendments); and

(2) The nonconformity has not been increased by an act or event subsequent to the effective date of this Code.

B. A nonconforming use may not be extended, altered, or otherwise changed into another nonconforming use, except upon approval of a Special Use Permit. In addition to the criteria for such special use, the Planning Board shall also make the following factual determinations before granting any special use permit to alter, extend, or change a nonconforming use:

(1) The new use, alteration, or extension is more in conformance with the applicable Code than the former, pre-existing use; and

(2) The change in use, alteration, or extension will not cause an undesirable change in the character of the neighborhood within which it is proposed; and

(3) The change in use, alteration, or extension will not have an adverse impact upon the physical or environmental characteristics of the neighborhood or district; and

(4) If the Planning Board shall determine that the application for change, alteration, or extension of a nonconforming use meets the requirements of this section then the Planning Board is authorized to further consider the application for Special Use Permit upon such terms

and conditions as determined necessary to reduce both the degree of non-conformity and in mitigation of any substantial impacts to the immediate neighborhood.

C. Applications filed prior to adoption of this Code. Any nonconforming structure or use for which a building permit or land development application was filed prior to the effective date of this law, may be reviewed, approved, constructed and used in accordance with the applicable laws, regulations and procedures existing at the time said application was filed.

D. Nonconforming lots. Any lot in existence at the time of the effective date of this Code, except as otherwise provided in this Article, which does not comply with the requirements of this Code shall be deemed to be a nonconforming lot. A nonconforming lot may be built upon for any purpose permitted in the zoning district in which it is located, without a variance, despite its failure to comply with the area, shape, or frontage requirements of this Code, provided:

(1) There is no reduction in the lot's size, or any other increase in the degree of its nonconformity for any reason, other than the adoption of a more stringent Code; or

(2) Acquisition after the effective date of this Code by the owner of the adjoining land which, when added to the original nonconforming lot, forms one or more lots complying with the area, shape, and frontage requirements of this Code. In such case no portion of the lot(s) so formed shall thereafter qualify as an eligible nonconforming lot under this Section, unless and until again made nonconforming by the adoption of a more stringent Code; or

(3) Acquisition after the effective date of this Code by the owner of the adjoining land which when added to the original nonconforming lot, reduces its nonconformity, but does not form a lot complying with the area, shape, and frontage requirements of this Code. In such case, a new eligible nonconforming lot shall be formed which reflects the addition of the adjoining lot.

E. Nonconforming structures. Any building or structure in existence at the time of the effective date of this Code, except as otherwise provided in this Article, which does not comply with the requirements of this Code shall be deemed to be a nonconforming structure. A nonconforming structure may continue to be used for any purpose permitted in the zoning district in which it is located, without a variance, despite its failure to comply with the area, yard or bulk requirements of this Code provided a nonconforming structure shall not be extended or altered to increase its nonconformity.

F. Nonconforming uses. Any use in existence at the time of the effective date of this Code, except as otherwise provided in this Article, which does not comply with the requirements of this Code shall be deemed to be a nonconforming use. A nonconforming

use may be permitted in the zoning district in which it is located, without a variance, despite its failure to comply with the requirements of this Code provided a nonconforming use shall not be extended. The extension of a lawful use to any portion of a nonconforming structure which existed prior to the enactment of this Code shall not be deemed the extension of such nonconforming use. Further, no nonconforming use shall be extended to displace a conforming use.

G. Alterations, Extensions and Restoration. Any nonconforming structure shall not be altered, extended or enlarged except in accordance with the following provisions:
   (1) Any nonconforming building or structure or use of land shall not be structurally altered during its life to an extent exceeding in aggregate cost of the replacement value of the building unless said building, structure is changed to a conforming use.
   (2) Any nonconforming building or structure may be enlarged up to, but not more than, twenty-five percent (25%) of its floor area, as it existed at the time of passage of this Code. Such enlargement shall conform to all other regulations of the district in which it is located. Such enlargement is subject to a Special Use Permit.
   (3) Any building damaged by fire or other causes may be repaired or rebuilt for the same, but not a different, non-conforming use within twelve (12) months of the date of the damage, with an extension in time allowable where proven necessary to the Planning Board. Buildings which are not conforming as to setback requirements and which are destroyed shall be rebuilt to meet the setback requirements for the district in which it is located if the lot's dimensions permit. If, due to the lot's dimensions, the setback requirements cannot be met, the new building may be rebuilt in the same place as the building damaged by fire or other causes.

H. Discontinuance.
   (1) Whenever a nonconforming use has been discontinued for a period of twelve (12) months, such use will be declared abandoned. Such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Code.
   (2) Once changed in use, no structure or land shall be permitted to revert to a nonconforming use.

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ARTICLE IV: Development Regulations

4.1 Dimensional Standards

A. Dimensional standards for development are found in Article II, Regulating Plan and summarized in Table 2, Village of Stillwater Dimensional Schedule.

B. Public Benefit Bonus Provisions.

(1) Intent. Within the V5 Zone, a building's height may be permitted to be 4-stories or 50 feet, provided one of the following public benefit programs are provided, accepted, and approved by the Village Board of Trustees. Public benefits are those that go beyond typical or required provisions to make the project viable.

(2) Public benefit programs.

(a) Affordable senior housing and affordable housing. At least 10% of the building units shall be either affordable senior housing and/or affordable housing. Such housing shall be deed restricted for use by eligible households/householders for a period of not less than 30 years.

[1] Affordable senior housing is defined as a structure where all the residential units are occupied by at least one person who is at least 55 years old and where each household income is 50-80% of the Median Household Income as established by the U.S. Department of Housing and Urban Development for the Albany-Schenectady-Troy Metropolitan Statistical Area.

[2] Affordable housing is housing where each household income is 50-80% of the Median Household Income as established by the U.S. Department of Housing and Urban Development for the Albany-Schenectady-Troy Metropolitan Statistical Area.

(b) Historic preservation and/or adaptive reuse of a building subject to Article 4.2 and following the recommendations in the Stillwater Route 4 Corridor Design Guidelines.

(c) Shared parking subject to Article 4.9 and following the recommendations in the Stillwater Route 4 Corridor Design Guidelines.

(d) Outdoor dining and plazas subject to Article 4.8 and following the recommendations in the Stillwater Route 4 Corridor Design Guidelines.

(e) Pocket parks following the recommendations in the

Stillwater Route 4 Corridor Design Guidelines.

(f) Streetscape improvements including landscaping, screening, exterior lighting, wider sidewalks subject to Article 4.6, and following the recommendations in the Stillwater Route 4 Corridor Design Guidelines.

(g) Leadership in Energy and Environmental Design (LEED) certified building design subject to U.S. Green Building Council provisions.

(h) Green infrastructure subject to Article 4.7 and following the recommendations in the Stillwater Route 4 Corridor Design Guidelines.

(i) Other public benefits including off-site improvements subject to approval by the Village Board of Trustees.

(3) Review and approval process.

(a) An applicant within the V5 Zone may request in writing the provision of 4-stories in height for review by the Village Board of Trustees. The Village Board of Trustees shall hold a public hearing and recommend approval, approval with conditions, or denial of the applicant's request.

4.2 Building Design

A. Blank walls shall not be permitted along any exterior wall facing a street, pedestrian area, or parking area. Walls or portions of walls without windows must have architectural treatments or design treatments that are similar to the front façade in materials, colors, and details.

B. Service Entrances. Loading docks, overhead doors, and other service entrances are prohibited facing a street.

C. Building Massing. Building massing must incorporate varied rooflines, building heights, and other architectural features instead of a long linear row of buildings.

(1) There must be breaks in a linear row of buildings at minimum every 50 feet as described above.

(2) The Stillwater Route 4 Corridor Design Guidelines describes recommended architectural treatments.

D. Building Materials, Colors and Details. Building materials, colors, and details shall be compatible with the surrounding neighborhood character.

(1) Examples can be found in the Stillwater Route 4 Corridor Design Guidelines.

E. Additional Window Standards.

(1) The ground floor and upper stories must meet the minimum Window Transparency requirements of each Transect Zone (as applicable) in Article II.

(a) Smoked, reflective, or black glass in windows is prohibited on the ground floor. Clear glass windows are recommended on upper floors as further described in the Stillwater Route 4 Corridor Design Guidelines.

(2) Window Sill Height. Ground floor windows shall be a maximum of 12

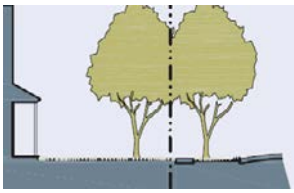
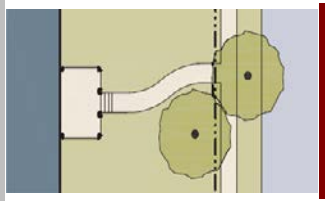
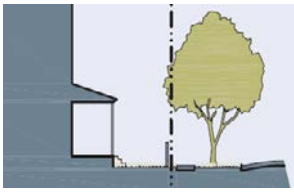
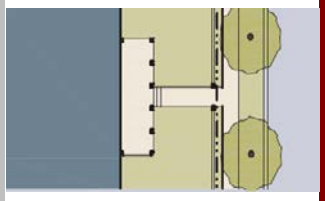
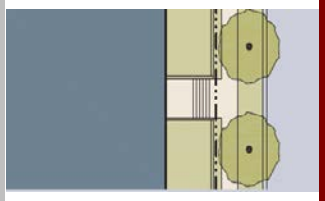
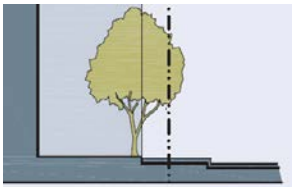
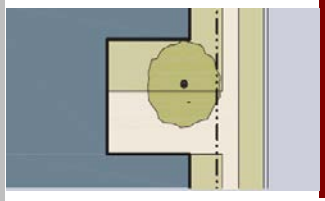
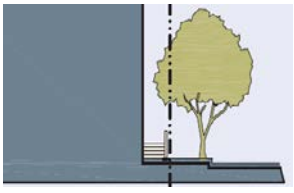
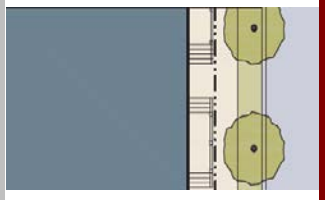
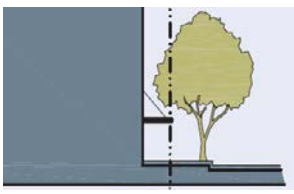
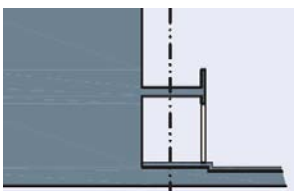
to 20 inches above the sidewalk. The window sill height shall be measured from the base of the building beneath the window sill to the window glass.

F. The following standards for private frontages follow in Table 3:

Table 2: Village of Stillwater Dimensional Schedule				
	Transect Zones			Other Regulations
	V3	V4	V5	
SETBACKS				
Front	15 ft	0-10 ft or 15 ft with outdoor dining/plaza	0-10 ft or 15 ft with outdoor dining/plaza	
Side	10 ft	5 ft non-waterfront; 10 ft waterfront	5 ft	
Rear	20 ft	5 ft	5 ft	
MAXIMUM BUILDING HEIGHT				
Maximum Building Height	2-story or 35 ft	2-story or 35 ft - waterfront; 3-story or 40 ft non-waterfront	3-story or 40 ft, 4-story or 50 ft by bonus	See Article IV, Section 4.1.B
LOT REQUIREMENTS				
Lot Size	10,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	
Maximum Lot Coverage	60%	75%	80%	
Minimum Lot Width	40 ft	30 ft	30 ft	

Table 3: Village of Stillwater - Private Frontages

Private Frontages. The Private Frontage is the area between the building façade and the lot lines.

	SECTION	PLAN	
	LOT ► ◄ R.O.W. PRIVATE ► ◄ PUBLIC FRONTAGE FRONTAGE	LOT ► ◄ R.O.W. PRIVATE ► ◄ PUBLIC FRONTAGE FRONTAGE	
Common Yard: The main façade of the building has a larger setback from the frontage Line. The front yard may have a fence or hedge in a traditional neighorhood or have no fence in more rural areas. The yard is visually continuous with adjacent yards, supporting a common landscape. A front porch is optional.			V3
Porch & Fence: The main façade of the building has a small setback from the fontage line. The front yard can be defined by a fence or hedge. The porch can encroach on the setback. Porches shall be no less than 6-8 feet deep.			V3 V4
Terrace: A frontage where the façade is setback back from the frontage line by an elevated terrace. Terraces are suitable for outdoor dining.			V4 V5
Forecourt: The main façade of the building is close to the frontage line and the central portion is set back. The Forecourt could be used as an entry court, shared garden space for apartment buildings, or additional shopping or outdoor dining. The orientation of such space should be considered for solar orientation. Large trees within the Forecourts may overhang the sidewalks. A short wall, hedge, or fence should be placed along any undefined edge. This frontage should be used sparingly not be repeated within a block.			V4 V5
Stoop: The main façade of the building is near the frontage line with the ground floor elevated from the sidewalk to ensure privacy within the building. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.			V4 V5
Shopfront: The main façade of the building is at or near the frontage line with the building entrance at sidewalk grade. This type is appropriate for retail and commercial uses. It has substantial windows on the sidewalk level and an awning that should overlap the sidewalk to within 2 feet of the Curb.			V4 V5
Gallery: The main façade of the building is at the frontage line and the gallery element overlaps the sidewalk. This type is appropriate for retail and commercial uses. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the curb.			V4 V5

4.3 Build-to-Lines and Setbacks.

A. Build-to-Line. Buildings are preferred to be built to the sidewalk in the V4 and V5 Zones or a maximum of 10 feet from the frontage line unless setback by 15 feet for the purposes of outdoor dining or plaza as described herein.

B. Side Yard Setback.

(1) There shall be no side yard setback for buildings that share a party wall.

(2) In the V4 Zone, side yard setbacks shall be 5 feet for non-waterfront properties and 10 feet for waterfront properties.

4.4 Building Entrances/Orientations

A. Building Orientation. The front façade of a buildings must be oriented towards the principal frontage street with a public entrance in this façade.

B. Corner Properties.

(1) Corner properties may have the primary entrance facing a principal or secondary frontage or on the corner.

(2) Front façades may be extended along side streets.

C. Building Entrances.

(1) All primary entrances shall be prominently visible and accentuated with a recessed entrance, chamfered corner, awning, entranceway roof, sidelight, transom, or adjacent windows to the doorway, and/or additional mouldings with expression lines. Examples can be found in the Stillwater Route 4 Corridor Design Guidelines.

(2) All floors must have a primary ground floor entrance that faces the principal frontage and may have additional entrances on the secondary frontage and/or waterfront frontage.

4.5 Drive-Through Windows.

A. Drive-through windows shall not be located along the principal frontage but may be located to the side and rear of the building.

B. Drive-through windows design and materials should be consistent with the overall building style, form, and materials. Additional information can be found in the Stillwater Route 4 Corridor Design Guidelines.

C. Pedestrian walkways must have clear visibility and be enhanced with pavings or markings when they intersect with drive-through aisles.

D. Stacking spaces and aisles shall be provided in accordance with the Off-street Parking provisions.

E. Menu boards, loudspeakers, stacking spaces, drive-through windows, service and loading shall be located only in interior side or rear yards.

F. Loudspeakers, automobile service order devices, and similar instruments shall be located at least twenty (20) feet from any street right-of-way and twenty (20) feet from any property boundaries.

G. A drive-through menu board shall comply with the standards for freestanding or monument signs.

H. Screening. All service, mechanical equipment, and trash storage shall be screened from adjacent sites and public rights-of way.

I. Trash receptacles must be provided.

4.6 Exterior Lighting Standards and Glare

A. Glare. No direct or sky-reflected glare, whether from installed lighting or from high-temperature processes (such as combustion or welding), shall be permitted. Illumination in excess of 0.5 foot-candles at the property line shall be prohibited.

B. All outdoor lighting must be designed so as to prevent glare onto adjacent properties, pedestrians, and operators of motor vehicles and must comply with the following:

(1) Non-cutoff and semi-cutoff light(s) are prohibited.

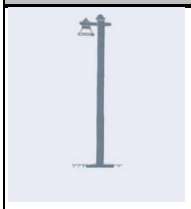
(2) Full-cutoff light fixtures shall have a maximum combined height of pole and base of no more than twenty (20) feet in height for off-street parking lots and fourteen (14) feet for sidewalks and multi-use trails.

(3) Focused light fixtures may be used to illuminate a sign, structure, or similar element.

C. All outdoor light fixtures provided in connection with permitted construction work or the abatement of an emergency shall be exempt.

D. The following lighting styles are permitted by Transect Zone (Table 4):

Table 4: Village of Stillwater Lighting Styles

	Transect Zones		
	V3	V4	V5
PIPE 	■		
POST 	■	■	
COLUMN 		■	■
DOUBLE COLUMN 			■

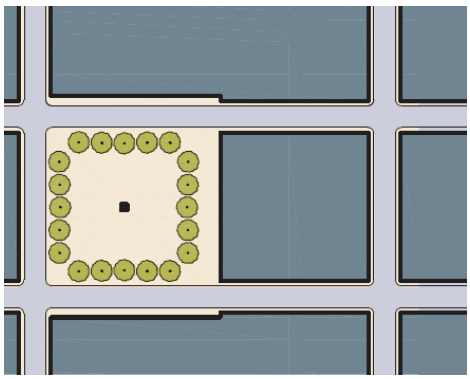
4.7 Green Infrastructure Best Management Practices.

A. Where practicable, stormwater management facilities should utilize Green Infrastructure Best Management Practices (BMPs) according to the following hierarchy of preference.
   (1) Conserve and protect natural areas.
   (2) Reduce impervious surfaces in the site design through on-site infiltration practices including, but not limited to, rain gardens, vegetated swales, filter strips, constructed wetlands, stormwater planters, permeable pavement and porous pavement.
   (3) Reduce runoff through low-impact practices including, but not limited to, green roofs, blue roofs, and rain barrels or cisterns.

4.8 Outdoor Dining and Plazas.

A. Outdoor Dining.
   (1) Outdoor dining shall maintain a minimum of five feet of sidewalk clearance for pedestrian passage at all times.
   (2) Outdoor furniture may consist of movable tables, chairs, umbrellas, planters, lights, and heaters.
   (3) Lighting fixtures may be permanently attached to the exterior of the building.
   (4) Advertising or promotional features shall be limited to umbrellas and canopies.
   (5) All movable furniture shall be removed during the off-season.
   (6) Planters, posts with ropes, decorative walls or fences, or other removable enclosures as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the restaurant.
   (7) Trash containers should be provided.

B. Plaza



   (1) The plaza must be located where it is visible from a public sidewalk or pedestrian connection.
   (2) 30% of the space must be landscaped with trees, shrubs, and mixed plantings with year-round interest.
      (a) Trees shall be installed of 3-inch caliper.
   (3) The plaza shall provide shade with trees, canopies, trellises, umbrellas, or building walls.
   (4) 70% of plazas shall be surfaced with high quality, durable impervious, semi-pervious, or pervious materials depending on location.
   (5) One seating space is required for each 30 sq. ft. of plaza area.
   (6) The plaza shall not be used for parking, loading, or vehicular access (excluding emergency vehicular access).
   (7) Public art and furnishings is encouraged.

(8) Trash containers shall be distributed throughout the plaza.

(9) Lighting shall be provided.

(10) Plazas shall connect to other activities such as outdoor dining, restaurants, shopfronts, and building entries.

(11) Plazas shall be located if possible to have maximum sunlight with a south or west orientation.

(12) If constructed by a private entity, plazas shall have an agreement with the Village of Stillwater for public access.

4.9 Parking Standards and Design.

A. Required off-street parking spaces.

(1) The minimum cumulative number of spaces shall be determined per the below table. No more than 120 percent of the required minimum parking is permitted.

B. The following minimum off-street parking standards apply (Table 5). Each use may be permitted a parking reduction subject to the discretion of the Village of Stillwater Board of Trustees, or the Planning Board, in accordance with the Shared Parking provisions herein:

Table 5: Village of Stillwater Parking Standards

	TRANSECT ZONES		
	V3	V4	V5
RESIDENTIAL USES			
Assisted Living, Adult Care Facility		1/two beds plus 1/employee on the largest shift	
Dwelling - Multifamily		1.5/du	
Dwelling - Townhouse Dwelling 1-Family Dwelling 2-Family Manufactured Home or Manufactured Home Park	2/du		
AGRICULTURAL USES			
Agricultural Use Roadside Stand, Farm Stands Greenhouse, Nurseries, Garden Shop	1/300 s.f. with a minimum of 4 spaces		
ACCESSORY USES			
Accessory Dwelling Unit	1 per ADU		
Home Occupation I Home Occupation II	1/200 s.f. plus requirement for primary dwelling		
LODGING USES			
Bed & Breakfast Hotel or Motel Inn	1/room for rent plus 1/employee on the largest shift		
CIVIC USES			
Cemetery Club (Public or Private) Community, Governmental, Municipal Medical Services Schools Public parks and recreational uses Religious Use	1/300 s.f or 1 per 10 seats, whichever is lesser		
RETAIL & SERVICE			
Adult Use Assembly Hall, Theater Car Wash Child-care Center Financial Institution Funeral Home Marina and other waterfront-related use Office and professional office Recreational and Entertainment Facility Retail Restaurant (Fast Food) Restaurant/Drinking Establishment Vehicle Service Station (Gasoline & Repair)	1/300 s.f. of retail or service-oriented usable space or 1 per 4 seats, whichever is greater		
MIXED USE			
Live-work	1/300 s.f.		
Mixed use building	Sum of the requirements for the mix of uses (combination of uses on a single lot) subject to shared parking		
INDUSTRIAL USES			
Craft production Light Industrial	1 per employee on the largest shift		

C. Accessible Parking. All parking facilities that require accessible parking spaces shall ensure that a portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act (ADA).

D. Bicycle facilities should be provided at all commercial development and residential development (excluding single-family residential). Any use required to have 15 or more parking spaces shall supply one bicycle rack per 15 spaces. This requirement may be modified by the Village of Stillwater Board of Trustees, or the Planning Board at its discretion.

E. Parking Design Standards.

(1) Off-street parking shall be designed in accordance with the below table (Table 6). This requirement may be modified by the Village of Stillwater Board of Trustees, or the Planning Board at its discretion.

Table 6: Parking Design Standards

Parking Design Standards	
Details	**Standard**
Curb cuts per lot	1 max
Parking space size	9 x 18 ft
Single-family residential driveway width	10 ft max
One-way vehicular driveway width	12 ft max
Two-way vehicular driveway width without parking along driveway	16 ft max
Parking lot aisle width with parking along driveway	24 ft max

(2) Off street parking areas shall be interconnected by access driveways for commercial and mixed uses and may be interconnected between residential and commercial uses. This requirement may be modified by the Village Board of Trustees or the Planning Board at its discretion.

F. Shared parking provisions.

(1) Shared parking is permitted subject to the Village of Stillwater Board of Trustees, or the Planning Board, approval. A contractual agreement between users is required.

(2) Shared parking shall be located within a specified walking distance based upon the following:

(a) Less than 100 feet: People with disabilities, deliveries and loading, emergency services, fast food restaurant, and convenience store.

(b) Less than 800 feet: residents, grocery stores, professional services, and medical clinics.

(c) Less than 1,200 feet: general retail, restaurant, employees, entertainment center, and religious institution.

(d) Less than 1,600 feet: Major sport or cultural event and overflow parking.

(e) Users of shared parking shall have a contractual agreement to allow sharing of parking.

(f) The minimum amount of shared parking required shall be calculated according to the below Table 7:

[1] Calculate the minimum amount of parking required for each land use as if it were a separate use.

[2] To determine peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage for each of the six time periods.

[3] Calculate the column total for each of the six time periods.

[4] The column (time period) with the highest value shall be the minimum parking requirement.

G. On-Street Parking. On-street parking shall provide a minimum space width of 8' and length of 20'. This requirement may be modified by the Village of Stillwater Board at its discretion for higher speed roads or special circumstances.

Table 7: Shared Parking

	Monday - Friday			Saturday - Sunday		
Uses	**8 AM - 6 PM**	**6 PM - Midnight**	**Midnight - 8 AM**	**8 AM - 6 PM**	**6 PM - Midnight**	**Midnight - 8 AM**
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Lodging	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Theater	40%	100%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Civic (non-religious use)	100%	40%	40%	10%	10%	5%
Religious use	20%	40%	40%	100%	50%	5%

4.10 Performance Standards

A. Applicability of Performance Standards.
   (1) All use of land(s) or building(s) in Stillwater shall comply with the performance standards as described in this Article where the regulations are not superseded as a matter of law by State, Federal or other more stringent local standards; and except to the extent any Federal or State required approval of any of the regulations is not in effect.
   (2) Dust, fumes, glare, noise, odors, refuse matter, smoke, vapor, electromagnetic or equivalent interference, vibration, or noxious substances or conditions shall be effectively confined to the premises where located, or minimized so as not be injurious or detrimental to the adjacent land uses, neighborhood, or general public.
   (3) No use shall be established or operated in a manner so as to create hazards, vibration, glare, air, water, ground pollution, or other nuisance elements in excess of the limits established under this Article
   (4) The Village of Stillwater shall promote a land use pattern that protects air quality, surface and groundwater resources while working to eliminate or minimize all sources of pollution.

B. Determination of Nuisance Elements.
   (1) The Planning Board or the Code Enforcement Officer may require independent expert evaluation to determine the compliance of a proposed use with the performance standards at the expense of the applicant before issuing a permit.
   (2) The determination of the existence of any nuisance elements shall be made at the following:
      (a) The property lines of the use creating such elements for noise, vibration, glare, dust, and safety hazards.
      (b) Anywhere in the Village for elements involving air, water, and ground pollution.
   (3) The Code Enforcement Officer shall investigate any written or alleged violation of performance standards. If reasonable evidence of a violation exists, the Code Enforcement Officer may then issue a notice of violation.

C. Fire and Explosion Hazards.
   (1) All activities involving the manufacturing, production, storage, transfer, or disposal of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. In addition, on-site fire suppression equipment and devices standard to the industry shall be installed.
   (2) Burning of waste materials, with the exception of waste wood, in open fires is prohibited.

D. Odor and Air Pollutants.
   (1) No continuous, frequent, or repetitive odors may be emitted which are easily detectable and offensive at the property line and which cause annoyance to a person

of reasonable sensitivity. An odor which is emitted no more than fifteen (15) minutes in any one (1) day nor more than two (2) days out of the calendar month shall not be deemed to be continuous, frequent, or repetitive under this subsection.

(2) No emission of fly ash, dust, fumes, vapors, toxic gases or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling. No emissions in compliance with New York State Air Pollution Control Board shall be deemed to constitute a harmful extent.

E. Vibration.

(1) No ground transmitted vibration shall be permitted which is detectable without an instrument at the property line and which may cause annoyance to a person of reasonable sensitivity.

(2) Vibrations within the safe limits established by the United States Bureau of Mines shall be permitted.

4.11 Pedestrian Design Standards.

A. Sidewalks

(1) Sidewalks are required along all street frontages with a minimum width of six feet. Eight feet or more is preferred.

(2) Sidewalks are required to connect the primary and secondary street frontage to all front building entrances, parking areas, plazas, outdoor dining, and other destinations that generate pedestrian traffic to ensure walkability within a 10-minute walk.

(3) Sidewalks shall connect to existing sidewalks on adjacent properties.

(4) The sidewalk pattern shall continue across all driveways. Driveways should come up to the sidewalk.

4.12 Signage

A. Required Permits and Procedures. All signs hereafter constructed, erected, painted or otherwise established, moved, altered or changed within the limits of the Village of Stillwater are accessory uses and shall comply with the following regulations:

(1) Signs proposed in connection with a Special Use Permit or Site Plan shall be part of such process and the Planning Board shall have jurisdiction over the approval of such signs as part of that process. The issuance of a Special Use Permit or of a Site Plan approval shall include approval for the signage.

(2) All other signs proposed that are not part of a Special Use Permit or Site Plan approval shall be under the jurisdiction of the Code Enforcement Officer. Such permit shall only be issued following submission, review and approval of an application in accordance with the requirements set forth below, and payment of the required fee in accord with the schedule established by the Board of Trustees.

(a) Application for a sign permit shall be made on a form

designed for that purpose and provided by the Code Enforcement Officer:

[1] A scale drawing of the sign which shows content and proposed location of the sign.

[2] A drawing, with appropriate notes, describing the construction of the sign and, where appropriate, the method of attachment to the building.

[3] A description or sample of the predominant material of which the proposed sign will be made.

[4] A description of the proposed method, if any, of sign illumination.

[5] The Code Enforcement Officer shall review all sign applications and approve, disapprove, or approve with modifications the permit within thirty (30) days of receipt of the application.

(3) A permit shall not be issued for any type of new sign if any other sign(s) exist on the premises which have been determined to be nonconforming in accord with the procedures set forth below.

(4) A permit shall not be required for the repainting or refurbishing of an existing sign.

B. Signs Exempt from Permits. The following signs may be erected and maintained without a Sign Permit, provided that they are less than five (5) feet in sign area and are non-illuminated (except as indicated below):

(1) Signs advertising the sale or rental of the premises upon which the sign is located. Such signs shall be non-illuminated and limited to two per property. The signs shall be set back a minimum of ten (10) feet from the property line.

(2) Signs denoting the architect, engineer, or contractor where construction, repair or renovation is in progress, limited to one per property.

(3) Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.

(4) Any sign erected by the federal, state, county, school, or municipal government or any department or agency thereof are entirely exempt from this article, including all dimensional, height and area requirements.

(5) Political campaign signs.

(6) Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for an event or undertaking conducted by a political, civic, religious, charitable, or educational organization. Such signs may be erected no more than ninety (90) days prior to the event and shall be removed by the sponsor within fifteen (15) days after the close of the event. Such temporary signs are not limited in size but shall not hang below fifteen (15) feet over the street or public right-of-way.

(7) A sign placed temporarily to advertise the sale of produce grown or harvested by the property owner where the subject sign is located, limited to one per principal location of the subject of the sign. Such temporary signs shall be removed immediately after the termination of the activity being advertised.

(8) Temporary signs, customarily of paper or cardboard, placed in the windows of grocery stores and supermarkets to advertise weekly specials. Such temporary signs are not limited in size or number.

(9) Signs that provide the name, and/or owner, of a farm that is located on said farm and that does not advertise any other enterprise or business.

(10) Directional signs. Directional signs shall not obstruct sight triangles at intersections including internal intersections.

(11) Menus and signs indicating business hours. Signs must be located in a permanently mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.

C. Sign illumination and style should be in accordance with the Stillwater Route 4 Corridor Design Guidelines and the regulations below.

D. One (1) freestanding or monument sign shall only be permitted on properties with a minimum 15-foot setback.

E. Only one (1) iconic or projecting sign per establishment is permitted.

F. The following signs are permitted by Transect Zone (Table 8):

Table 8: Village of Stillwater - Signage Regulations					
	Transect Zones			Specifications	
	V3	V4	V5		
AWNING SIGN					
		■	■	**Quantity** **Area** **Width** **Depth/Projection** **Clearance** **Distance from curb** **Illumination**	1 per window 25% of awning surface maximum width of façade 4 ft min 8 ft min 2 ft min External
FREESTANDING SIGN					
	■	■	■	**Quantity** **Area** **Height** **Setback from frontage line** **Illumination**	1 per parcel, only when buildings have a min. 15 ft setback (and when a monument sign is not installed) 20 sq ft 5 ft max 6 ft min External
ICONIC SIGN					
		■	■	**Quantity** **Area** **Depth/Projection** **Clearance** **Distance from curb** **Illumination**	1 per business 35 sq ft 5 ft max 8 ft min 2 ft min External
MARQUEE SIGN					
		■	■	**Quantity** **Width** **Height** **Depth/Projection** **Clearance** **Distance from curb** **Illumination**	1 per business entrance plus 2' on each side max 50% story height 8 ft min 10 ft min 2 ft min Internal/External
MONUMENT SIGN					
	■	■	■	**Quantity** **Area** **Height** **Setback from frontage line** **Illumination**	1 per parcel, only when buildings have a min. 15 ft setback (and when a freestanding sign is not installed) 20 sq ft 5 ft max 6 ft min Internal/External

G. General Sign Regulations.
   (1) Except for clocks and customary time and temperature devices, no sign shall contain intermittent, moving or flashing illumination.
   (2) No sign relating to a permanent commercial enterprise, with the exception of traditional barber poles, shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. No sign or part thereof may rotate or move back and forth, except that a sign may be suspended and swing, though not rotate, in the wind.
   (3) No motor vehicle, trailer, or wagon upon which is painted or placed any sign shall be parked or stationed in a way primarily intended to display the sign.
   (4) All signs must be constructed of durable materials and maintained at all times in good repair.
   (5) No sign shall be installed in such a way that obstructs free and clear vision and sight triangles of any public-right-of-way, intersection, ingress or egress, entrance, or ramp.
   (6) Signs shall not cover architectural details such as windows, doors, or transoms except as permitted herein.

H. Unsafe, Abandoned, and Unlawful Signs. Upon a finding by the Code Enforcement Officer that any sign regulated herein is unsafe or insecure, or is a menace to the public, or has been erected in violation of the provisions of this Code, or advertises, identifies, or pertains to an activity no longer in existence, except as provided hereinafter, then the Code Enforcement Officer shall mail to the owner of said sign, if known, at the sign owner's last known mailing address and to the owner of the parcel of land upon which such sign is situated, at the parcel owner's last known mailing address, an order that the violation be resolved within thirty (30) days after the date of the order. If after such date the violation is not resolved, the Code Enforcement Officer may enter upon the land and remove and discard the sign, without liability to the Village or its agents. This provision shall not apply to seasonal activities during the regular period in which they are closed.

I. Non-Complying Signs. A sign in existence as of the effective date of this Code which does not comply with the sign regulations hereof shall be brought into compliance or removed by its owner at the owner's cost and expense not later than the date upon which such sign has been fully depreciated for income tax purposes based upon when such sign was first erected or last substantially reconstructed, which shall in no case be later than ten (10) years after the effective date of this Code. Any sign owner claiming the right to maintain a non-complying sign after one year from the effective date of this Code, shall file with the Code Enforcement Officer appropriate proof of the sign's useful life for income tax purposes on or before such date.

Failure to so file shall be deemed a waiver of such sign owner's right to maintain the sign beyond such date.

4.13 Landscaping, Screening, Fences, and Walls

A. General Requirements.
   (1) All buildings and construction requirements (with the exception of single-family and two-family dwellings and residential accessory structures) are subject to the provisions herein.
   (2) All landscaping and screening will be effective immediately upon planting and provide year-round interest.
   (3) At least twenty-five percent (25%) of the property (twenty percent (20%) in the V5 Zone) shall be retained as landscaping and green space to minimize erosion and stormwater runoff and enhance, beautify, and improve the quality of life in the Village. This requirement may be reduced in instances where greening elements, green infrastructure, or a public plaza is provided in accordance with the standards herein at the discretion of the Planning Board.

B. Screening.
   (1) All wall-mounted mechanical, electrical, communication, and service equipment must be screened from public view by parapets, walls, fences, landscaping, or other means.
   (2) All rooftop mechanical equipment must be concealed or integrated into the roof form or screened from view at ground level of nearby streets.
   (3) Dumpsters, with the exception of temporary construction dumpsters, must be screened from public view by a solid fence or row of evergreen shrubs.

C. Existing street trees of four inches diameter at breast height (DBH) shall be retained and incorporated into the street tree design provided it is in healthy condition, free of damage, and provides a full canopy.

D. Spacing. Street trees shall be spaced 20-30 feet apart in consideration of the existing streetscape, driveways, street lights, overhead wires, utility and traffic poles and other obstructions. Trees shall be 3 inches in caliper. Trees shall be planted within planter strips or tree wells.

E. Tree selection. Trees must be selected based upon maintenance requirements, hardiness per the U.S. Department of Agriculture's Plant Hardiness Zone Map, salt tolerance, shape and form, and the subsurface growing conditions. Native species is encouraged. Suggested tree species can be found in the Stillwater Route 4 Corridor Design Guidelines.

F. Parking Lot Landscaping and screening
   (1) Interior Landscaping. No more than ten (10) parking spaces shall be allowed in a continuous row uninterrupted by landscaping.
   (2) Perimeter Landscaping and screening.
      (a) Parking lots visible from a street shall be continuously screened by a 3-foot high wall/fence with

breaks as required herein or plantings.

(b) Parking lots adjacent to a residential use shall be continuously screened by a 6-foot high wall/fence with breaks as required herein or plantings.

(c) Screenings shall include:

[1] Hedges, installed at 36 inches in height; or

[2] Mixed planting (trees and shrubs); or

[3] Wall sections or opaque fencing shall not provide a break of more than 9 feet except for vehicular and non-vehicular access. Breaks in the wall shall be provided at least every 40 feet to vary the design. These gaps, except for access uses, shall contain hedges or mixed plantings within the gap area. Landscaping shall be provided along the walls either as low ground cover/plantings, as a screen of the wall, or an intentionally designed mix to vary the look of the screenings.

G. Greening elements

(1) Planters shall not obstruct the sight triangles and shall leave 5 feet of clearance for pedestrians.

(2) Window boxes should be at least as wide as the window sill where they are located.

(3) Hanging baskets, planters, and window boxes shall contain live plantings.

(4) Additional landscaping including trees, shrubs, groundcover, and/or flowers shall be counted towards the green space requirements.

H. Fences and walls. A maximum height of four feet shall be allowed for fences and/or walls in the front yard and 6 feet in height for side and rear yards.

I. Maintenance.

(1) All fences, trees, plantings, shrubbery, or other screening required by direction of the Village Trustees, the Planning Board, the Zoning Board of Appeals, or this Code shall be maintained at all times at least to the same quality required of said items at the time they were initially installed.

(2) The Code Enforcement Officer shall have the authority to direct, in writing, the removal, trimming or modification of any shrubs, bushes, plants, trees, flowers or other vegetation, fence, wall hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply within fifteen (15) days with the written direction of the Code Enforcement Officer shall be guilty of a violation of this Zoning

Law and shall be subject to its penalties.

J. Penalties. If after thirty (30) days' notice, such fences, trees, planting, shrubbery, or other screening is not erected, replaced, repaired or maintained by or on behalf of such owner, the Village Trustees may authorize the Department of Public Works to perform the necessary work and provide for the assessment of all costs and expenses so incurred by the Village in connection with any action taken against the land on which such screening facilities are located. The costs and expenses so incurred shall be certified to the Village Treasurer and shall become a municipal lien against the property.

4.14 Waterfront Access and Views of the Waterfront

A. Waterfront access and opening up of views of the waterfront is encouraged.

B. Waterfront Views

(1) Where a waterfront-related use is proposed to be established or expanded, the encroachment shall, to the greatest extent practicable, avoid, minimize, and/or mitigate adverse impacts, including, but not limited to:

(a) Deterioration of water quality.

(b) Loss, fragmentation, and impairment of habitats and wetlands.

(c) Changes to the natural processes that would increase shoreline flooding and erosion.

(d) Impacts on physical and visual access to the water.

(e) Impacts upon historic, archaeological, cultural, or scenic resources.

(f) Interference with existing waterfront-related uses.

C. Waterfront Access

(1) A public walkway or multi-use trail along the Hudson River, plus related accessory structures, is encouraged wherever new development occurs.

(2) A public walkway or multi-use trail should be designed and connected to adjacent public walkways or multi-use trails and public rights-of-way, where possible, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), the AASHTO, NACTO, and any other relevant guidelines.

(3) Public access easements may be dedicated to ensure public access to and along a public walkway or trail.

D. Waterfront Façade

(1) Waterfront façades must comply with front façade minimum window transparency, pedestrian design standards, and building design requirements herein.

(2) A waterfront façade shall be oriented toward the Hudson River.

ARTICLE V: Site Plan Review

5.1 Intent and Authorization.

A. The intent of the Site Plan Review process is to ensure the orderly and safe arrangement, layout, and design of a new land use activities.

B. In accordance with Village Law §7-725-a, the Village of Stillwater Board of Trustees, or the Planning Board as may be designated by the Board of Trustees, is hereby authorized to review and approve, approve with modifications, or disapprove applications and plans for land use activities within the Village in accordance with the standards and procedures set forth in this Code.

5.2 Applicability.

A. Site Plan Review approval by the Planning Board shall be required in all Zones in association with the development, erection or enlargement of all buildings for any purpose other than one- and two-family residences and associated customary accessory uses thereto.

B. Site Plan Review approval by the Planning Board shall be required in all Zones for all uses of land where no building is proposed and where a building permit is required.

C. No permit for construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board.

D. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use.

E. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence until a final site plan is approved and is in effect with the issuance of valid building permit, except as provided in this Code.

5.3 Developments Not Requiring Site Plan Approval.

A. Constructing, moving, relocating or structurally altering a single-family dwelling or two-family dwelling, including any customarily incidental accessory structure.

5.4 Review Elements and Criteria.

A. In acting on any site plan application, the Planning Board, in addition to all other applicable laws, is directed to take into consideration the following:

(1) Traffic access and roads.

(2) Pedestrian safety and access.

(3) Circulation and parking.

(4) Screening and landscaping.

(5) Environmental quality.

(6) Fire protection.
(7) Drainage.
(8) Refuse and sewage disposal.
(9) Water supply.
(10) Location and dimension of buildings, lights and signs.
(11) Impact of the proposed use on adjacent land uses.
(12) Snow clearance and removal.
(13) Design elements review subject to Article IV.
(14) Impact of the proposed use on both on-site and off-site infrastructure.

5.5 Conceptual Site Plan.

A. An applicant may request a meeting with the Planning Board for the purpose of reviewing and discussing a proposed preliminary site plan to determine the feasibility of the project, which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

B. Conceptual site plan submissions shall present a flexible design concept that may be readily changed by the Planning Board and shall contain adequate information as required for site plan review to assist the Planning Board in determining the feasibility of the project. The Planning Board shall indicate its general acceptance of the proposed layout of buildings, roads, driveways, parking areas, other facilities, and of the general character of the proposed development.

C. Conceptual site plan submissions are likely to contain less detailed information than a final site plan submission, with the result that review of these two submissions may yield different results. All review of conceptual site plans is tentative and subject to reconsideration upon submission and review of additional detail provided in a final site plan.

5.6 Site Plan Requirements.

A. The requirements for a final site plan review and approval shall include, but not be limited, to the following:

(1) Submission of a site plan application form with payment of the required fee as established by the Board of Trustees.

(2) A site plan at the scale of one-inch equals twenty (20) feet, one-inch equals thirty (30) feet, or one-inch equals forty (40) feet and shall be submitted in paper form in quantities as specified by the Planning Board.

(3) The application shall be accompanied by the information listed below as determined necessary by the Planning Board. The Planning Board may require any or all of the following items, as determined appropriate for the nature and scale of the proposed project. A licensed professional engineer, architect or land surveyor shall prepare the site plan, unless waived by the Planning Board:

(a) Title of drawing, date, north arrow, scale, name and address of Applicant, and person responsible for the preparation of such drawing.

(b) Boundaries of the property plotted to scale.

(c) Existing watercourses, wetlands, FEMA flood plains, landscaping and vegetative cover.

(d) Grading and drainage plan showing existing and proposed contours with intervals of five (5) feet or less.

(e) Location, use and height of all existing and proposed buildings.

(f) All existing and proposed means of vehicular ingress and egress to and from the site from and onto public streets.

(g) Design and construction materials of all parking and truck loading areas.

(h) Provision for pedestrian access and bicycle access.

(i) Location of outdoor storage, if any.

(j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.

(k) Description of the method of sewage disposal and location, design and construction materials of such facilities.

(l) Location of fire and other emergency zones, including the location of fire hydrants.

(m) Location, size, design and construction materials of all proposed signage.

(n) The proposed location, direction, power and hours of operation of proposed outdoor lighting.

(o) Designation of the amount of building area proposed for each use.

(p) Landscaping plan and planting schedule.

(q) Location and proposed development of all buffers areas, including indication of existing vegetative cover.

(r) Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any required County, State or Federal permits.

(4) Any additional engineering reports, supporting documentation or other information as may be required by the Planning Board to complete its review.

5.7 Submittal of Incomplete Site Plans.

A. Submittal of site plans that do not contain the required information as set forth in this Code or information that may be otherwise required are not subject to review deadlines and failure to provide a decision by said guidelines does not constitute approval or conveyance of a vested right for said development. The Planning Board shall notify the applicant of the incomplete status of the application.

5.8 Site Plan Approval Process.

A. Except those applications for which the Planning Board has waived site plan

review, the Planning Board shall issue a notice of completed application to the Applicant upon determining the site plan to be complete.

B. Within sixty-two (62) days of a complete application, the Planning Board may schedule a public hearing if it determines such action would be in the public interest. The authorized board shall mail notice of said hearing to the applicant at least ten (10) days before such hearing, and shall provide public notice of the hearing in the official newspaper at least five (5) days prior to the date set for the public hearing.

C. The Planning Board shall make a determination for final site plan approval within sixty-two (62) days of the close of the public hearing. The time within which the Planning Board shall render its decision may be extended by mutual consent of the applicant and the Planning Board.

D. The decision of the Board shall be filed in the office of the Village Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

5.9 Amendments to Site Plans.

A. Any amendment of a final site plan previously approved by the Planning Board shall be subject to the same approval procedure as provided by this Code.

B. The Planning Board may waive any of the procedural steps to the extent it deems appropriate for an application for an amended final site plan, provided that the applicant shall formally submit an application to amend and receives formal approval therefore, and that the application to amend shall be submitted within two years of the date of the approval proposed to be amended.

5.10 Performance Guaranty.

A. The Planning Board may require public improvements, landscaping and other aspects of any development proposal be secured by a performance guaranty in the form of the posting with the Village Comptroller of cash and the execution by the applicant of an escrow agreement thereof. However, the Planning Board shall not be required to accept an offer of cash escrow from an applicant in lieu of performance by the applicant if performance is reasonably possibly within the appropriate time frames for completion thereof.

ARTICLE VI: Special Use Permits

6.1 Purpose and Applicability.

A. The intent of this Article is to set forth the procedure and standards for the review and approval of special uses as defined herein. Special Use Permits apply to uses, which may or may not be compatible with other uses in the district in which they are proposed. The purpose of the Special Use Permit is to ensure the compatibility of such uses by applying appropriate standards.

B. Special Use Permit Approval by the Planning Board, in accordance with this Article, is required for the following uses and activities:

(1) All uses and uses accessory thereto which require special use permit approval as set forth in the Schedule of Uses of this Code.

(2) All uses that require special use permit approval as set forth in Article XI of this Code.

(3) The expansion, enlargement, or extension of a structure containing a non-conforming use pursuant to Article III, Subsection "Nonconforming Lots, Structure and Uses" of this Code.

(4) The expansion, enlargement, or extension of a non-conforming structure pursuant to Article III, Subsection "Nonconforming Lots, Structure and Uses" of this Code.

C. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed Special Use Permit.

D. These conditions shall be met in connection with the issuance of any other permit such as a Building Permit or a Certificate of Occupancy.

6.2 Procedure and Application Process.

A. All applications made to the Planning Board shall be in writing, on forms prescribed by the Planning Board and shall contain those items specified in Article V, as determined necessary by the Planning Board.

B. Special Use Permit Performance Standards. In granting any special use permit, the Planning Board shall take into consideration the public health, safety, and general welfare of the Village, and the comfort and convenience of the public in general, and the immediate neighborhood in particular. The Board may require modifications to an application, including submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards on its approval to eliminate or minimize potential impacts on surrounding properties and the community in general. Before making a decision on whether to approve, approve with modifications, or disapprove a special use permit, the Planning Board shall take into the following general objectives:

(1) Adjacent Land Uses. The proposed use should not discourage the

appropriate development and use of adjacent land and buildings or impair the value thereof. The proposed use shall not have a negative effect on adjacent land uses.

(2) Location and Size of Use. The nature, scale, and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.

(3) Vehicular Access and Circulation. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, alignment, grade, pavement–surfaces, channelization structures, visibility, and traffic controls shall be considered.

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

(5) Parking. Location, arrangement, appearance, and sufficiency of off–street parking and loading shall be considered.

(6) Layout. The location, arrangement, size, design, and general site compatibility of buildings, lighting, and signage shall be considered.

(7) Drainage Facilities/Erosion Control. Adequacy of stormwater management plans and drainage facilities shall be considered.

(8) Water and Sewer. Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be required.

(9) Vegetation. The type and arrangement of trees, shrubs, and other landscaping components shall be considered. Existing vegetation shall be retained to the extent possible.

(10) Emergency Access. Adequate provision for fire, police, and other types of emergency vehicles shall be made.

(11) Flooding. Special attention shall be given to the adequacy of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding, or erosion.

(12) Aesthetics. The impacts of visual intrusion and noise on adjacent areas and areas within viewing distance shall be considered.

C. Non-complying uses deemed prohibited. Any use, which is unable to meet the performance standards required in this Code, as determined by the Planning Board, shall be deemed a prohibited use and a special use permit shall be denied by said Board.

6.3 Approval Process.

A. Applications. All applications for special use permit approval shall be in writing and on forms and in such quantity as may be prescribed by the Planning Board.

B. Procedures. Within sixty-two (62) days of a complete application, the Planning Board shall schedule a public hearing and provide public notice of the hearing in the official newspaper at least five (5) days prior to the date set for the public hearing. The Planning Board may require that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one (1) or more signs on the premises that is the subject of the application notifying interested persons that an application for a special use permit is under consideration by the Board. All notices shall include the name of the project, the location of the project site, and the date, place, time and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates.

C. Decision. The Planning Board shall make a determination for approval within sixty-two (62) days of the close of the public hearing. In rendering its decision, the Board shall approve, disapprove, or approve with modifications and conditions, the special use permit application. The time within which the Board shall render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Board shall be filed in the office of the Village Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.

D. Findings. In rendering its decision concerning any special use permit application, the Planning Board shall consider the nature of the proposed activity, the performance standards of this Code, and the applicable design standards of this Code, including the nature, arrangement, and appearance of all proposed structures, improvements, and uses of the lot, including their potential impact on adjacent properties and land uses. The Planning Board shall issue its findings in writing to support its decision on the application.

E. Expiration. A special use permit shall be determined to authorize only the particular special use or uses applied for and shall expire if:

(1) Construction has not been commenced within one (1) year, and has not been completed within two (2) years of the date special use permit approval is granted. If no construction is involved, approval shall expire if the use or uses have not been commenced within one (1) year of the date special use permit approval is granted.

(2) The special use or uses shall have ceased for more than twelve (12) consecutive months for any reason.

(3) The special use permit has expired.

F. Extensions. Extensions may be granted at the discretion of the Planning Board.

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ARTICLE VII: Zoning Board of Appeals

7.1. Powers and Duties.

A. The Board of Appeals shall have all the powers and duties prescribed by law and by this Code, which are more completely prescribed as follows:

(1) The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this Law. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of, this Law or any other Law of the Village of Stillwater.

(2) The Board of Appeals is governed by, and shall act in strict accordance with, the procedures specified by Village Law §7-712, this Law, and its own duly adopted rules, bylaws, and forms. Upon proper request made in the form and manner prescribed by the Board of Appeals and accompanied by a fee in accordance with a schedule adopted by the Village Board of Trustees, the Board of Appeals shall perform the following functions:

(a) Hear and decide any question properly brought before it involving the interpretation of any provision of this Law.

(b) Hear and decide appeals from any decision, determination, act, or failure to act of the Code Enforcement Officer, and all matters properly referred to it by the enforcement officer.

(3) In exercising the above-mentioned powers, and duties, the Zoning Board of Appeals may, in conformity with Village Law, reverse, affirm or modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as ought to be made in the case referred to it. To that end, the Board of Appeals shall have all the powers of the Code Enforcement Officer from whom the appeal is made. The concurring vote of a majority of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or to decide in favor of the applicant any matter upon which such board is required to pass.

B. Interpretations. The Zoning Board of Appeals shall upon proper request interpret any decision or interpretation of the Code Enforcement Officer regarding the regulations and requirements of this Code. Following the denial of a Building Permit application or Certificate of Occupancy in which an individual or corporation disputes the Code Enforcement Officer's reading or

interpretation of any provisions of this Law, the individual or corporation can appeal said decision or interpretation in writing to the Board of Appeals. The Board of Appeals is required to hold a public hearing prior to acting on any appeal involving an interpretation.

C. Use Variances. The Zoning Board of Appeals, on appeal from a decision or determination of Code Enforcement Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed by this Code.
   (1) No use variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove "unnecessary hardship" the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
      (a) The applicant cannot realize a reasonable return, provided that lack of return is demonstrated by competent financial evidence.
      (b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
      (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
      (d) That the alleged hardship has not been self-created.
   (2) The Board of Appeals in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Area Variances. The Zoning Board of Appeals shall have the power, upon an appeal from a determination of the Code Enforcement Officer or the Planning Board that the applicant's proposal cannot be approved by reason of its failure to meet the dimensional or area regulations of this Code, to grant area variances from the area or dimensional requirement of this Code.
   (1) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community of such grant. In making such a determination, the Board of Appeals shall apply the following criteria:
      (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
      (b) Whether the benefit sought by the applicant can be achieved by

some method, feasible for the applicant to pursue, other than an area variance.

(c) Whether the requested area variance is substantial.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

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

(2) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

E. Imposition of Conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Code, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

7.2. Application and Public Hearing Procedure.

A. Applications for any action by the Board of Appeals shall be submitted in the form required by the Board and filed in the municipal office. Before a variance application can be approved, the site plan, if otherwise required by this Code, shall be submitted to the Planning Board for a preliminary review, report and recommendation.

B. The Zoning Board of Appeals shall fix a time and place for a public hearing thereon and shall provide for the giving of notice at least ten (10) days prior to the date thereof, as follows:

(1) By publishing a notice in the official newspaper.

(2) By requiring the applicant to give notice of the substance of every appeal for a variance together with notice of the hearing thereof by causing notices to be mailed at least ten (10) days before the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such appeal or application) and all other owners within three-hundred (300) feet and within the Village limits, or such additional distance or such additional owners outside the Village as the Board of Appeals may deem advisable, from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll. Such notice shall be by certified mail, return receipt requested, and the applicant shall furnish proof of

compliance with notification procedure; provided, however, that the Board may accept substantial compliance with these provisions in cases of difficulty in serving such owners.

(3) If the land involved in an application is within five-hundred (500) feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the Municipal Clerk of such other municipality.

(4) If the land involved in an application is within five-hundred (500) feet of the boundary of any other municipality; of the boundary of any county or state park or other recreation area; from the right-of-way of any county or state parkway, thruway, expressway or other controlled access highway; from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or from the boundary of any county- or state-owned land on which a public building or institution is situated, then notice of the public hearing and a description of the applicant's proposal shall be mailed to the Saratoga County Planning Department.

C. No action shall be taken on applications referred to the Saratoga County Planning Department until the Department's recommendation has been received or thirty (30) days have elapsed after the Department received the full statement on the applicant's proposal.

D. A record shall be established of all variances granted pursuant to action of the Board of Appeals under this Code. Each case shall be identified by a sequential numbering system and alphabetically by applicant's name. Said files shall be available for public inspection.

E. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board of Appeals shall keep records of its examinations and official actions, all of which shall be filed in the Clerk's office and shall be a public record.

F. Building permits authorized by the Board of Appeal's approval of any variance(s) shall be obtained within twenty-four (24) months of the filing of the approval of the variance(s) with the office of the Village Clerk, or such variance(s) shall thereafter expire, unless the two-year period of limitation is extended by the Board of Appeals where good cause is shown and the circumstances relied upon by the Board of Appeals to justify the original approval of such variance(s) have not changed materially in the interim in a manner that would create negative impacts in the neighborhood if the extension were approved.

G. The fees for applications to the Board of Appeals shall be established from time to time by resolution of the Board of Trustees.

ARTICLE VIII: Administration and Enforcement

8.1. Planning Board.

A. Powers and Duties. In accordance with Village Law §7-725–a, the Village of Stillwater Board of Trustees may designate a Planning Board or such other administrative body to review and approve, approve with modifications, or disapprove applications and plans for land use activities within the Village in accordance with the standards and procedures set forth in this Code.

B. In addition to those other powers and duties assigned to it by law, a Planning Board so designated is hereby empowered to perform the following functions:

(1) Review Special Use Permits Applications for those uses specifically listed as requiring such a Special Use Permit in accord with the provisions of this Code.

(2) Review site plans for those uses requiring Site Plan Review in accord with this Code.

(3) Review and submit advisory opinions concerning applications for variances and amendments to the Code.

(4) Reports on Referred Matters. The Board of Trustees may by resolution provide for the reference of any matter or class of matters, to the Planning Board before final action is taken thereon by the Board of Trustees or other office or officer of said Village having final authority over said matter. The Board of Trustees may further stipulate that final action thereon shall not be taken until the Planning Board has submitted its report thereon, or has had a reasonable time, to be fixed by the Board of Trustees in said resolution, to submit the report.

(5) The Planning Board may recommend to the Board of Trustees regulations relating to any subject matter over which the Planning Board has jurisdiction under this Code or any other statute, or under any Local Law of the Village. Adoption of any such recommendations by the Board of Trustees shall be by Local Law.

(6) The Planning Board has oversight over the preparation, upkeep, and administration of the Village of Stillwater Comprehensive Plan. In addition, the Planning Board shall have the full power and authority to make investigations of maps, reports, and recommendations in connection therewith relating to the planning and development of the Village as it seems desirable, providing the total expenditures of said board shall not exceed the appropriation provided thereof.

B. Planning Board Bylaws, Rules, and Regulations. The Planning Board shall

have the power to make, adopt, and promulgate such written rules of procedure, bylaws, and forms, as it may deem necessary for the proper execution of its duties and to secure the intent of this Code. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving any provision of this Code or any other local law of the Village of Stillwater.

8.2. Code Enforcement Officer.

A. This Code shall be enforced by the Building Inspector and by such other officers, agents and employees of the Village of Stillwater as the Board of Trustees may from time to time designate as the Code Enforcement Officer. Land use applications may then be forwarded to the Board of Trustees, the Planning Board or the Zoning Board of Appeals depending on the appropriate jurisdiction over such applications pursuant to this Code. Compliance with this Code and all permits, approvals, and decisions that are rendered under the Law shall be enforced by the Building Inspector.

B. The Code Enforcement Officer or his duly authorized assistant(s) shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duties, provided that:

(1) The Building Inspector shall notify the owner and tenant before conducting any inspection.

(2) The Building Inspector or his duly authorized assistants shall display identification, signed by the Village Clerk, upon commencing an inspection.

(3) Inspections shall be commenced in the presence of the owner or his representative or the tenant.

8.3. Building Permits.

A. All persons desiring a building permit shall apply in duplicate on an appropriate form stating the proposed work, use and occupancy. The application for a permit shall be accompanied by two copies of all plans, drawn to scale, showing the actual dimensions of the plot to be built upon and the locations of the building and any accessory buildings to be erected on the plot and the location of any proposed alterations, relocation, demolition or other structural change, and any other pertinent information as may be necessary to determine and provide for the enforcement of this Code.

B. If approval of plans is required by the Planning Board, Board of Appeals, County Health Department or other agency for any of the proposed work, the applicant shall obtain such approval in writing and submit it along with the application for a building permit.

C. The Code Enforcement Officer upon determining that the proposed work, use and occupancy are in compliance with this Code, and other applicable laws and regulations, shall approve the application and issue a building permit in connection therewith.

D. Should the Code Enforcement Officer determine that the proposed work, use and/or occupancy are not in compliance with this and other applicable

ordinance, codes or restrictions, the Officer shall disapprove the application and return one copy of said application and plans marked as disapproved and with a statement of reasons for such disapproval, within ten (10) days.

8.4. Violations and Penalties for Offenses.

A. Compliance Orders. Whenever, in the opinion of the Code Enforcement Officer and after proper investigation, there appears to exist a violation of any provision of this Code, or of any rule or regulation pursuant thereto, said Officer shall serve a written notice of violation upon the appropriate person responsible for such alleged violation. Such notice of violation shall include the following:
   (1) The nature and details of the violation;
   (2) The recommended action, which, if taken, will remedy the situation and effect compliance with the provisions of this Code or with rules and regulations pursuant thereto;
   (3) The compliance date by which the violation shall be remedied or removed; and
   (4) Notification of the right to a hearing before the Code Enforcement Officer in accordance with this Code.

B. The specified date of compliance may be extended if, in the opinion of the Code Enforcement Officer, there is reasonable evidence of intent to comply and if unusual conditions prevent compliance by said specified date.

C. Certificate of compliance. Upon re-inspection following the date of compliance as specified in the notice of violation, if the violation has been remedied or removed and there is no longer a violation of this Code, or any rules and regulations pursuant thereto, then the Code Enforcement Officer shall issue a certificate of compliance.

D. Complaints of violations. Whenever a violation of this Code occurs, any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and report thereon to the Board of Appeals.

E. Emergency action.
   (1) If a violation exists, in the opinion of the Code Enforcement Officer, which requires immediate remedial action to remove a direct hazard or imminent danger to persons or property, said officer may take action on his own initiative to abate the hazard or danger. Any costs so incurred shall be paid for by the person responsible for such violation.
   (2) The Code Enforcement Officer shall keep on file an affidavit stating accurately the items of expense incurred and the date of execution of the action taken, and shall be authorized to institute suit, if necessary, against the responsible party, or to place a lien on his property, for the purpose of recovering such costs.

F. Hearings.
   (1) Request for hearings. Any person served with a notice of violation in

accordance with this Code and who denies the alleged violation or is otherwise aggrieved by the required action necessary for compliance may, within ten (10) days after service of such notice, file a written request for a hearing with the Code Enforcement Officer stating the reasons for his request.

(2) Time of hearing. The Code Enforcement Officer shall, within ten (10) days after receipt of a request for a hearing acknowledge said request in writing and set a time and place for the hearing not later than fifteen (15) days after the receipt of said request. A hearing may be postponed beyond fifteen (15) days by the Code Enforcement Officer for just cause, and upon service of a notice for such postponement.

G. Testimony and findings.

(1) The person requesting the hearing shall be required to give evidence why he should not be required to remedy the violation or show cause why he is unable to comply with the remedial action set forth in the notice of violation.

(2) After consideration of all testimony given at the time of hearing the Code Enforcement Officer shall sustain, amend or withdraw the notice of violation as originally served. If the notice is sustained or amended he shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original or amended notice.

H. Legal action for noncompliance. Upon reinspection following the date of compliance as specified in the notice of violation or as extended in accordance with this Code, if the violation has not been remedied or removed as specified and there is still in existence a violation of this Code in the opinion of the Code Enforcement Officer, then said Officer shall immediately notify the Village Attorney who shall thereupon institute appropriate legal action to restrain, prevent, remedy or remove such violation and to compel compliance with this Code.

I. Civil Penalties. In addition to those penalties proscribed by State law, any person who shall violate, cause to be violated, or assist in the violation of any of the provisions of this Code shall be subject to conviction for an offense, and shall be subject to a civil penalty of not more than $200 for each day or part thereof during which such violation continues, or by imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment, for each and every violation. The issuance of a notice of violation shall signify the existence of a single violation and every week the violation exists beyond the date of compliance, or extension thereof, shall constitute a separate additional violation.

8.5. Injunctive Relief.

A. In case of any violation or threatened violation of any of the provisions of this Code, or conditions imposed in any

project permit or certificate of compliance, the Village may, by resolution of the Board of Trustees, institute an action for injunctive relief to prevent, restrain, correct or abate such violation. As a part of such action, the Village may request the Court for an order that requires the violator to reimburse the Village for the costs, including the attorney fees, incurred with respect to the action for injunctive relief.

8.6. Misrepresentation.

A. Any permit or other approval granted under this Code shall be void if it is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known.

8.7. State Environmental Quality Review Act Compliance.

A. All actions taken with respect to this Code, including amendments to this Code, shall comply with the New York State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations. Applicants shall be responsible for providing such data as may be required to determine the significance of any environmental impacts associated with such actions.

8.8. Application and Permit Fees.

A. The Board of Trustees, by resolution, shall establish and amend from time to time, a schedule of fees for the applications and permits required or by this Code. The current schedule shall be on file with the Code Enforcement Officer and with the Village Clerk. Such fees shall be payable to the Village of Stillwater at the time of application or, as appropriate, at the time of issuance of a permit.

8.9. Engineering, Legal and Consulting Fees.

A. Escrow. In connection with any application for a site plan approval, land development permit, subdivision approval, special use permit, area or use variance, interpretation, zoning amendment, local law change, appeal, or other land use application or permit, the Village may, in addition to the requirements of SEQRA, require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Village of securing professional consultant services to review the application. For the purpose of this article, professional review services shall be defined as, but not limited to, those services provided by engineers, lawyers, architects, designers, planners, surveyors, appraisers and related professionals.

B. Said escrow shall be used to pay the reasonable and necessary costs of a proper and thorough professional review of the application. The review expenses provided for herein are in addition to application or administrative fees required pursuant to other provisions of this Code and the Village's local laws and regulations. Money deposited by applicants pursuant to this article shall not be used to offset the

Village's general expenses of professional services for the several boards of the Village or its general administrative expenses. The review and escrow requirements governed by this article shall include environmental review pursuant to the State Environmental Quality Review Act (SEQRA).

C. The initial deposit by the applicant shall be in an amount as determined by the Village, but in no case shall it exceed the estimated total cost of consultant review. The applicant shall be required to deliver said amount to the Village for deposit in a non-interest-bearing escrow account to be maintained by the Village for custody of such funds. The Village shall keep a record of all such monies so deposited and the name of the applicant and project for which such sums were deposited. Said escrow deposit must be paid at the time of the application.

D. In the event that the initial escrow fees are insufficient to pay for the necessary cost of review, then the Village shall require the applicant to make additional payments to the escrow fund, and until such payment is made by the applicant review of the application shall be suspended.

E. Upon receipt and approval by the Village of itemized vouchers from consultants for services rendered on behalf of the Village regarding a particular application, the Village shall cause such vouchers to be paid out of the moneys so deposited, and shall make copies of such vouchers available on request to the applicant at the same time the vouchers are submitted to the Village.

F. The Village shall review all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Village in connection with the review and consideration of applications. A charge, or part thereof, is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review of a similar application. A charge, or part thereof, is necessarily incurred if it was charged by the consultant for services rendered in order to protect or promote the health, safety, or other vital interests of the residents of the Village and protect public or private property from damage. In no event shall any applicant make direct payment to any Village consultant.

G. If at any time during the processing of an application there shall be insufficient moneys on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the Village that such moneys will be insufficient to meet vouchers yet to be submitted, the Village shall cause the applicant to deposit additional sums as the Village deems necessary or advisable in order to meet such expenses or anticipated expenses.

H. In the event the applicant fails to deposit the initial escrow fees or such additional funds, any application review, approval, permit or certificates of occupancy shall be withheld or suspended by the Village

until such moneys are deposited. There will be no conditional approvals given on the basis of future payments to be made. Payment in full must be made prior to the granting of preliminary and final approval.

I. The Village Board of Trustees, Planning Board, Zoning Board of Appeals, Code Enforcement Department or other Village department, as applicable, shall not accept or act upon on any application, approval, permit, variance, certificate of occupancy, or other matter pending before it until all applicable fees and reimbursable costs owed by the applicant have been paid to the Village, including any outstanding fees or costs due the Village from any previous application.

J. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Village have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.

K. The Village Mayor is authorized to determine the amount of the initial escrow fee deposit required for any application. The Village Mayor may also request that the Board of Trustees establish by resolution a schedule of deposits for certain applications, which schedule shall remain in effect until amended or revised by subsequent resolution.

L. In the event of an applicant's failure to reimburse the Village for funds expended to consultants for professional review fees as provided herein, the following remedies may apply:

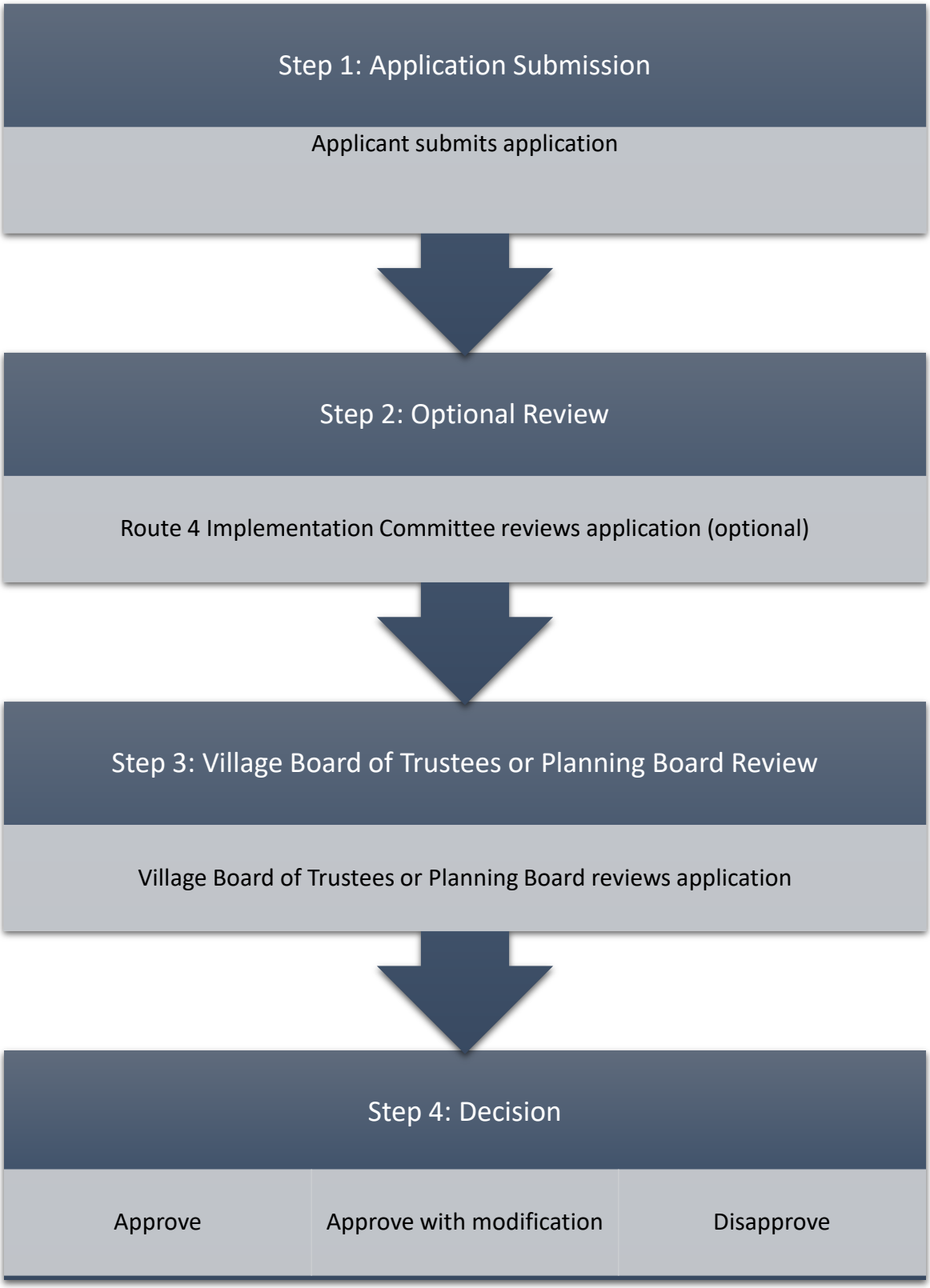
(1) The Village may seek recovery of billed and unreimbursed fees by bringing an action in a court of appropriate jurisdiction, and the applicant shall be responsible to pay the Village's reasonable attorney fees in prosecuting such action in addition to any judgment.

(2) Alternatively, and at the sole discretion of the Village Board, an applicant's failure to reimburse the Village for professional review fees expended by the Village shall be collected by charging such sums against the real property that is subject to the application and by adding that charge to and making it a part of the next real property tax bill associated with the subject property. Such charges shall be levied and collected at the same time and in the same manner as general Village taxes and such fees shall be paid by the Receiver of Taxes to the Village to be applied to the escrow fund from which the costs for consultants' fees are paid. Prior to incorporating such delinquent fees into the real property tax bill, the Village shall send written notice to the applicant's address as contained in the permit application and to the property owner, if other than the applicant, at the owner's address of record as contained in the current assessment roll. Such written notice

shall be sent by the Village by certified mail, return receipt requested. Such notice shall inform the owner and applicant of the delinquent amount of fees owed to the Village and shall set a date for the owner-applicant's objections to be heard by the Village Board. Such notice shall be mailed or delivered no later than 10 calendar days from the hearing date set forth in the notice unless such time period is waived by the owner-applicant in writing. After the hearing, the Village shall be empowered to correct any errors in the fees owed by the owner or applicant and to extend terms of payment and adequate security of the debt and enter into a written agreement with the owner or applicant to facilitate the payment in full of the fee.

M. This section shall apply to all applications filed with the Village as of the effective date of this Code. All professional review fees incurred by the Village thereafter shall be paid as provided herein.

Site Plan and Special Use Permit Application and Review Process



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ARTICLE IX: Amendments

9.1 Method of Amendment.

A. Village Board of Trustees Power to Amend. The Village Board of Trustees may, on its own initiative, or upon receipt of an application by a landowner, or upon recommendation from the Planning Board, other commissions/boards, or Village departments, amend, modify, supplement, or repeal the regulations, restrictions, boundaries, and provisions of this Code. Such action shall take place after a public notice and hearing as required by the Village Law.

B. Petitions. Petitions to amend this Code shall be in writing and shall contain a description of the property affected, together with such other information as the Board of Trustees shall require. Such petitions shall include the names and addresses of all owners of real property within five-hundred (500) feet of the property affected or any other contiguous property of a petitioner in the same ownership. All petitions for amendment of this Code, excepting those submitted by the Planning Board or on motion of the Board of Trustees, shall be accompanied by a fee in accordance with the Standard Schedule of Fees of the Village of Stillwater.

C. Advisory report by Planning Board.

(1) Any such proposed change in the text or zoning district boundary shall be submitted to the Planning Board which shall submit its advisory report in writing to the Board of Trustees prior to the public hearing.

(2) The Planning Board in its written report shall recommend favorably the adoption of any proposed change only if it meets the following conditions:

(a) The revision is not contrary to the general purposes and intent of this Code; and

(b) The revision is accordant with the Comprehensive Plan.

(3) The Planning Board's advisory report shall be submitted to the Board of Trustees within forty–five (45) days after receiving notice from the Village Clerk of the proposed change.

9.2 Public Hearing and Notice.

A. Prior to a Board of Trustees decision being rendered on a proposed zoning map or zoning text amendment, the Board of Trustees is required to conduct a public hearing.

(1) A notice of the proposed amendment and the time and place of the public hearing shall be published in a newspaper of general circulation in the Village, not less than ten (10) days prior to the date of public hearing.

(2) Written notice of the public hearing shall be forwarded to the appropriate official if a zoning map amendment application involves

property located within five-hundred (500) feet of the following:

(a) The property of a housing authority erecting or owning a housing project authorized under the Public Housing Law. Officials to be notified include the Executive Director of the Housing Authority and the Chief Executive Officer of the municipality proving financial assistance thereto.

(b) The boundary of a City, Village or Town. Officials to be notified include the City, Village or Town Clerk.

(c) The boundary of a County. Officials to be notified include the County Clerk or Board of Legislature or other persons performing like duties.

(d) The boundary of a State park or parkway. Officials to be notified include, the Commissioner having jurisdiction over such State park or parkway.

9.3 County Referral.

A. Any proposed amendments shall be referred to the Saratoga County Department of Planning pursuant to the procedures of § 239-m of the General Municipal Law.

9.4 Protest.

A. In the case of a protest against any amendment, such amendment shall not become effective except in accordance with the provisions of § 7-708 of the Village Law.

9.5 Filing.

A. Every amendment to this Local Law shall be filed with the Secretary of the State of New York in accordance with Village Law §7–706. A copy of the Code, amendment(s) and any map incorporated shall filed with the Village Clerk as required by law.

ARTICLE X: Definitions

10.1 Interpretation

A. For the purpose of this Code words and terms used herein shall be interpreted as follows:
   (1) Words used in the present tense include the future tense.
   (2) The singular number includes the plural.
   (3) The word "person" includes a corporation, partnership, as well as an individual.
   (4) The word "building" includes the word "structure".
   (5) The word "lot" includes the words "plot" or "parcel".
   (6) The terms "must" and "shall" is always mandatory.
   (7) The term "should" is preferred but not mandatory.
   (8) 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".
   (9) The word "code" is the same as "law."
   (10) Any word or term not defined herein shall be used with a meaning of standard usage.

B. Graphics: Illustrations, diagrams, and flowcharts are included in this Code to illustrate the intent and requirements of the text. In the case of a conflict between the text and any illustration, diagram, or flowchart, the text controls.

10.2 Definitions.

A. When used in this Code as well as throughout the text, the following words shall have these meanings.

B. Where definitions are divided into classifications or categories of activities or uses, each classification or category shall be considered a different activity or use requiring separate application of the provisions of this Code.

C. As used in this Code, the following terms shall have the meanings indicated:

ADULT CARE FACILITY: A long-term facility or a distinct part of a facility licensed or approved as a nursing home or infirmary unit of a home for the aged. Facility may provide on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance.

ADULT USE: A use of a building or land for a business having a significant portion of its stock-in-trade any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or recorded matter which is distinguished or relation to specified sexual activities or specified anatomical areas. Such uses shall also include any of the following entertainments, exhibitions or services: topless and/or bottomless dancers; strippers; topless waitressing, busing or service; topless hair care or massages: service or entertainment where the servers or entertainers wear pasties or G-strings or both; adult arcade; adult bookstore or adult video stores; adult cabarets; adult motels; adult motion picture theaters; adult theaters;

nude model studios and sexual encounter centers.

AGRICULTURAL-RELATED PRODUCTS: Items sold at a Farmers Market or Produce Stand to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream, beverages, clothing and other items promoting agriculture or the farm or entities operating the Farmers Market or Produce Stand.

AGRICULTURAL TOURISM: Agricultural related tours, events and activities, as well as nonagricultural related activities used to attract people and promote the sales of farm produce and agricultural products. These tours, events and activities include, but are not limited to pick-your-own, petting zoos, school tours, outdoor trails, corn mazes, hayrides, pony rides, group picnics, on- and offsite food catering services, musical events, craft shows, outdoor recreation. To be a permitted use, the farm must be actively producing agricultural products for sale.

AGRICULTURAL USE: Any management of any land for agriculture, including but not limited to the raising and keeping of cows, horses, pigs, poultry and/or other livestock; truck gardens; horticulture, including greenhouses; and orchards; including the sale of products grown or raised directly on such land and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds. This definition shall also include the on-farm processing of agricultural products produced on that farm.

APPLICANT: Any person, corporation or other entity applying for a building permit, certificate of occupancy, Special Use Permit, site plan, sign permit, variance, or zoning amendment.

ASSEMBLY HALL: Any structure or area where large numbers of individuals collect to participate in or to observe programs.

ASSISTED LIVING FACILITY: A residential facility that provides care to residents who cannot live independently but who do not require around-the-clock nursing care or extensive medical supervision. Services may include medication supervision, personal care, meals, and housekeeping. Common cooking and dining facilities may be provided, and residential units may or may not including individual cooking facilities.

ARTICULATION: The elements in the massing of a building, which establish character and visual interest.

AUTO SALES: A structure or lot for the display, sale, rental, or lease of new or used motor vehicles.

BANK: A business establishment where money, or other items for safekeeping, are kept for saving or commercial purposes or is invested, supplied for loans, or exchanged.

BAY WINDOW: A window that projects outward from a structure that does not rest on the foundation or on the ground.

BED AND BREAKFAST: An owner-occupied dwelling used for renting accommodations to transient, fee-paying guests and providing not more than one meal (breakfast) daily to lodging guest only. May also be referred to as a B&B.

BELT COURSE: A design element aligned horizontally along a building wall, typically a continuous row or layer of stones, tiles, bricks, shingles, or similar materials. Also called a string course or band course.

BLOCK: All contiguous lots, passages, and alleys, bounded by thoroughfares, railroad rights-of-way, water bodies, or public parks.

BLUE ROOF: A non-vegetated roof design that is intended to slow rainfall or snowmelt, typically to manage stormwater or store and reuse water.

BUILDING COVERAGE: The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

BUILDING HEIGHT: The height of structure measured in stories. Building height is the vertical distance of a structure measured from the top of the parapet for a flat roof; the peak of a gambrel or mansard roof; or the midpoint between the eave and ridge of a pitched roof. The following are exceptions and do not count toward the maximum story height requirements:

(1) A half story such as an attic

(2) Cupolas, domes, bell towers, spires, steeples, and ornamental towers provided they are not intended for occupancy

(3) Chimneys and fire escapes

(4) Elevators and stairways

(5) Antennas, satellite dishes, solar panels

(6) Barns and silos associated with agricultural use

BUILDING: A structure that is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or any tangible movable property.

BUILD-TO-LINE: A line extending through the lot, which is generally parallel to the frontage line intended to create an even building façade line along a street.

CANOPY: A roofed structure.

CALIPER: The diameter of a tree trunk as measured six inches above the root collar, which is at the base of the tree where the tree's roots join the trunk.

CAR WASH: Any building or premises used for washing motor vehicles.

CEMETERY: A burial place or ground operated and maintained by a religious organization, private entity, or a governmental agency, which can include a chapel, office, maintenance facilities, crematory, and aboveground storage vaults as accessory uses.

CHAMFERED CORNER: A building corner which is cut back to a diagonal in order to create a location for the door of a commercial establishment.

CHILD-CARE CENTER: An establishment providing for the care, supervision, and protection of children.

CISTERN: A large-scale storage tank designed to catch runoff from a roof.

CIVIC: the term defining not-for-profit organizations dedicated to arts, religion, culture, education, recreation, government, and transit.

CLEARANCE: The minimum vertical clearance from the lowest point of the sidewalk or grade.

CLUB: A building and/or related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, education, recreational, or cultural enrichment of its members and not primarily for profit and whose members typically pay dues and/or meet certain prescribed qualifications for membership.

CODE ENFORCEMENT OFFICER: The individual who is appointed by the Village Board of Trustees and authorized by law for purposes of administering and enforcing the provisions of this Chapter. The Code Enforcement Officer may also be the Building Inspector.

COMMERCIAL: The term collectively defining workplace, office, retail, and lodging functions.

COMMON YARD: a planted private frontage, visually continuous with adjacent yards, wherein the façade is set back from the frontage line.

COMMUNITY, GOVERNMENTAL, MUNICIPAL BUILDING: A building or structure owned and operated by a governmental agency to provide a governmental or social service to the public.

CORNICE. A projection aligned horizontally along and crowning a building wall, door, window, or other opening in the building wall.

CRAFT PRODUCTION: The process of manufacturing by hand (with or without the use of tools) which may be displayed and sold on the premises.

DRIVE-THROUGH WINDOW: A service window in which customers of a facility can access goods or services from within a vehicle. A drive-through window may include restaurants, fast-food operations, banks, and pharmacies.

DRIVEWAY: A vehicular lane within a lot or shared between two or more lots providing access to a street, garage, parking area, or parking lot.

DWELLING: A structure or portion thereof that is used exclusively for human habitation.

DWELLING UNIT: A building or entirely self-contained portion thereof containing complete housekeeping and living facilities for only one family.

DWELLING UNIT, ACCESSORY: Small, self-contained dwelling unit(s) with provision within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling shall be clearly accessory and incidental to the principal dwelling. Also known as granny flats, elder cottage housing (ECHO), mother-daughter residences, or secondary dwelling units. Accessory Dwelling Units can be:

(1) Within the walls of a one family dwelling; or

(2) Within an addition to a one family dwelling

DWELLING, MULTIFAMILY: A building containing five or more dwelling units.

DWELLING, ONE-FAMILY: A detached building designed for or occupied exclusively by one family, erected on a permanent foundation, with/without basement and equipped for year-round occupancy.

DWELLING, TWO-FAMILY: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

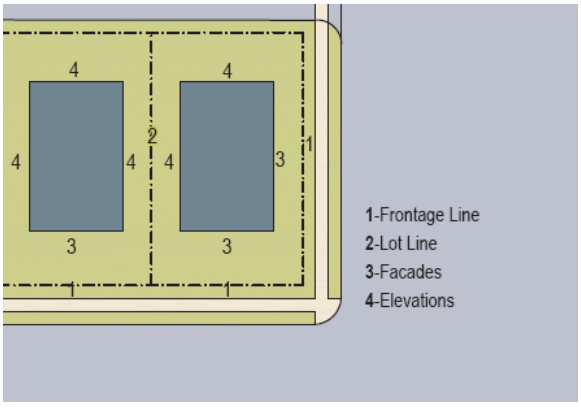
DWELLING, THREE- and FOUR-FAMILY: A building designed as a single structure typically with a shared entry, containing three or four units, each designed to be occupied as a separate permanent resident for one family.

EAVE: The junction of a building wall and an overhanging roof.

ENCROACHMENT: Any structure or structural element that extends into a required setback or public right-of-way.

EXPRESSION LINE: An architectural feature consisting of a decorative, three-dimensional, linear element either horizontal or vertical.

FAÇADE: The exterior wall of a building that is set along a frontage line.



FAÇADE, CORNER: The exterior wall of a building that faces the corner side lot line.

FAÇADE, FRONT. The exterior wall facing the principal frontage of a building.

FAÇADE, WATERFRONT: An exterior wall of a building that faces a water body.

FAMILY: A family consists of one or more persons related by blood, marriage or adoption; or one or more persons residing as a housekeeping unit sharing household expenses.

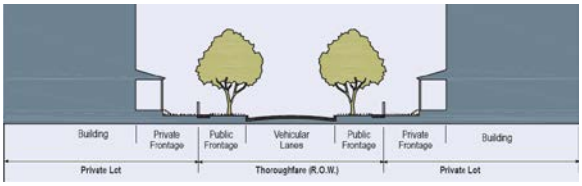
FARMERS MARKET: A permanent, semi-permanent structure, or temporary structure (or stalls or tents), operated on a seasonal or year-round basis, that allows for agricultural producers to sell their products and agriculture-related items directly to consumers.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FILTER STRIP: An area with vegetation that removes contaminants.

FORECOURT: An open area in front of a building.

FRONTAGE: An area of a lot between a building façade and a right-of-way line of a public street or road. Frontage is divided into private frontage and public frontage.



FRONTAGE, LINE: a lot line bordering a public frontage.

FRONTAGE, PRINCIPAL: the primary frontage area of a building with a main entrance.

FRONTAGE, SECONDARY: the frontage that is not the primary frontage and that is associated with a side entrance.

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation; it may include ancillary services for cremation.

GALLERY: a private frontage wherein the façade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

GARAGE, PRIVATE: An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. Garage space is not classified as living area even when part of a dwelling.

GREENHOUSE, NURSERY or GARDEN SHOP: A place where trees, shrubs, vines, and/or flower and vegetable plants are propagated or grown for a period of at least six months and/or where flowers and vegetables of an annual variety are germinated and/or offered for sale on the premises.

GREEN INFRASTRUCTURE: The multifunctional, interconnected network of open space and natural features such as greenways, wetlands, parks, forest preserves, and areas of native plant vegetation, that naturally manages stormwater, reduces flooding risk, and improves water quality.

GREEN ROOF. A vegetated roof design that is designed to absorb rainfall or snowmelt, typically to manage stormwater, mitigate the heat island effect, or offer recreational space for building occupants.

GROUND FLOOR: The story of a building closest to the curb level.

HOME OCCUPATION: An activity carried out for gain by a resident and conducted as an accessory use in the resident's dwelling unit or on the site of the residence. Further detailed herein this

Code as HOME OCCUPATION I and HOME OCCUPATION II.

HOTEL: A building in which lodging is provided in guest units and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office, supervised by a person in charge at all hours. The guest unit shall consist of a room arranged or designed to be available for use as sleeping quarters for transient guests on a daily or weekly basis.

ILLUMINATION, EXTERNAL: Use of artificial light reflecting off a sign surface.

ILLUMINATION, INTERNAL: Use of artificial light projecting through a sign surface. Only back-lit, halo-lit, or reverse channel letters with halo-lit illuminations is permitted except for neon or LED lighting which is permitted for window signs.

INN: A single multiple-dwelling structure with no more than 10 guest rooms providing overnight accommodations, food and entertainment.

JUNK VEHICLE: Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, abandoned, or unregistered motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition.

LAND DISTURBANCE: The disturbance of land, including but not limited to grading, cutting of vegetation, the excavation or removal of soils or minerals, associated with the present or future development of the parcel.

LANDSCAPING: Open areas of the private or public realms, which are composed primarily of living vegetation.

LIGHT INDUSTRIAL: Includes limited manufacturing, assembly, wholesaling, warehousing, research and development, and related commercial/service that meet the performance standards, bulk controls, and other requirements contained in this Code.

LIVE-WORK: An attached or detached structure with one dwelling unit above or behind a ground floor space that can be used for service or retail uses.

LOADING AREA: An area in which goods and products are moved on and off a vehicle.

LOT AREA: An area of land, the size of which is determined by the limits of the lot lines bounding said area, excluding any street rights-of-way, and is usually expressed in terms of square feet or acres.

LOT COVERAGE: The percentage of the plot or lot area covered by the building area and all impervious coverage. Parking areas and driveways, regardless of how surfaced, shall be considered impervious.

LOT WIDTH: The shortest distance between side lot lines measured at the front yard setback line or building line, as applicable.

LOT, CORNER: A lot at the junction of, or abutting on, two or more intersecting streets where the interior angle of intersection does not exceed 135º. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135º.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon, and is usually expressed in terms of square feet or acres.

LOT LINE: The boundary that legally and geometrically demarcates a lot.

LOT LINE, INTERIOR SIDE: A lot line that connects a front lot line and rear lot line, and does not abut a thoroughfare.

MANUFACTURED HOME: A factory-manufactured dwelling unit built on or after June

15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR Part 3280, 4/1/93, transportable in one or more sections, which, in traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, as amended.[2] The term "manufactured home" shall not include any self-propelled recreational vehicle. All manufactured homes shall have a minimum roof pitch of four on 12.

MANUFACTURED HOME PARK — A contiguous parcel of land divided into two or more lots, for sale or lease on which manufactured homes are or will be placed for nontransient use.

MASSING: The three-dimensional shape of a building(s) height, width, and depth.

MARINA/WATERFRONT-RELATED USE: An activity which can only be conducted on, in, over, or adjacent to a water body because such activity requires direct access to that water body and involves, as an integral part of such activity, the use of the water, including a marina, yacht club, boat launch, fishing piers, tour boat and charter facilities, research and educational facilities requiring access to waterways. Such activities may include the storing, servicing, fueling, berthing, and securing of boats and may also include eating, sleeping, and retail uses that are accessory to marina/waterfront-related facilities for owners, crews, and guests.

MEDICAL SERVICES: A building that contains establishments dispensing health services.

MIXED USE: Use of land and/or a building or structure for a combination of residential and non-residential uses to provide a variety of complementary and integrated uses such as, but not limited to, residential, office, retail, entertainment, public, and recreation.

MOTEL: A building or group of buildings, whether detached or in connected units, containing living and sleeping accommodations used for transient occupancy and which has individual entrances from outside the building to serve each guest unit. A motel may also provide additional services such as restaurants, meeting rooms and recreation facilities.

NONCONFORMING BUILDING, STRUCTURE: A building, structure, or other improvement that does not satisfy the dimensional requirements of this Code for the area, yard and bulk in which it is located, but which was not in violation of applicable requirements when constructed and was lawfully erected pursuant to applicable permits and approvals.

NONCONFORMING LOT: Any lot existing prior to and at the time of the adoption or amendment of this Code, that does not satisfy the dimensional requirements of this Code.

NONCONFORMING USE: Any use lawfully existing prior to and at the time of the adoption or amendment of this Code, which use is not permitted or does not conform to the permitted use provisions for the area in which it is located.

NUISANCE: A condition or situation that results in an interference with the enjoyment and use of property.

NURSING HOME: An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

OFFICE, PROFESSIONAL: The office of a member of a recognized profession maintained for the conduct of that profession and may be located in a room, wing or portion of a structure used in connection with as a dwelling unit.

OFFICE: Establishments used for the organizational or administrative aspects of a trade, or used in the conduct of a profession or business, and not involving the manufacture, storage, display or direct retail sale of goods. This may include, but is not limited to, offices of sales representatives, architects, engineers, physicians, dentists, attorneys, insurance brokers, real estate brokers, and person with similar occupations. Such use may include ancillary services for office workers, such as a restaurant, coffee shop, and child-care facilities.

OFF-STREET PARKING: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARAPET: The portion of a wall which extends above the roofline.

PARCEL: A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries.

PERFORMANCE STANDARDS: A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

PERMEABLE/POROUS PAVING: A paving material that allows the infiltration of surface water into the soil.

PLANNING BOARD: The Planning Board of the Village of Stillwater, the administrative board of the Village authorized to review and approve site plans, special use permits and other responsibilities delegated by the Board of Trustees of the Village of Stillwater.

PLAZA: a civic space type designed for civic purposes and commercial activities, generally paved and spatially defined by building frontages.

PLOT PLAN: A map or plan showing the boundaries of a parcel and all structures and important physical features on it, drawn to scale with accurate dimensions.

PLOT: A single-unit parcel of land or a parcel of land that can be identified and referenced to a recoded plat or map.

PORCH: A covered shelter projecting in front of an entrance of a building.

PORTICO: An open-sided structure attached to a building and sheltering an entrance or serving as a semi-enclosed space.

PRINCIPAL STRUCTURE, BUILDING: A building in which is conducted the main or principal use of the lot on which said building is situated.

PRINTING, PUBLISHING: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) copying and other "quick printing" services; and establishments serving the printing trade including silk screening, bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments

manufacturing business forms and binding devices.

PRIVATE EDUCATIONAL FACILITY: An institution, not owned by a public agency, which offers to its students formal education and is charted by the Board of Regents of the University of the State of New York.

RAIN BARREL: A storage tank designed to catch runoff typically from a roof.

RAIN GARDEN: A garden designed to collect stormwater runoff from impervious surfaces such as roofs, walkways, and parking lots, allowing water to infiltrate the ground.

RECREATIONAL and ENTERTAINMENT FACILITY: An indoor and/or outdoor facility designed and equipped for the conduct of sports and leisure-time activities, which may include structures and buildings with devices for entertainment, including rides and booths for the conduct of games, concessions, and/or buildings for shows and entertainment. Such facility may be operated as a business and open to the public for a fee, or operated by a private organization and open only to bona fide members and guests.

RELIGIOUS USE: A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

RESTAURANT or DRINKING ESTABLISHMENT: Any premises where food and/or beverages are commercially sold for on-premises consumption to patrons seated at tables or counters and where table services is provided.

RESTAURANT FAST FOOD: A business enterprise primarily engaged in the sale of quickly prepared food and beverages selected by patrons from a limited line of prepared specialized items such as hamburgers, chicken, pizza, tacos, ice cream and hot dogs, for takeout and/or on-premises consumption, where orders are placed at a counter as opposed to table service via a water/waitress. The term “fast food restaurant” shall not include bakeries, delicatessens, or similar types of retail establishments.

RETAIL: Any building, or portion of any building, used as a place of commercial business that provides the sale, rental or servicing of goods or commodities directly to the customer. A retail business does not include an Adult Business Use.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, lane, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

ROADSIDE STAND, FARM STANDS: A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

SCHOOL: An institution under the jurisdiction of a school district or other public agency and legally constituted by the State of New York to offer free formal education to residents of the district.

SELF-STORAGE FACILITY: A structure containing separate, individual, and private storage spaces of varying sizes, licensed, leased, or rented to individuals for varying periods of time.

SHOPFRONT: A private frontage conventional for retail use with substantial windows (glazing) where the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

SEQRA: The State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and its implementing regulations codified in 6 NYCRR Part 617.

SETBACK: The distance between the building and any lot line.

SIDEWALK: the paved section of the public frontage dedicated exclusively to pedestrian activity.

SIGN: Any object, device, display, or structure, or part thereof, that is visible to the public from a street, walkway or neighboring property that is displayed outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. A "sign" does not include national or state flags, or the official announcements or signs of government. The following types of signs shall be included:

(1) AWNING SIGN: A sign painted on or applied to a structure made of cloth, canvas, or similar material which is affixed to and projects from a building.

(2) FREESTANDING SIGN: Any sign not attached or part of any building but separate and permanently anchored in the ground.

(3) ICONIC SIGN: A sculptural, typically three-dimensional sign whose form suggests its meaning and which is building-mounted.

(4) ILLUMINATED SIGN: Any sign designed to give forth or reflect any artificial light, such light deriving from any source which is intended to cause such light or reflection.

(5) MONUMENT SIGN: A sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.

(6) NONCONFORMING SIGN: A sign lawfully erected and maintained prior to the adoption of the current Code that does not conform with the requirements of the current Code.

(7) PROJECTING SIGN: A sign that attached to the façade of the structure and projects out from the wall.

(8) SIDEWALK SIGN: An A-frame sign that is not permanently attached to the ground or other permanent structure.

(9) TEMPORARY SIGN: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

(10) WALL SIGN: A sign that is affixed to a building's wall.

(11) WINDOW SIGN: A sign that is either painted or attached to the inside surface of a window.

SIGN AREA: For signs with a background, the entire area of the background is calculated as sign area. For a sign painted or applied on the building, the area shall be calculated as the total area of a rectangle that encompasses all text and features. When a sign has two or more faces, the sign area is calculated as the sum of all the faces except when the two faces are placed back to back. The area of supporting framework shall not be calculated in the sign area calculation.

SIDELIGHT: A narrow window or pane of glass alongside a door.

SITE PLAN: A plan, rendering, drawing, or map prepared to the specifications and containing necessary elements, as set forth in Article V of this Code, which shows the arrangement, layout, and design of the proposed use of land as shown on said plan including, but not limited to building locations, roads, parking areas, and other site features that may be reasonably required in order to make an informed determination by the approving authority.

SPECIAL USE PERMIT: A use that, because of its unique characteristics, requires individual consideration through a review process by the Planning Board as established by Village Law §7-725-b. Such a use may require the meeting of certain conditions and safeguards as well as site plan approval before being permitted.

STACKING SPACE: A queuing space designated as a waiting area for vehicles patronizing a drive-through window.

STREET: A strip of land, including the entire right-of-way, publicly or privately owned, servicing primarily as a means of vehicular, pedestrian and bicycle travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, sidewalks, and streetscape amenities.

STORMWATER PLANTER: A specialized planter installed in the sidewalk area that is designed to manage street and sidewalk stormwater runoff.

STORY: A level within a building, constructed and designed to support occupancy as defined by the New York State Uniform Fire Prevention and Building Code.

SWALE, VEGETATED: broad, shallow channels designed to convey and infiltrate stormwater runoff planted with trees, shrubs, and/or grasses.

TERRACE: An elevated area supported by masonry walls next to a building.

THEATER: A building or part of a building used to show motion pictures or for drama, dance, musical, or other live performances.

TINY HOME: A manufactured or custom-built home built on and transported by a trailer. A tiny home shall have a minimum of 70 square feet of habitable area provided for sleeping accommodations for the first person and an additional 50 square feet of habitable area for each additional person.

TRANSOM: The window or fanlight above the beam or bar in a doorframe.

USE, ACCESSORY: All uses, buildings, or structures that are customarily incidental to and subordinate to a particular principal use and located on the same lot as the principal use. Except for uses accessory to a dwelling unit, any use that is accessory to a special permit use shall also be a special permit use. Any use that is accessory to a permitted use shall also be a permitted use.

USE, PRINCIPAL: The main or primary use of the lot. Except for designated mixed uses and multiple retail uses within a shopping center only one (1) principal use is permitted per lot, all other uses, except special uses and permitted accessory uses, being excluded.

USE: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE, AREA: Written permission to depart from any provision of the Code except use.

VARIANCE, USE: Written permission granted for a use that is not permitted in the zone.

VEHICLE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles or vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories retail services.

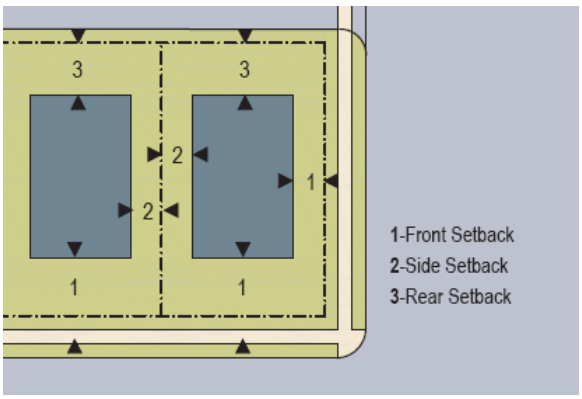
WALK-UP WINDOW: A service window such as for restaurants in which customers can access goods or services by walking or bicycling.

WINDOW SILL: A ledge forming the bottom part of a window.

WINDOW TRANSPARENCY: The percentage of a façade made up of windows or glass.

YARD, FRONT: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.



YARD, REQUIRED: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in this Code.

YARD, SIDE: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.