

§ 130-1. Declaration of Policy.

- A. By the authority of resolution of the Board of Trustees of the Village of Bainbridge, adopted pursuant to the provisions of Article 7 of the Village Law, the Planning Board has been authorized and empowered to approve plats for subdivisions within the village.
- B. The Planning Board is authorized and empowered to:
 - (1) Approve plats showing lots, blocks or sites, with or without streets.
 - (2) Conditionally approve preliminary plats.
 - (3) Pass and approve development of entirely or partially undeveloped plats already filed in the office of the County Clerk.
 - (4) Modify applicable residential provisions of Chapter 165, Zoning, simultaneously with the approval of residential plats.
- C. It is declared to be the policy of the village to consider land subdivisions as part of
a plan for the orderly, efficient and economical development.

§ 130-2. Title.

This chapter shall be known as the "Village of Bainbridge Subdivision Regulations."

§ 130-3. Waivers and Variances.

- A. Where the Planning Board finds that due to special circumstances of a particular plot or because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical site features, in its judgment, provision of certain requirements is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive or vary such requirements subject to appropriate conditions.
- B. In granting a waiver or variance, the Planning Board shall require such reasonable conditions as will, in its judgment, secure substantially the objectives or requirements so waived or varied.
- C. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of Chapter 165, Zoning, the Comprehensive Plan, the Official Map or these subdivision regulations.

§ 130-4. Applicability.

Whenever any subdivision of land is proposed, before any contract for sale of any part and before any permit for erection of any structure in such proposed subdivision shall be granted, the subdivider shall apply, in writing, to the Planning Board for and secure approval of the proposed subdivision.

§ 130-5. Definitions.

As used in these regulations, the following words shall have the meanings indicated:

PLAN, SKETCH - A sketch of a proposed subdivision to enable the subdivider and Planning Board to reach general agreement as to the subdivision's meeting objectives of these regulations.

PLAT, FINAL - A final drawing showing the exact plan of the subdivision, containing all information required by law and these regulations submitted to the Planning Board for approval.

PLAT, PRELIMINARY - A preliminary layout showing salient features of the proposed subdivision in sufficient detail, indicating the approximate layout as a basis for study and consideration by the Planning Board.

STREET – A public way for vehicular traffic which affords principal means of access to abutting properties.

SUBDIVISION - The division of any parcel of land into two (2) or more lots, blocks or sites for the purpose of conveyance, transfer of ownership, improvement, building development or sale. The term "subdivision" shall not include division of land for agricultural purposes into two (2) acres or more in area, and which does not involve creation of a new street.

SUBDIVISION, MAJOR - A subdivision containing five (5) or more lots or any subdivision requiring a new street or extension of municipal facilities.

SUBDIVISION, MINOR - A subdivision containing no more than four (4) lots fronting onto an existing street and not requiring a new street or extension of municipal facilities.

§ 130-6. Official submission.

An application for approval of the subdivision plat, complete with all requirements, shall be filed with the Village Clerk-Treasurer at least fifteen (15) days prior to the date of the regular monthly Planning Board meeting, which date shall be the official submission date.

§ 130-7. Information required on all plan submissions.

A. The following information shall be submitted with the application:

- (1) The subdivision name, the address at which it is located, the scale, North point, date and site location map.
- (2) The names and addresses of the subdivider and professional advisers and license numbers and seals.
- (3) The subdivision boundaries and the names of contiguous property owners.
- (4) Existing restrictions on the use of land, easements, covenants and zoning.

- (5) Existing and proposed streets, structures, public facilities and utilities, watercourses, marshes, wooded areas and other significant physical features in and near the subdivision.
 - (6) The proposed pattern of lots, including typical lot width and depth, street layout, open space, systems of drainage, sewerage and water supply within the subdivided area
 - (7) The total acreage of the subdivision, the number of lots proposed and the building types, approximate size and cost.
 - (8) A vegetation cover plan indicating existing and proposed woodland areas. A listing of major varieties of trees and average tree caliper is to be included.
- B. Drawing sheet size shall be either eight and one-half by eleven (8 ½ x 11) inches or some multiple of eleven by seventeen (11 x 17) inches; scale to be one (1) inch to fifty (50), on hundred (100) or two hundred (200) feet.
- C. The Planning Board may submit subdivision plans to the local United States Department of Agriculture Soil Conservation Service for its review and recommendations on soil suitability, drainage, erosion, sediment control and plan layout.

§ 130-8. Sketch plan procedure.

- A. The subdivider shall submit to the Village Clerk Treasurer two (2) copies of a sketch plan of the proposed subdivision
- B. The sketch plan should be on a topographical survey or on an enlargement of a United States Geological Survey quadrangle sheet, at a scale of at least one (1) inch to two hundred (200) feet.
- C. The subdivider shall attend the meeting.
- D. The Planning Board shall classify the proposed subdivision as a major or minor subdivision.
- E. The Board shall study the sketch plan to determine whether it conforms to or is in conflict with Chapter 165, Zoning, the Village Plan, developments proposed by any public agency, existing private and public developments, facilities and services and any special problems that may be encountered.
- F. The Board shall determine whether the sketch plan meets the purposes of these regulations and may make specific writer recommendations for changes.
- G. Where the subdivider submits a proposed planned residential development, the requirements of § 7-738 of the Village Law shall be met, in addition to the requirements of these regulations.

§ 130-9. Minor subdivision final plat approval procedure.

- A. The subdivider shall file an application and six (6) copies of drawings and pay the required fee.
- B. The final plat shall conform to the sketch plan layout shown, plus any recommendations made by the Planning Board.
- C. A public hearing shall be held with forty-five (45) days from the time of submission of the final plat for approval in accordance with § 7-728 of the Village Law.
- D. The subdivider shall attend the public hearing.
- E. The Board shall, within forty-five (45) days after the public hearing, approve, modify and approve, or disapprove the final plat. Grounds for disapproval shall be stated in the Board minutes.
- F. If the plat is approved, six (6) copies shall be endorsed by the Board in accordance with § 130-24.
- G. If the plat is approved, it shall be filed in accordance with §130-25.

§ 130-10. Minor subdivision final plat data.

A minor subdivision final plat application shall include:

- A. The information required under § 130-7, updated and accurate.
- B. If required, contour intervals of not more than five (5) feet, and a grading plan.
- C. A survey of tract boundary lines, giving bearings and distances, certified by a licensed professional land surveyor.

§ 130-11. Major subdivision preliminary plat procedure.

- A. The subdivider shall file an application and four (4) copies of drawings and pay the required fee.
- B. The preliminary plat shall comply with the requirements of these regulations except where a waiver may be authorized by the Planning Board.
- C. The subdivider shall attend the Board's preliminary hearings.
- D. The Board shall review the preliminary plat for conformity to these regulations.
- E. Within forty-five (45) days of the official submission date, the Board shall take action to approve, with or without modifications, or disapprove the preliminary plat. Grounds for any modification required or disapproval shall be stated in the Board minutes.
- F. When granting preliminary plat approval, the Board shall state conditions to:
 - (1) Specify any changes it may require.
 - (2) The character and extent of required improvements for waiver.
 - (3) Any improvements or amounts of bonds it will require.

- G. The action of the Board, plus any conditions, shall be noted on three (3) copies of the preliminary plat. One (1) copy shall be returned to the subdivider and one (1) to the Village Board.
- H. The approval of the preliminary plat shall not constitute approval of the subdivision, and prior to approval of the final plat, the Board may require additional charges as a result of further study.
- I. Preliminary plat approval is subject to compliance with New York State Environmental Quality Review Act.

§ 130-12. Major subdivision preliminary plat data.

The following information shall be submitted with a major subdivision preliminary plat:

- A. The information required under § 130-7, updated and accurate.
- B. Contours with intervals of not more than five (5) feet. Contours with intervals of not more than two (2) feet shall be shown where grades are less than five percent (5%). The datum plane shall be that of the United States Geological Survey grading plan if contours are to be changed.
- C. A survey of tract boundary lines and a deed description giving bearings and distances, certified by a licensed professional land surveyor.
- D. The location, width and approximate grade of proposed streets.
- E. The location, dimensions are and number of lots and blocks and property to be dedicated for public use.
- F. The location of proposed easements.
- G. The location of existing and proposed sewers, water mains, storm drainage and culverts, with pipe sizes and direction flow.
- H. The location of existing and proposed gas lines, fire hydrants, electric and telephone facilities, streetlights and sidewalks.

§ 130-13. Major subdivision final plat approval procedure.

- A. The subdivider shall file an application and six (6) copies of drawings for final plat approval and meet the following requirements.
- B. The application shall:
 - (1) Be accompanied by construction drawings.
 - (2) Be endorsed by the County Department of Health.

- (3) Include offers of cession to streets and public areas.
 - (4) Include other information required by the Planning Board.
- C. A public hearing shall be held within thirty (30) days of official submission of the plat.
- D. The subdivider shall attend the hearing.
- E. The final plat shall conform to the approved preliminary plat, plus any recommendations made by the Board.
- F. The Board may permit the final plat to be divided into parts comprising at least twenty percent (20%) of the total number of lots on the plat, subject to conditions necessary to assure orderly development.
- G. Either of the following is required:
- (1) The Code Enforcement Officer must file a certificate stating that required improvements constructed by the subdivider have been designed and inspected and meet standards in these regulations and are as required by law; or
 - (2) A performance bond must be submitted and approved by the Board and Village Attorney as to form, sufficiency and manner of execution and surety for completion of the required improvements.
- H. Offers of cession of all land to be dedicated for streets, easements, open space and other facilities shall be in a form certified as satisfactory by the Village Attorney.
- I. An escrow fund of up to one thousand dollars (\$1,000.) may be required to cover inspection costs.
- J. Drawings certified by an engineer or land surveyor must be submitted. These drawings must show the location of all required improvements constructed prior to final plat submission.

§ 130-14. Major subdivision final plat data.

The following information shall be submitted with the final plat:

- A. All information required on the preliminary plat, updated and accurate.
- B. Sufficient data to determine readily the location, bearing and length of all street, lot and boundary lines, referenced to established monuments.
- C. The location, dimension and names of all sites for residential, commercial, industrial, public, nonpublic, dedicated and reserved uses.
- D. The location, material and size of monuments.

§ 130-15. Information required on construction drawings.

The preliminary plat shall be accompanied by construction drawings which are subject to Planning Board approval. Such drawings must contain the following:

- A. Plans and profiles showing existing and proposed elevations along center lines of streets within the subdivision.
- B. Plans and profiles showing the location of street pavements, curbs, gutters, sidewalks, manholes, catch basins and culverts.
- C. Plans showing the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains and fire hydrants, and the location and size of water, gas, electricity and other utilities or structures.

§ 130-16. Soil percolation tests.

Soil percolation test shall be conducted in proposed subdivisions where no public sewer are available, in accordance with State Department of Health standards. Soil percolation test results and their locations shall be shown on the final plat.

§ 130-17. Endorsements.

The subdivider shall submit the plat to the County Department of Health to secure its endorsement and approval of sewer and water facility proposals.

§ 130-18. Legal data.

The subdivider shall submit the following data to the Planning Board before any final plat can be approved. Before acceptance, the Village Attorney shall certify their legal sufficiency.

§ 130-19. Offers of cession and release.

- A. The subdivider of all streets, rights-of-ways and sites for public use shall present all offers of cession to the Planning Board prior to final plat approval.
- B. Required easements or release agreements shall be recorded on the final plat.

§ 130-20. Performance bond.

- A. Where a performance bond is required by the Planning Board, the subdivider shall file a bond in an amount sufficient to provide for and secure to the public the full cost of completion of all streets and required improvements and their maintenance for a period of two (2) years.
- B. The Board shall specify the time period with in which required improvements must be completed, but in no case longer than three (3) years. The time period shall be expressed in the bond.

- C. If any required improvements have not been installed or maintained as provided within the terms of such bond, it shall be forfeit and the village shall install or maintain such improvements.

§ 130-21. Inspection of required improvements.

- A. The Code Enforcement Officer shall inspect all required improvements prior to acceptance to ascertain whether they have been completed satisfactorily.
- B. The subdivide shall inform the Code Enforcement Officer at least forty-eight (48) hours before inspection is required and shall not cover any part of an improvement until written approval has been granted.
- C. Drawings showing the location of all required improvements as built shall be certified by an engineer or land surveyor and filed with the Planning Board prior to acceptance. Until as-built plans have been filed, no performance bond guaranteeing completion of improvements shall be released.

§130-22. Public acceptance of streets, reservations and improvements.

- A. Every street shown on a plat filed shall be deemed to be a private street until such time as it has been formally accepted by the village.
- B. The village shall not construct any utility or improvement in any street until it has become a public street.
- C. Approval of the final plat shall not be deemed to constitute or imply acceptance of any street or public area shown on the plat.
- D. The Planning Board shall require a written agreement between the subdivider and the village covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any open space.
- E. Upon completion of construction and installation of required improvements, the subdivider shall deliver to the village deeds, abstracts and easements for streets, waterlines, storm sewers, sanitary sewers and other improvements.
- F. Prior to acceptance of any improvements, the subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in construction of improvements have been paid in full.

§ 130-23. Public hearing.

Before any plat is approved, a public hearing shall be held by the Planning Board in accordance with §7-738 of the Village Law.

§ 130-24. Planning Board decision on final plat.

- A. The Planning Board shall approve, modify and approve, or disapprove the final plat within forty-five (45) days following the public hearing.
- B. If the final plat is disapproved, the grounds for such action shall be stated in the Board's minutes.
- C. If the final plat is approved, the Board's officers shall sign the plat.
- D. The plat is void if changes are made to it after the Board endorsed it.
- E. Every final plat shall carry the following endorsement:

APPROVED BY RESOLUTION OF THE VILLAGE OF BAINBRIDGE PLANNING BOARD OF THE _____ DAY OF _____, 19____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.

SIGNED THIS _____ DAY OF _____, 19____, BY:

Chairman

Secretary

§ 130-25. Filing of approved final plat.

When the final plat is approved, the subdivider shall file approved copies with each of the following:

- A. The Village Clerk-Treasurer, within sixty-two (62) days from the date of approval. This copy shall be drawn in ink on Mylar. After filing with the Village Clerk-Treasurer, the plat shall become part of the Official Map.
- B. The Village Board and the Assessor, before building permits are made available.
- C. The County Clerk within sixty-two (62) days following the date of approval, or the approval of the plat will be void.

§ 130-26. Planning and design standards.

- A. The subdivider shall be guided by the minimum planning and design development standards in the design of the subdivision.
- B. The subdivision shall conform to Chapter 165, Zoning, and the Official Map and be in harmony with the Comprehensive Plan.

- C. Land to be subdivided for building purposes shall be such that it can be used safely without danger to health, peril from flood or other menace.
- D. Where the Planning Board finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site or because of the special nature and character of surrounding development the minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare or potentially may cause environmental damage or jeopardize the public health of the subdivision or other areas, a higher standard shall be required.

§130-27. Required improvements.

- A. Required improvements shall be installed to the satisfaction of the Planning Board prior to final plat approval, or alternatively, the subdivider shall post a performance bond.
- B. The following are required improvements: monuments, streets, sidewalks, street signs, streetlights, curbs, gutters, water mains, sanitary sewers, storm drains, fire hydrants and trees, except where the Board may waive or vary such improvements.

§130-28. Design standards for streets.

Street design standards shall be as follows:

Standard	Type of Street	
	Collector	Minor
Minimum right-of-way width (feet)	60	50
Minimum pavement width (feet)	36	30
Maximum grade (percent)	4	8
Minimum grade (percent)	0.5	0.5
Minimum radius of curves, inner		
Street line (feet)	500	250
Minimum tangent length between		
Reverse curves (feet)	150	100
Maximum grades within 100 feet of		
Center-line intersections (percent)	2	3
Minimum braking sight distance (feet)	300	200
Angle at intersections of street		

Center lines (degrees)	85 to 95	85 to 95
Minimum street crown (percent)	1	
Maximum street crown (except on super Elevated curves) (percent)	2	
Cul-de-sac: Maximum length, 400 feet; turn around radius, 50 feet; minimum outside radius at curb, 40 feet.		

§ 130-29. Planning standards for streets.

- A. Streets shall be suitably located to accommodate prospective traffic and to afford satisfactory access to fire-fighting, snow removal and road maintenance equipment.
- B. Streets shall be coordinated so as to compose a convenient system and shall be arranged so as to cause no undue hardship to adjoining properties.
- C. Arrangement, width and grade of all streets shall be considered in relation to existing and planned streets, topographic conditions, utilities, public convenience and safety and in their appropriateness to proposed land uses.
- D. Minor streets shall be planned so their use by through traffic will be discouraged.
- E. Grades of streets shall conform as closely as possible to original topography and shall be arranged so that building sites are at or above street grade. Steep grades and sharp curves shall be avoided.
- F. Where the subdivision borders on an existing street and the Comprehensive Plan or the Official Map indicates plans for realignment or street widening that would require reservation of some land of the subdivision, the Board shall require that such areas be shown and marked on the final plat "Reserved for Street Realignment (or Widening) Purposes."
- G. The minimum building setback on a collector street shall be seventy (70) feet from the center line of such street.
- H. Cross street intersection shall be avoided, except at important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between offset intersections. Within one hundred (100) feet of at intersection right-of-way, streets shall be approximately at right angles.
- I. Half streets and privately owned reserve strips controlling access to streets or adjacent property are prohibited.

- J. A circular turnaround shall be provided at the end of a cul-de-sac.
- K. If adjacent property is undeveloped and a street must have a dead-end temporarily, rights-of-way and improvements shall be extended to the property line. A temporary circular turnaround shall be provided on all dead-end streets, with notation on the plat that land outside the street right-of-way shall revert to abutting lots whenever the street is extended.

§ 130-30. Planning and design standards for blocks.

- A. Length, width and shape of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to special needs of use contemplated.
 - (2) Zoning requirements as to lot sizes and dimensions.
 - (3) Need for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and opportunities of topography.
- B. Irregularly shaped or oversized blocks indented by cul-de-sac or looped streets and containing interior parks will be acceptable when properly designed under the provisions of planned residential development.
- C. Block lengths shall not exceed one thousand two hundred (1,200) feet not be less than six hundred (600) feet, and blocks abutting major streets shall be not less than one thousand (1,000) feet and may exceed one thousand two hundred (1,200) feet.
- D. Long blocks may be required to have a twenty-foot-wide crosswalk easement to facilitate pedestrian access.
- E. The minimum block width of lots shall be two hundred (200) feet or twice the minimum depth specified in Chapter 165, Zoning.

§ 130-31. Planning and design standards for lots.

- A. Lot size and shape shall comply with Chapter 165, Zoning, and shall be arranged so that there will be no foreseeable difficulties in securing building permits and gaining access to buildings from streets.
- B. Each lot shall be provided with satisfactory access to a public street, and driveway grades shall not exceed ten percent (10%).
- C. Double-and reverse-frontage lots should be avoided.

- D. Side lot lines shall be at right angles to street lines unless a variation will give a better lot plan.
- E. Corner lots shall have at least ten (10) feet more than the minimum lot width specified in Chapter 165, Zoning, to permit compliance with building setback requirements.
- F. The Planning Board may require that streets and lots be laid out to permit future resubdivision where a tract is subdivided into lots much larger than minimum zoning district requirements.

§ 130-32. Monuments.

- A. Monuments shall be stone or concrete with a one-inch diameter metal pipe two (2) feet long set in the center, be located at final grade level and be indicated on the final plat.
- B. Permanent monuments shall be set at all corners and angle points of subdivision boundaries and at all street intersections and points of curve.
- C. Lot corner markers shall be located.

§ 130-33. Street name signs.

- A. Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be subject to Planning Board approval.
- B. Streets shall be named subject to Board approval.

§ 130-34. Land for public recreation purposes.

- A. Except as hereafter provided, lands comprising at least five percent (5%), but not to exceed ten percent (10%), of total area to be subdivided shall be reserved for public recreation purposes in a location determined by the Planning Board.
- B. The Board shall require that the final plat show public recreation sites and may require that the developer grade, place topsoil and seed such area. If the Village Board approves, such areas may be dedicated to the village.
- C. If the Village Board does not approve dedication, lands designated on the plat as public recreation area shall be retained in private ownership and shall be subject to such conditions as the Board may establish concerning access, use and maintenance of such lands as deemed necessary to assure preservation for their intended purposes. Such conditions shall be shown on the final plat prior to approval.

§ 130-35. Recreation Land Acquisition and Improvement Trust Fund.

- A. In cases where the Planning Board determines that suitable public recreation areas cannot be located properly in a subdivision, it may waive the requirement. In this event, the Board shall require, as a condition of final plat approval, a payment to the Recreation Land Acquisition and Improvement Trust Fund.
- B. Such payment shall be determined by the Village Board in accordance with an equitable and standard fee schedule related to either the gross area of the subdivision or the number of dwelling units proposed. Payment shall be made at the time of final plat approval.
- C. The Recreation Land Acquisition and Improvement Trust Fund shall be used either for acquisition of land suitable for public recreation purposes or for improvement of existing recreation areas.

§130-36. Trees.

On a residential lot where no trees exist, at least one (1) tree must be provided in the front yard, not closer than thirty-five (35) but not further than forty-five (45) feet from the center of the street. New trees shall measure at least two (2) inches in diameter at a point six (6) inches above grade level. Trees shall be hardy and shall be suitable to local soil and climate and shall be of species approved by the Planning Board.

§130-37. Preservation of natural features and trees.

- A. Outstanding natural features of the site, trees, watercourses and similar assets shall be preserved as far as possible by harmonious design.
- B. Trees shall be reserved where possible unless they are within the right-of-way of a proposed street.
- C. Topsoil removed during grading shall be replaced, except in proposed street, driveway and building locations.

§ 130-38. Easements for access, utilities and drainage.

- A. The Planning Board may require easements for pedestrian access to schools, public open space or streets and a paved walk to be installed.
- B. Where it is impractical to locate utilities or drainage facilities within street right-of-way, easements shall be provided centered on rear or side lot lines.
- C. Easements shall be at least twenty (20) feet wide and indicated on the final plat.

§130-39. Public utility improvements.

The following public utility improvements shall be installed:

- A. Fire protection. Hydrants to be of the size, type and location specified by the New York Fire Insurance Rating Organization.
- B. Streetlights. Poles, brackets and lights to be of the size, type and location approved by the power company.
- C. Electricity. Poles and power lines to be approved by the power company.
- D. Utility services. Located six (6) to eight (8) feet from the street property line to the center line of utility service between the sidewalk and the curb line.

§130-40. Stormwater drainage improvements.

- A. Adequate stormwater drainage systems shall be required in subdivisions, designed by an engineer and subject to approval by the Planning Board.
- B. Rights-of-way for stormwater drainage must be sufficient to handle discharge anticipated from the property being subdivided and runoff that will occur when property at a higher elevation in the drainage basin is developed, based on ten-year storm conditions.
- C. The subdivider's engineer shall study the effect of the subdivision on existing drainage facilities downstream. Where it is anticipated that runoff incident to development of the subdivision will overload existing drainage facilities during a ten-year storm, the Board shall not approve the subdivision until provision has been made for improvement of the downstream facility.
- D. Where a subdivision is traversed by a water course or drainage way, there shall be provided a stormwater drainage easement of such width as to encompass the twenty-five-year flood area of such watercourse, which easement shall be indicated on the final plat.
- E. Land unsuitable for residential occupancy due to flood hazard shall be set aside for such uses as are not endangered by periodic inundation.
- F. Storm drainage systems shall be installed and constructed by the subdivider in accordance with procedures and standards of the State Department of Health.

§130-41. Water supply improvements.

A public water supply system shall be installed at the expense of the subdivider meeting the approval of the village, as follows:

- A. Cast-iron water mains at least six (6) inches in diameter shall be laid at least five (5) feet below finished grade. Larger pipes may be required where needed to provide an adequate system.

- B. The system shall be designed and installed to meet the standards and procedures of the State Department of Health.
- C. Action shall be taken by the subdivider to enable the village to create or extend a water supply district.

§ 130-42. Alternative water supply improvements.

If, in the opinion of the planning Board, service to each lot by a public water supply system is not feasible, the Board may allow individual wells to be used, which shall be installed at the expense of the subdivider, subject to the approval of the village, as follows:

- A. Minimum lot sizes shall be twenty thousand (20,000) square feet in area or in accordance with the requirements of § 130-46, whichever is greater.
- B. The water supply system shall be designed and installed to meet the standards of the State Department of Health.

§ 130-43. Sewage disposal improvements.

A sanitary sewer system shall be installed at the expense of the subdivider, subject to the approval of the Village, as follows:

- A. Cast-iron approved tile pipes with a minimum internal diameter of eight (8) inches shall be laid at such depths below finished grade to provide adequate sewage facilities to every dwelling and other structure. Larger pipes may be required where needed to provide an adequate system.
- B. The system shall be designed and installed to meet the standards of the State Department of Health.
- C. Action shall be taken by the subdivider to enable the village to create or extend a sanitary sewer district.

§ 130-44. Alternative sewage disposal improvements.

If, in the opinion of the Planning Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used, which shall be installed at the expense of the subdivider to approval of the village, as follows:

- A. Minimum lot sizes shall be in accordance with the requirements of § 130-46.
- B. Any sewage disposal system shall be approved by the State Department of Health.

§ 130-45. Minimum distances between wells and possible contaminants.

The following minimum distances to be maintained between wells and sources of pollution shall be as provided by the regulations of the State Department of Public Health.

§ 130-46. Minimum residential lot sizes in areas without public sewer and water systems.

The following are minimum single-family residential lot sizes without public sewage disposal and/or water supply systems.

A. Where the average slope of the lot does not exceed fifteen percent (15%):

Absorption Time For 1-Foot Fall in Minutes	Public Water and Septic Tank (square feet of lot area)	Private Well and Septic Tank (square feet of lot area)
0 to 10	30,000	40,000
11 to 20	35,000	45,000
21 to 30	40,000	50,000
31 to 40	45,000	55,000
Over 40	50,000	Not Permitted

B. Where the average slope of the lot exceeds fifteen percent (15%):

Absorption Time For 1-Foot Fall in Minutes	Public Water and Septic Tank (square feet of lot area)	Private Well and Septic Tank (square feet of lot area)
0 to 10	35,000	45,000
11 to 20	40,000	50,000
21 to 30	45,000	55,000
31 to 40	50,000	60,000
Over 40	55,000	Not Permitted

§ 130-47. Street construction standards.

- A. Street improvements shall be installed at the expense of the subdivider.
- B. Streets must be constructed to comply with the detailed specifications of the Planning Board.
- C. Streets shall be built with:
 - (1) Subgrade, which shall be rough-graded the full width of the street right-of-way and compacted the full width between the outer edges of the curb and gutter.
 - (2) Base course, which shall be gravel.
 - (3) Surface course, which shall be bituminous asphalt.

§ 130-48. Sidewalk construction standards.

- A. Sidewalks shall be installed at the expense of the subdivider at such locations as the Planning Board may deem necessary.
- B. Sidewalks must be constructed to comply with the detailed specifications of the Planning Board.
- C. Sidewalks shall be concrete and have a minimum width of four (4) feet in residential areas and five (5) feet in commercial and industrial areas.

§ 130-49. Commercial and industrial subdivision standards.

- A. Application. All commercial and industrial subdivisions shall conform with the provisions of this section.
- B. Size. Approval of lot or parcel size will be determined by the following factors:
 - (1) The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities. In no instance shall there be less than two (2) square feet of off-street parking for each one (1) square foot of building use.
 - (2) Whenever possible, commercial parcels shall include enough land to provide for a group of commercial establishments planned, developed, owned and managed as a unit. Narrow highway commercial ribbon developments without proper traffic access shall not be approved.

- C. Setback. Building setback lines shall be as specified by Chapter 165, Zoning, and this chapter. If no such regulations are in force, setback lines shall be no less than thirty (30) feet.

- D. Location requirements. In general:
 - (1) Commercial and industrial subdivisions should be located adjacent or close to major highways, transportation facilities and public utilities.
 - (2) Commercial and industrial subdivisions may not be located in predominately residential areas or areas that are better suited to residential development.

- E. Site development. Commercial and industrial sites shall be designed so as to provide maximum protection to adjacent residential properties. Such protection shall consist of not less than a six-foot fence of permanent character or other suitable material maintained at all times and free from any advertising material of any type. The industrial area shall be lighted so as to be readily visible for police protection.

§130-50. Penalties for offenses.

Any person or persons, firm or corporation that violates any provisions of this chapter shall be punishable by a fine no to exceed two hundred fifty dollars (\$250.), by imprisonment for not more than fifteen (15) days, or both.

General Provisions

§ 165-1. Statutory authority.

Pursuant to the authority conferred by Article 7, §7-700, of the Village Law of the State of New York, the Board of Trustees of the Village of Bainbridge hereby adopts and enacts as follows.

§ 165-2. Title.

These regulations shall be known as the “Zoning Regulations of the Village of Bainbridge.”

§ 165-3. Purpose.

The purpose of these regulations and the districts as outlined on the Zoning Map¹ is to provide for orderly growth in accordance with a Comprehensive Plan, to lessen congestion in streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage disposal, school, parks and other public requirements and to promote the health, safety and general welfare of the public.

§ 165-4. Conformance required; applicability.

- A. Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended and no land, building or structure or part thereof shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.
- B. These regulations shall not apply to existing buildings and structures, nor to the existing use of any building, structure or land to the extent to which it was lawfully used at the time of the original enactment of these regulations. Uses of land under provisions of these regulations shall also conform to Ch. 130, Subdivision of Land, where applicable.
- C. Nothing herein contained shall require any change in plans or construction of a building for which a building permit has been issued.

§ 165-5 Definitions.

As used in these regulations, the following words shall have these meanings:

ACCESSORY BUILDING, RESIDENTIAL – A detached structure which is incidental to and subordinate to the principal residential use and is located on the same lot, including but not limited to a garage, carport, storage building, screen house, playhouse or other similar structure. A residential accessory building shall not be located closer to the front street line than the principal residence. The exterior of a residential accessory building shall be similar to and complementary to the character and the appearance of the the principal residence. **[Added 11-15-2005 by L.L. No. 2-2005]**

ACCESSORY USE OR BUILDING – A use or building customarily incidental and subordinate to a principal use or building and located on the same lot.

AGRICULTURAL USE – Land containing at least two (2) acres which is used for raising livestock or agricultural products, including farm structures and storage of agricultural equipment, riding and boarding stables, repair of agriculture equipment and, as an accessory use, the sale of agricultural products raised on the property.

ALTERATION – A structural change, rearrangement, change of location or addition to a building, other than repairs and modifications in building equipment.

APPEAL – The right of any resident in the Village of Bainbridge, New York, to appeal to the Zoning Board of Appeals after being aggrieved by any decision or action pertaining to the zoning regulations by the village government official or body.

BASEMENT – A story partly underground. A “basement” shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six (6) feet.

BOARDINGHOUSE – An owner-occupied dwelling wherein more than three (3) people are sheltered for profit.

BUILDING – A structure having a roof supported by columns or walls and intended for shelter or enclosure of persons, animals or chattels.

BUILDING AREA – Totals of areas taken on a horizontal plane at main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between interior faces of walls.

BUILDING HEIGHT - The Vertical distance measured from the average elevation of the finished grade at the front of a building to the highest point of the roof for flat and mansard roofs and to the average height between eaves and ridge for other roofs.

BUILDING LINE – A line parallel to the front lot line transecting that point in the building face which is closes to the front lot line. This face includes porches but does not include steps.

BUILDING LINE WIDTH, MINIMUM - The distance measured across the width of a lot at the required building line.

CAMP – Land on which are located one (1) or more cabins, trailer, shelter, houseboats or other accommodation for seasonal or temporary living purposes, excluding mobile homes.

CLUB – A building or use catering exclusively to club members and their guests, and not operating primarily for profit; includes the YMCA, the YWCA, the YMHA, a fraternity, a sorority, a lodge or religious and similar clubs.

COMMUNITY CENTER – A meeting hall, place of assembly, museum, art gallery or library not operated primarily for profit.

COVERAGE – That percentage of lot area covered by building area.

DRIVE-IN SERVICE – A building or use where a product is sold to or a service performed for customers while they are in or near their motor vehicle.

DUMP – Land used for disposal, by abandonment, dumping, burial, burning or other means, of garbage, sewage, trash, refuse, junk, machinery, vehicles or parts thereof or waste material of any kind.

DWELLING, MULTIPLE-FAMILY – A building used as living quarters by three (3) or more families living independently of each other.

DWELLING, ONE-FAMILY – A detached building used as living quarters by one (1) family.

DWELLING, TWO-FAMILY – A building used as living quarters by two (2) families living independently of each other.

DWELLING UNIT - A building or part thereof used as living quarters for one (1) family. The terms “dwelling,” “one-family dwelling,” “two-family dwelling,” or “multiple-family dwelling” shall not include a motel, hotel, boardinghouse, tourist home, camp or similar structure.

FACTORY MANUFACTURED HOME – As defined by the New York State Uniform Fire Prevention and Building Code.

FAMILY – One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit.

FOOR AREA – The sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

FLOOR AREA OR ROOM, HABITABLE - The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room and kitchen.

GASOLINE STATION – A building or land used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles, but not including painting or body repairs.

HOME OCCUPATION – An accessory use of a service character conducted within a dwelling by resident thereof which is clearly secondary to the dwelling use for living purposes and does not change or have any exterior evidence of such use, and which conforms to the following conditions:

- A. “Home occupations” shall be carried on wholly within the principal building or suitable accessory building. Not more than one (1) person outside the family shall be employed. There shall be no exterior storage of materials used in the occupation.

- B. "Home occupation" includes artist, babysitting, barber, beautician, cook, draftsman, dressmaker, launderer, musician and photographer.

HOSPITAL – A sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any place for diagnosis and treatment of human ailments.

JUNKYARD – Land used for collecting, storage or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles, not in running condition. Two (2) or more vehicles not in running condition shall constitute a "junkyard."

KENNEL – A building or land used for harboring four (4) or more dogs over six (6) months old.

LOADING SPACE – An off-street space at least twelve (12) feet wide by forty (40) feet long used for the temporary location of one (1) licensed motor vehicle. Such space shall have access to a street or alley.

LOT – Land occupied or which may be occupied by a building and its accessory uses, together with required open spaces, having not less than the minimum area, with and depth required for a lot in the district in which such land is situated and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition for issuance of a building permit.

LOT AREA – The total area within property lines, excluding any part thereof lying within the boundaries of a street or proposed street.

LOT DEPTH - The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building line.

LOT FRONTAGE – The distance measured across the width of the lot at the street right-of-way line.

MOBILE HOME PARK – Land on which two (2) or more mobile homes are parked or which is used for the purpose of supplying to the public a parking space for two (2) or more mobile homes.

NONCONFORMING USE – Use of land or a structure which does not comply with all regulations for the district in which it is located, where such use conformed with all applicable laws, ordinances and regulations prop to enactment or amendment of this chapter.

OWNER – A person or persons holding title to the property.

PARKING SPACE – An off-street space at least (9) feet wide by twenty-two (22) feet long used for the temporary location of one (1) licensed motor vehicle. Such space shall have access to a street or alley.

PROFESSIONAL OFFICE – An office operated and maintained for the primary purpose of practicing a profession and not secondary to the use of a dwelling as a residence.

PROFESSIONAL RESIDENCE-OFFICE – A one-family dwelling in which the occupant has a professional office which is clearly secondary to the dwelling use for living purposes, does not change the residential character and where not more than two (2) persons outside the family are employed.

RECREATION, INDOOR – Includes bowling alley, theater, table tennis and pool halls, skating rinks, gymnasiums, swimming pools, hobby workshops and similar places of indoor recreation.

RECREATION OUTDOOR – Includes golf courses, golf driving ranges, trap, skeet and archery ranges, swimming pools, skating rinks, riding stables, tennis courts, recreation stadiums, skiing facilities, hunting preserves, and similar places of outdoor recreation.

RELIGIOUS INSTRUCTION – A church, temple, parish house, convent, seminary and retreat house.

RESIDENTIAL USE – A one-family dwelling, two-family dwelling, multiple-family dwelling, professional residence-office and mobile home.

RETAIL STORE – An enclosed store for the sale of retail goods; personal service shop; department store; and restaurant, excluding any drive-up service; freestanding retail stand; gasoline service and motor vehicle repair service; new and used car sales and service; and trailer and mobile home sales and service.

SCHOOL – A parochial, private and public school, college, university and accessory uses, excluding commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

SIGN – Any device, structure, building or part thereof for visual communication used to bring the subject thereof to the public's attention.

SIGN, ADVERTISING OR BILLBOARD – A sign which directs attention to a business, industry, profession, service, commodity or entertainment conducted, sold or offered elsewhere than upon the same lot.

SIGN, BUSINESS – A sign which directs attention to a business, industry, profession, service, commodity or entertainment sold or offered upon the same lot on which it is displayed, including "For Sale or Rent" signs.

SPECIAL PERMIT – A device to impose conditions on permitted used to protect the health, safety and welfare of the community, not an exception to the zoning regulations.

STABLE – A building in which not more than three (3) horses are kept for private use.

STREET – A public way for vehicular traffic which affords a principal means of access to abutting properties.

STREET LINE – The right-of-way line of a street as dedicated by a deed or record.

TOURIST HOME – An owner-occupied dwelling in which overnight accommodations are provided for transient guest for profit.

TRAILER – A vehicle capable of being used as seasonal sleeping or living quarters, not exceeding three hundred eighty (380) square feet in floor area, whether self-propelled or towed, or a camper body mounted on a motor vehicle. "Trailer" shall also include any vehicle which may be towed and used for carrying goods, equipment, and machinery or recreation vehicles or as a site office.

VARIANCE –

- A. **USE VARIANCE** – An authorization by the Zoning Board of Appeals to use a particular parcel of land in a manner or for a purpose which is otherwise not allowed or prohibited by the zoning regulations
- B. **AREA VARIANCE** – An authorization by the Zoning Board of Appeals for the use of a parcel of land in a manner which is not allowed by the dimensional or topographical requirements of the zoning regulations.

ARTICLE II **Administration and Enforcement**

§ 165-6. Enforcing official.

These regulations shall be enforced by the Code Enforcement Officer.

§ 165-7. Fees.

Fees may be charged for permits issued and for processing of applications for zoning changes and variances.

§ 165-8. Building permits.

- A. No building or structure shall be erected, added to or structurally altered or changed in use until a building permit has been issued by the Code Enforcement Officer.
- B. The Code Enforcement Officer shall not grant a building permit where the proposed construction, alteration or use thereof would be in violation of these regulations.
- C. The Code Enforcement Officer shall issue a building permit only after the site plans has been approved by the Planning Board, except in the case of on- or two-family dwellings and associated accessory buildings.

§ 165-9. Penalties for offenses.

Any violation of these regulations is a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both. Each week's continued violation shall constitute a separate offense.

§ 165-10. Filing of complaints.

If any violation of these regulations occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and signed and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate.

§ 165-11. Procedure for amendment.

- A. Regulations, districts and boundaries established by these regulations may be amended or repealed by the Village Board of Trustees only after official notice has been given and a public hearing has been held by the Board of Trustees as required by law.
- B. Each petition requesting a change of zoning regulations of district boundaries shall be typewritten, signed by the owner and filed in triplicate.
- C. Every such proposed amendment shall be referred to the Planning Board for a report and recommendation before the public hearing.
- D. The Planning Board may require a plan of proposed development for which a zoning district change is sought to assist them in understanding the request for change.

ARTICLE III
Zoning Board of Appeals

§ 165-12. Membership; appointment.

The Zoning Board of Appeals shall consist of five (5) members who shall be appointed in accordance with § 7-712 of the Village Law.

§ 165-13. Powers and duties.

The Zoning Board of Appeals shall have the following powers and duties:

- A. Interpretation. The Zoning Board of Appeals shall have the power to decide questions involving interpretation on any provision of these regulations brought before the Board of Appeals.
- B. Special permits. The Zoning Board of Appeals shall have the power to issue special permits in accordance with the provisions of these regulations.

C. Variances. The Zoning Board of Appeals shall have the power to vary or modify the application of any provisions of these regulations relating the dimensional or area requirements, alteration of buildings or structures and use of land so that the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done as provided by § 7-712-b of the Village Law.

D. Appeals.

(1) The Zoning Board of Appeals, on an applicant's appeal from the decision or determination of the administrative officer charged with the enforcement of such local regulations, shall have the power to grant use variances authorizing the use of land which otherwise would not be allowed or would be prohibited by the terms of this Article. No such use variance shall be granted by the Zoning Board of Appeals without showing by the applicant that the zoning regulations and the restriction have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals how the granting of a use variance shall meet the findings of Subsection E(1), Use variance, Subsection E(1)(a) through (d) below.

(2) The Zoning Board of Appeals, on an applicant's appeal from a decision or determination of the administrative officer charged with the enforcement of such local regulations, shall have the power to grant area variances from the area or dimensional requirements of the zoning regulations. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community. The applicant shall demonstrate to the Zoning Board of Appeals how the granting of the area variance shall meet the findings of Subsection E(2), Area variance, Subsection E(2)(a) through (e) below.

E. Findings. The Zoning Board of Appeals may grant either a use variance or an area variance.

(1) Use variance. No variance in the strict application of any provision of these regulations shall be granted unless the Board finds:

(a) That under the zoning regulations, the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established 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) Area variance. No variance in the strict application of any provision of these regulations shall be granted in the Board finds:

(a) That an undesirable change will be produced in the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

(b) That the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

(c) That the requested area variance is substantial.

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

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

F. Minimum relief.

(1) The Zoning Board of Appeals shall grant the minimum use variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) The Zoning Board of Appeals shall grant the minimum area variance 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.

G. Conditions. The Zoning Board of Appeals shall, in the granting of both use 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 or the period of time such variance shall be in effect. Such conditions or restrictions shall be consistent with the spirit and intent of these zoning regulations and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 165-14. Appeals.

A. The Zoning Board of Appeals shall act in strict accordance with procedures specified by the Village Law and these regulations. All appeals for a use variance, area variance and an interpretation shall be in writing on forms prescribed by the Zoning Board of Appeals.

Every appeal shall refer to specific provisions of these regulations. All appeals will fully document the reasons why a use variance, area variance or interpretation is being requested. The appeal will show when, where and how the grievance occurred.

- B. Any appeals must be filed within sixty (60) days from the date of the grievance taking place. All appeals shall be reviewed at a public hearing. At least thirty (30) days before the date of any public hearing, the Zoning Board of Appeals shall transmit to the Planning Board a copy of the appeal and notice of hearing. The Planning Board shall submit a report of its advisory opinion to the Zoning Board of appeals prior to the hearing. Failure of the Planning Board to submit a report shall signify their approval.
- C. Every Zoning Board of Appeal's decision shall be by resolution, which shall contain a full statement of its findings of fact and decision and shall be recorded in the minutes of the public hearing.

§ 165-15 Special permits.

- A. Procedure.
 - (1) The Zoning Board of Appeals shall act in strict accordance with procedures specified by the Village Law and these regulations. All applications for a special permit will be submitted directly to the Chairman of the Zoning Board of Appeals and shall be in writing on forms prescribed by the Zoning Board of Appeals. Every application shall refer to specific provisions of these regulations. The application for a special permit will fully document the reasons why a special permit is being requested.
 - (2) The Zoning Board of Appeals may issue a special permit only after referral to the Planning Board for its recommendation, receipt of its report and after a public hearing has been held. At least thirty (30) days before the date of any public hearing, the Zoning Board of Appeals shall transmit to the Planning Board a copy of the application and notice of hearing. The Planning Board shall submit a report of its advisory opinion to the Zoning Board of Appeals. Failure of the Planning Board to submit a report shall signify their approval.
 - (3) Every Zoning Board of Appeals' decision shall be by resolution, which shall contain a full statement of its findings of fact and decision and shall be recorded in the minutes of the public hearing.
 - (4) The Zoning Board of Appeals may, in connection with the granting of a special permit, impose such reasonable conditions and/or restrictions directly related and incidental to the proposed use of the property and which are not inconsistent with the provisions of these regulations.
- B. Changes. The Zoning Board of Appeals has original jurisdiction in the issuance of special permits in the Village of Bainbridge, New York. Any changes to the site plan, architectural drawings, conditions imposed by the Zoning Board of Appeals or the project for which a

special permit has been issued will be referred back to the Zoning Board of Appeals for its review prior to continuation of work. Failure to do so may nullify any special permit issued. The provisions of § 165-27C of this chapter will also apply.

- C. Required plan. Application for a special permit shall be accompanied by three (3) sets of preliminary plans and other descriptive matter to portray clearly the intentions of the applicant. These documents shall become a part of the record. Such plans shall show the location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine if the proposed special use meets regulations requirements.
- D. Standards. The Planning Board may recommend that additional standards be imposed on the special use to provide adequate safeguards to protect the health, safety, morals and general welfare of the public and for preservation of the general character of the neighborhood in which such proposed special use is to be placed to minimize possible detrimental effects of the use on adjacent property.
- E. The Zoning Board of Appeals may issue a special permit only after it has found that all of the following standards and conditions have been satisfied:
 - (1) The location, size and use of, and the structure, nature and intensity of operations involved and the size of the site in relation to it, and the location of the site with respect to streets giving access are such that it will be in harmony with orderly development of the district.
 - (2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
 - (3) The requested special use shall not conflict with any Comprehensive Plan.
 - (4) Operations connected with any special use shall not be more objectionable to nearby properties than would be operations of any permitted use.
- F. No special permit shall be issued for use on a property where there is an existing violation of these regulations.

ARTICLE IV
District Regulations

§ 165-16. Establishment of districts.

The Village of Bainbridge is hereby divided into the following zoning districts:

Floodplain District	FP
Planned Development	PD

Residential 1 District	R1
Residential 2 District	R2
Residential 3 District	R3
Commercial 1 District	C1
Commercial 2 District	C2
Industrial District	IN

§ 165-17. Zoning Map.

The zoning districts are shown and defined on the Zoning Map accompanying these regulations. The Zoning Map is hereby made a part of these regulations and shall be on file in the office of the Village Clerk.

§ 165-18. Interpretation of district boundaries.

- A. Questions concerned with the exact location of district boundary lines as shown on the Zoning Map shall be resolved by the Board of Appeals.
- B. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such shall extend not more than fifty (50) feet into the more restricted part, provided that the lot has frontage on a street in the less restricted district.

§ 165-19. Standards for two-family and multiple-family dwelling units in Planned Development Districts.

- A. In Planned Development Districts where specifically permitted by the Board of Trustees, multiple-family dwelling units may be constructed pursuant to the following regulations:

Regulation	Two-Family	Multiple-Family
Lot area, minimum (square feet)	15,000	5,000 plus an additional 3,000 for each 1-bedroom unit 3,500 for each 2-bedroom unit and 4,500 for each 3-bedroom unit
Building line, Minimum (feet)	100	120
Lot depth, minimum (feet)	125	150
Front and rear yard, Minimum (feet)	30	40
Side yard, minimum (feet)	15	25
Coverage, maximum	30	20

(percent)		
Maximum units per Build-ing	2	12
Building height Maximum		3 stories or 35 feet, whichever is less; accessory building, 15 feet

B. In Planned Development Districts the supplementary regulations shall be as follows:

- (1) As set forth in Article V, hereof.
- (2) Site plan approval required.
- (3) Multiple-family dwelling units are not permitted in basements.
- (4) Approved water supply and sewage disposal systems required.

§ 165-20. Planned Development (PD) Districts.

A. Purpose. The purposes of the Planned Development District are:

- (1) To provide for new Residential, Commercial or Recreational Districts in which the economics of scale and creative and innovative planning and architectural concepts and techniques may be utilized by the developer without departing from the spirit and intent of the zoning regulations.
- (2) To provide for the use of those relatively extensive land areas within the community considered appropriate for development consistent with a Planned Development District but for which no development has been proposed at the time of adoption of these regulations.
- (3) To ensure that the regulations of this section are so interpreted and applied that the benefits of these zoning regulations to the occupants of the Planned Development District and the residents or occupants of adjacent properties will be protected.

B. Area, yard, coverage, height and supplementary regulation requirements shall be comparable to minimum requirements in appropriate Residential, Commercial or Industrial Zoning Districts for each specific use, except where the Planning Board finds that it is in the public interest to modify these requirements.

C. Site plan. The owner shall submit three (3) sets of site plans of proposed development within a Planned Development District to the Planning Board for review, as required in § 165-27B.

D. Findings required. The Planning Board shall recommend approval, approval with modifications or disapproval of site plans. The Board may recommend to the Board of Trustees the

establishment of a Planned Development District, provided that it finds facts submitted that establish that:

- (1) Proposed uses will not be detrimental to present and potential adjacent uses.
- (2) Land surrounding the proposed development can be planned in coordination with and be compatible in use to the proposed development.
- (3) A proposed zoning change is in conformance with the intent of the Comprehensive Plan.
- (4) Existing and proposed streets are suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed district.
- (5) Existing and proposed utility services are adequate for the proposed development.
- (6) Each phase of development as proposed to be completed contains required parking spaces and landscaped areas necessary for creating and sustaining a desirable and stable environment.

E. Public hearing.

- (1) The Board of Trustees may mend the Zoning Map after holding a public hearing, but such action shall have the effect only of granting permission for development of the specific proposal in accordance with site plans approved by the Board of Trustee. An appropriate notation to that effect shall be made on three (3) sets of plans. One (1) set shall be retained by the Village Clerk-Treasurer.
- (2) Planned development approval by the Board of Trustees shall be secured by the owner for each phase.

§ 165-21. Floodplain (FP) Districts.

A. Purpose. Floodplain zoning is intended to provide a means for the regulation of land uses in areas subject to flooding, for the protection of life and property values and for the public safety, health, welfare and convenience. For these purposes, a separate district is hereby established, to be known as a "Floodplain District," within which certain uses are permitted and others require review and a special permit by the Board of Appeals.

B. Notwithstanding the other zoning district regulations, the following uses shall be prohibited in a designated floodplain:

- (1) All residential, commercial, industrial and other buildings intended for human occupancy or employment, excluding recreational, agricultural and temporary uses.
- (2) All dumps, junkyards, excavation sites and storage of flammable liquids.

- (3) Sewage disposal and water supply facilities, except those approved by the State Department of Health.

C. The regulations set forth in Chapter 63, Flood Damage Prevention, will also apply to this district.

§ 165-22. Residential 1 (R1) Districts.

A. Purpose. The purposes of the Residential 1 District are:

- (1) To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Village Plan.
- (2) To improve the character of residential areas by requiring standards of land use and lot and building size which accurately reflect existing and desirable development.
- (3) To protect the integrity of residential areas by prohibiting the intermixture of incompatible nonresidential uses.

B. Permitted uses. The following uses are permitted in Residential 1 Districts.

- (1) One-family dwellings.
- (2) Schools.
- (3) Religious institutions.
- (4) Accessory uses.

C. Uses requiring a special permit. The following uses are permitted after issuance of a special permit:

- (1) Public utility substations.
- (2) Home occupations.
- (3) Mobile homes.

D. Area, yard, coverage and height regulations. Area, yard, coverage and height regulations shall be as follows: **[Amended 11-15-2005 by L.L. No. 2-2005]**

Regulation	Residential	Nonresidential (except public utility)
Lot area, minimum	11,000	80,000

(square feet)

Building line width, Minimum (feet)	80	200
Lot depth, minimum (feet)	125	250
Front yard, minimum (feet)	25	40
Rear yard, minimum (feet)	30	50
Side yard, minimum (feet)	30 (total) 10 minimum	50 (each side)
Coverage, maximum (percent)	30%	15%
Building height, Maximum (feet)	35; accessory building, 15	
Residential accessory building, side and rear yard minimum (feet)	5	5

E. Supplementary regulations. Supplementary regulation shall be as follows:

- (1) As set forth in Article V hereof.
- (2) Site plan approval required for nonresidential uses.

§ 165-23. Residential 2 (R2) Districts.

A. Purpose. The purposes of the Residential 2 District are:

- (1) To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the Village Plan.
- (2) To improve the character of residential areas by requiring standards of land use and lot and building size which accurately reflect existing and desirable development.
- (3) To protect the integrity of residential areas by prohibiting the intermixture of incompatible nonresidential uses.

B. Permitted uses. The following uses are permitted in Residential 2 Districts:

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Professional residence-office.
- (4) Schools.
- (5) Religious institutions.
- (6) Accessory uses.

C. Uses requiring a special permit. The following uses are permitted upon issuance of a special permit:

- (1) Home occupations.
- (2) Community centers.
- (3) Outdoor recreation.
- (4) Public utility substations.
- (5) Funeral homes.
- (6) Nursing homes.
- (7) Multiple-family dwellings.
- (8) A nonconforming use on a lot or property on which there was a prior nonconforming but preexisting use, provided that the successor use, in the judgement and opinion of the Board of Appeals, does not adversely affect the character of the district any more than the prior use.
- (9) Professional offices.

D. Area, yard coverage and height regulations. Area, yard, coverage and height regulations shall be as follows: **[Amended 11-15-2005 by L.L. No. 2-2005]**

- (1) One-family, two-family and nonresidential:

Regulation	One-Family	Two-Family	Nonresidential (except public utilities)
Lot area, minimum (square feet)	9,000	15,000	80,000

Building line width (feet)	70	100	200
Lot depth, Minimum (feet)	125	125	200
Front yard, minimum (feet)	25	30	40
Rear yard, minimum (feet)	25	30	50
Side yard, minimum (feet)	20 (total) 8 (minimum)	20 (minimum)	50 (each side)
Coverage, maximum (percent)	30%	30%	15%
Building height, Maximum (feet)		35; accessory building, 15	
Residential Accessory building, Side and rear yard Minimum (feet)	5	5	5

(2) Multiple-Family:

Regulation	Dimension
Lot area, minimum (square feet)	5,000 plus an additional 3,000 for each 1 –bedroom unit, 3,500 for each 2-bedroom unit and 4,500 for each 3-bedroom unit
Building line, minimum (feet)	120
Lot depth, minimum (feet)	150
Front yard, minimum (feet)	40
Side yard, minimum (feet)	25
Coverage, maximum (percent)	20%
Maximum units per Building	12
Building height, maximum	3 stories or 35 feet, whichever is less;

accessory building, 15 feet

Residential accessory
Building, side and rear yard
Minimum (feet)

5

E. Supplementary regulations. Supplementary regulations shall be as follows:

- (1) As set forth in Article V hereof.
- (2) Site plan approval required.
- (3) Multiple-family dwelling units not permitted in basements.
- (4) Approved water supply and sewage disposal systems required.

§ 165-23.1 Residential 3 (R3) Districts. [Added 3-9-1994 by L.L. No. 2-1994]

A. Purpose. The uses permitted in this district are very similar to those in an R2 District. The only difference between the two districts is that offices, restaurants, retail businesses and similar uses are allowed by special permit, provided that substantial changes in traffic patterns and changes to the exterior of the buildings are not such as to change the residential appearance of the buildings, or otherwise prove obtrusive to the neighborhood.

B. Permitted uses. The following are permitted uses in Residential 3 Districts:

- (1) One-family dwelling.
- (2) Two-family dwelling.
- (3) Religious institution.
- (4) School.
- (5) Professional/residential office.
- (6) Accessory uses.

C. Uses requiring a special permit. The following are uses permitted upon issuance of a special permit:

- (1) Business office.
- (2) Professional office.
- (3) Retail store or service.

- (4) Restaurant.
- (5) Museum, art gallery or library.
- (6) Mortuary, funeral home.
- (7) Multiple-family dwelling.
- (8) Nursing home.
- (9) Nursing home/residence.
- (10) Tourist home/bed-and-breakfast.
- (11) Home occupations.
- (12) Enclosed accessory uses.
- (13) Other uses upon the finding by the Zoning Board of Appeals that such use is of the same general character as those permitted and which will not be detrimental to other uses within the district.

D. Area, yard, coverage and height regulations. Area, yard, coverage and height regulations shall be as follows: **[Amended 11-15-2005 by L.L. No. 2-2005]**

(1) One-family, two-family and nonresidential:

Regulation	One-Family	Two-Family	Non-Residential
Lot area, minimum (square feet)	9,000	15,000	15,000
Building line width (feet)	70	100	100
Lot depth, minimum (feet)	125	125	125
Front yard, minimum (feet)	25	30	30
Rear yard, minimum (feet)	25	30	30
Side yard, minimum (feet)	20 (total) 8 (minimum)	20 (minimum)	20(minimum)

Coverage, maximum (percent)	30%	30%	30%
Residential accessory building, side and rear yard minimum (feet)	5	5	5
Building height, maximum (feet)		35; accessory building, 15	

(2) Multiple-family:

Regulation

Dimension

Lot area, minimum (square feet)	5,000 plus an additional 3,000 for each 1-bedroom unit, 3,500 for each 2-bedroom unit, 4,500 for each 3-bedroom unit
Building line, minimum (feet)	120
Lot depth, minimum (feet)	150
Front yard, minimum (feet)	40
Back yard, minimum (feet)	40
Side yard, minimum (feet)	25
Coverage, maximum (percent)	20%
Maximum units per building	4
Building height, maximum	3 stories or 35 feet, whichever is less; accessory building, 15 feet
Residential accessory building, side and rear yard minimum (feet)	5

E. Supplementary regulations. Supplementary regulations shall be as follows:

- (1) As set forth in Article V. hereof.
- (2) Multiple-family dwelling units are not permitted in basements.
- (3) Site plan approval is required.
- (4) Approved water supply and sewage disposal systems are required.
- (5) Site plan approval is required for non residential uses.

§ 165-24. Commercial 1 (C1) Districts.

A. Purpose. The purpose of the commercial 1 District is to provide for an orderly, compatible and attractive grouping at appropriate locations of those commercial establishments that are oriented

to highway services, sales and distribution. These uses generally function to support other primary business activities.

B. Permitted uses. The following uses are permitted in Commercial 1 Districts:

- (1) Shopping centers.
- (2) Retail stores or services.
- (3) Personal services.
- (4) Business offices.
- (5) Restaurants and bars.
- (6) Hotels and motels.
- (7) Indoor recreation.
- (8) Community centers.
- (9) Private clubs.
- (10) Sale of new products, produce and equipment.
- (11) Wholesale distribution services.
- (12) Motor vehicle, mobile home, boat, farm and contractors equipment/sales.
- (13) Freight or trucking terminals.
- (14) Gasoline service stations.
- (15) Car washes.
- (16) Mortuaries and funeral homes.
- (17) Veterinarians and animal hospitals.
- (18) Enclosed accessory uses.
- (19) Other highway commercial uses upon the finding by the Planning Board that such use is of the same general character as those permitted and which will not be detrimental to other uses within the district or to adjoining land uses.

(20) Multiple family dwellings [no more than four (4) families] that meet the following requirements:

(a) There shall be five (5) parking spaces for every three (3) dwelling units.

(b) Off-street parking spaces are to be arranged so that backing movements take place entirely within the parking area, and the required driveway shall be at least twenty (20) feet wide.

(c) Multiple-family dwellings shall be no more than three (3) stories in height.

(d) The maximum lot coverage shall be no more than thirty percent (30%).

(21) Light industry/manufacturing.

C. Uses requiring a special permit. The following uses are permitted after issuance of a special permit:

(1) One-family dwellings.

(2) Two-family dwellings.

(3) Mobile homes.

D. Supplementary regulation. Supplementary regulations shall be as follows:

(1) Area and yard coverage.

Regulation	Dimension
Lot area, minimum (square Feet)	20,000
Building line, width (feet)	125
Front yard, minimum (feet)	100
Side yard, minimum (feet)	15, or 50 abutting residential districts
Coverage, maximum (percent)	30 percent
Building height, maximum	35 feet or stories

(2) As set forth in Article V hereof.

(3) Site plan approval required.

§ 165-25. Commercial 2 (C2) Districts.

A. Purpose. The purpose of the Commercial 2 District is to delineate an area where retail stores, personal services and offices, recreational, institutional and cultural facilities and

municipal buildings and services are provided for public and commercial off-street parking areas for patrons of the business in the district.

B. Permitted uses. The following uses are permitted in Commercial 2 Districts:

- (1) Retail stores or services.
- (2) Personal services.
- (3) Business offices.
- (4) Commercial business schools.
- (5) Restaurants and bars.
- (6) Hotels and motels.
- (7) Religious institutions.
- (8) Community centers.
- (9) Clubs.
- (10) Mortuaries and funeral homes.
- (11) Accessory uses.
- (12) Parking.
- (13) Multiple-family dwellings [no more than four (4) families] that meet the following requirements:
 - (a) There shall be five (5) parking spaces for every three (3) dwelling units.
 - (b) Off-street parking spaces are to be arranged so that backing movements take place intirely within the parking area, and the required driveway shall be at least twenty (20) feet wide.
 - (c) Multiple-family dwellings shall be no more than three (3) stories in height.
 - (d) The maximum lot coverage shall be no more than thirty percent (30%).

C. Uses requiring a special permit. The following uses are permitted after issuance of a special permit:

- (1) Gasoline station.

- (2) Car wash.
- (3) Motor vehicle showrooms and/or services.
- (4) Other commercial uses upon the finding that such use is of the same general character as those permitted and which will not be detrimental to other uses within the district or to the adjoining land uses.
- (5) One-family dwelling.
- (6) Two-family dwelling.
- (7) Mobile homes.

D. Area, yard, coverage and height regulations. Area, yard, coverage and height regulations shall be as follows:

(1) Commercial

Regulation	Dimension
Lot width, minimum (feet)	150
Lot depth, minimum (feet)	250
Lot front yard, minimum (feet)	80
Lot rear yard, minimum (feet)	30, or 50 abutting residential districts
Lot side yard, minimum (feet)	30, or 50 abutting residential districts
Lot coverage, maximum (percent)	50
Building height, maximum (stories)	3

(2) Multiple-family.

Regulation	Dimension
Lot area, minimum (square Feet)	5,000, plus an additional 3,000 for each 1-bedroom unit, 3,500 for each 2-bedroom unit and 4,500 for each 3-bedroom unit.
Building line, minimum (feet)	120
Lot depth line, minimum (feet)	150
Front and rear yard, minimum (feet)	40
Side yard, minimum (feet)	25
Coverage, maximum (percent)	20

Maximum units per building
Building height, maximum

12
3 stories or 35 feet,
whichever is less; accessory
building, 15 feet

E. Supplementary regulations. Supplementary regulations shall be as follows:

- (1) As set forth in Article V hereof.
- (2) Site plan approval required.
- (3) Multiple-family dwelling units not permitted in basements.
- (4) Approved water supply and sewage disposal systems required.

§ 165-26. Industrial (IN) Districts.

A. Purpose. The purpose of the Industrial District is to provide a district exclusively for sound industrial development where manufacturing and other industries can locate and operate away from the restricting influences on nonindustrial uses while maintaining an environment free from offense or objectionable noise, dust, odor or other nuisances.

B. Permitted uses. In Industrial (IN) Districts, the following uses are permitted:

- (1) Enclosed manufacturing industries.
- (2) Enclosed warehouse or wholesale uses.
- (3) Public utilities.
- (4) Enclosed service and repairs.
- (5) Machinery and transportation equipment, sales, service and repairs.
- (6) Enclosed industrial processes and services.
- (7) Freight or trucking terminals.
- (8) Contractors' yards.
- (9) Garages.
- (10) Parking.
- (11) Accessory building uses.

C. Uses requiring a special permit. The following uses are permitted after issuance of a special permit:

- (1) Gasoline stations and car washes.
- (2) Aviation landing fields.
- (3) Quarries.
- (4) Sale or storage of used motor vehicles.
- (5) Other industrial uses upon the finding by the Planning Board that such use is of the same general character as those permitted and which will not be detrimental to other uses within the district or to adjoining land uses.

D. Area, yard, coverage and height regulations. Area, yard, coverage and height regulations shall be as follows:

Regulation	Dimension
District area, minimum (acres)	50
Lot area, minimum (square feet)	20,000
Building line width, Minimum (feet)	100
Lot depth, minimum (feet)	150
Front yard, minimum (feet)	50 abutting Residential and Agricultural Districts
Side yard, minimum (feet)	50 abutting Residential and Agricultural Districts
Coverage, maximum (percent)	35
Building height, maximum	3 stories or 45 feet, whichever is less

E. Supplementary regulations. Supplementary regulations shall be as follows:

- (1) A set forth in Article V hereof.
- (2) Site plan approval by Planning Board required.

Article V
Supplementary Regulations

§ 165-27. Site plan review and approval.

- A. The Planning Board, at a regular meeting, shall review and approve or approve with modifications all permitted uses listed as requiring site plan approval before a zoning permit is issued.

- B. Submission of site plan and supporting data. The applicant shall submit a site plan and supporting data and shall include the following information presented in drawn form and accompanied by a written text:
 - (1) A survey of the property showing existing features, including contours, large trees, buildings, structures, streets, utility easements, rights-of-way, land use and zoning and ownership of surrounding property.
 - (2) A site plan showing proposed lots, blocks, building locations and land use areas.
 - (3) Traffic circulation, parking and loading spaces and pedestrian walks.
 - (4) Landscaping plans, site grading, landscape design and open areas.
 - (5) Preliminary architectural drawings for buildings to be constructed and floor plans, exterior elevations and sections.
 - (6) Preliminary engineering plans, street improvements, storm drainage, water supply and sanitary facilities.
 - (7) An engineering feasibility study of any anticipated problem which might arise due to proposed development, as required by the Planning Board.
 - (8) A construction sequence and time schedule for the completion of each phase for buildings, parking and landscape areas.
 - (9) A description of proposed uses, hours of operation and the expected number of employees, volume of business and volume of traffic generated.

- C. Site plan approval.
 - (1) The Planning Board shall review the site plan and supporting data before approval or approval with stated conditions is given and take into consideration the following:
 - (a) The harmonious relationship between proposed uses and existing adjacent uses.
 - (b) The maximum safety of vehicular circulation between the site and the street.
 - (c) The adequacy of interior circulation, parking and loading facilities with particular attention to pedestrian safety.

(d) The adequacy of landscaping and setbacks to achieve compatibility with and protection of adjacent residential uses.

(2) The Planning Board may require changes or additions in relation to yards, driveways and landscaping to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties. Should changes or additional facilities be required by the Planning Board, final approval of the site plan shall be conditional upon satisfactory compliance by the applicant with the changes or additions.

(3) Any applicant wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

D. Performance bond as a condition of site plan approval. The Planning Board may require, as a condition of site plan approval, that the applicant file a performance bond in such amount as it may determine to be in the public interest to ensure that the proposed development will be built in compliance with accepted plans. The performance bond will be reviewed by the Village Attorney as to form and sufficiency.

§ 165-28. Parking and loading requirements.

A. Off-street parking space requirements. For every building hereafter erected, altered or changed in use, there shall be provided off-street parking spaces as set forth below:

(1) Residential uses:

(a) One- and two-family dwellings: two (2) parking spaces for each dwelling unit.

(b) Multiple-family dwellings: five (5) parking spaces for every three (3) dwelling units.

(c) Professional residence-office: three (3) parking spaces, plus one (1) additional parking space for every two hundred (200) square feet of office area.

(2) Hotel, motel, tourist home, boardinghouse: three (3) parking spaces, plus one (1) space for every two (2) beds.

(3) Nursing home, hospital: three (3) parking spaces, plus one (1) space for every two (2) beds.

(4) Places of public assembly: one (1) parking space for every five (5) seats or one (1) parking space for every one hundred (100) square feet of floor area.

(5) Business and professional offices: in addition to space required by the professional and his or her family, if any, one (1) parking space for each nonresident employee, plus one (1) space for each two hundred (200) square feet of office space.

(6) Commercial and business, in groups over twenty thousand (20,000) square feet of business floor area: one (1) parking space for every one hundred (100) square feet of business area.

(7) Commercial and business, individual establishments on separate lots: one (1) parking space for every motor vehicle used directly in the business, plus one (1) parking space for every two hundred (200) square feet of floor area.

(8) Restaurant, eating and drinking establishments: one (1) parking space for every one hundred (100) square feet of floor area.

(9) Industrial, wholesale, warehouse, storage, freight and trucking uses: one (1) parking space for every motor vehicle used directly in the business, plus additional parking as required by the Planning Board.

(10) Unspecified uses: as required by the Planning Board based upon use intensity, turnover, customers, employees and vehicles used.

(11) Except for one- family and two-family dwellings:

(a) Off-street parking spaces are to be arranged so that backing movements take place entirely within the parking area.

(b) Required driveways shall be at least twenty (20) feet wide.

B. Off-street loading space requirements. Every building occupied for the purpose of business or industry shall provide adequate space for off-street loading and unloading of vehicles.

C. Special parking and loading space requirements.

(1) The Planning Board, under its power of site plan review and approval, may modify requirements for parking and loading spaces and:

(a) Require additional spaces if it finds the requirements insufficient.

(b) Require fewer spaces if it finds the requirements excessive.

(c) Permit spaces for separate uses to be combined in one (1) parking lot.

(2) The Planning Board shall take into account existing parking spaces in the vicinity of the proposed development.

§ 165-29. Landscaping requirements.

A. The following are minimum landscaping requirements:

- (1) Where any land use in a nonresidential district abuts land in any Residential District, a strip of land at least fifteen (15) feet wide shall be maintained by the owner as a landscaped area in front, side and rear yards which adjoin these other districts.
- (2) Where any permitted nonresidential land use, multiple-family development or mobile home park in a Residential District abuts any land use in a Residential District, a strip of land at least fifteen (15) feet wide shall be maintained as landscaped area in the front, side and rear yards which adjoin these uses.
- (3) In an Industrial or Commercial District, each use shall have a strip of land at least fifteen (15) feet wide in any required front yard and at least five (5) feet wide in any required rear and side yards which shall be maintained as a landscaped area.
- (4) In a Planned Development District, landscaping shall be as required by the Planning Board under its powers of site plan review and approval.

B. Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

§ 165-30. Performance standards.

In all districts, uses are not permitted which exceed the following standards measured at the individual property line. The Planning Board, under its powers of site plan review and approval, shall decide whether uses meet the standards.

- A. Uses shall meet state air and water pollution standards and shall not:
- (1) Emit noise in excess of seventy (70) decibels, dBa scale, of a standard sound level meter.
 - (2) Emit odor which is considered offensive.
 - (3) Emit dust or dirt which is considered offensive.
 - (4) Emit smoke in excess of Ringlemann Smoke Chart No. 2.
 - (5) Emit noxious gases which endanger health, comfort, safety or welfare of any person or have tendency to cause injury or damage to property, business or vegetation.
 - (6) Cause, as a result of normal operations, a vibration which creates displacement of three thousandths (0.003) of one (1) inch.
 - (7) Create glare by lighting or signs which could impair a driver's vision.

(8) Cause a fire, explosion or safety hazard.

(9) Cause harmful wastes to be discharged into sewers, streams or bodies of water.

B. Lights, except streetlights. Outdoor lighting used in any area must not illuminate any adjoining residential area with a maximum intensity of more than six (6) footcandles.

§ 165-31. Prohibited uses.

In all districts, the following uses are not permitted: junkyards, machinery wrecking yards or dumps, the manufacture or bulk storage of fuels and explosives or the unenclosed manufacturing or processing of goods and materials, except in Industrial Districts after issuance of a special permit.

§ 165-32. Landfill.

Dumping of refuse and waste material for landfill is prohibited in any district. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Code Enforcement Officer after approval by the Planning Board. Nothing in this section shall prevent animal wastes from being used as fertilizer.

§ 165-33. Mobile homes and mobile home parks.

A. Mobile homes.

(1) No person shall park a mobile home on any public or private property except as follows:

(a) In an approved mobile home park.

(b) In a district zoned to permit such mobile homes.

[1] Double-wide mobile homes or sectional homes will be allowed in the Residential R2 District following these restrictions:

[a] The home must be erected upon a permanent, fully enclosed foundation upon which the weight of the structure is evenly distributed.

[b] The home must have its detachable hitch removed.

[c] The home shall meet all other village ordinances as if they were regular homes, to include but not be limited to square footage, maximum lot coverage and boundary requirements.

[2] Double-wide homes or sectional homes will not be allowed in Residential R1, Commercial C1 or C2 or the historical district without the issuance of a special permit.

(c) In an approved mobile home sales lot.

(2) The Zoning Board of Appeals may issue a special permit for a mobile home to be located on a construction site of a new residence for a period not to exceed six (6) months if, in its opinion, it finds that not to do so would cause a hardship.

B. Mobile home park permit.

- (1) No person shall construct or operate mobile home park without first obtaining site plan approval and a permit.
- (2) Application for a mobile home park permit shall be made to the Planning Board and shall be accompanied by a site plan in accordance with Art. V of this chapter.
- (3) The Planning Board may accept, accept with recommended changes or reject site plans.

C. Mobile home park standards. The following regulations shall apply to all mobile homes in mobile home parks.

- (1) Mobile home parks shall be at least five (5) acres in area and shall provide for individual mobile home lots, access driveways and parking.
- (2) Each mobile home lot shall be at least eight thousand (8,000) square feet in area, eighty (80) feet wide by one hundred (100) feet deep and shall front onto access driveway or street.
- (3) All access driveways within a mobile home park³ must be at least thirty (30) feet wide and built to subdivision regulation street standards.
- (4) Each mobile home lot shall have an attachment for the water supply. The water supply source must be approved by the State Department of Health.
- (5) Each mobile home lot shall have an attachment for sewage disposal. The sewage disposal system must be approved by the State Department of Health.
- (6) No mobile home lot or service building shall be closer to a public street right-of-way than fifty (50) feet, nor closer to a property line than thirty (30) feet.
- (7) A strip of land at least twenty-five (25) feet wide shall be maintained as a landscaped area abutting mobile home park property lines.

- (8) No additions shall be made to a mobile home except a canopy and/or porch open on three (3) sides or an addition made by the mobile home manufacturer or built in conformance with State Building Construction Code regulations.

§ 165-34. Foundations for residential structures.

No structure intended for primary use or occupation as a residential structure may hereafter be placed or erected upon any parcel of land within the Village of Bainbridge unless such structure is placed or erected upon a permanent, fully enclosed foundation upon which the weight of the structure is evenly distributed. Residential structures built upon either piers or pilings, whether or not surrounded by non-loaded-bearing skirting, shall not be permitted. This section shall not be construed to prohibit the installation of sub floor crawl spaces or exterior cellar entranceways, provided that such crawl spaces or entranceways are suitably enclosed.

§ 165-35. Sewer and water facilities.

All sewer and water facilities installed as part of any construction project or individual dwelling shall meet the standards set forth in Chapter 130, Subdivision of Land.

§ 165-36. Gasoline stations, public garages and motor vehicle sales.

Gasoline stations, public garages and motor vehicle sales agencies shall comply with the following:

- A. Lots shall not be located within three hundred (300) feet of any lot occupied by a school, hospital, playground, library or religious institution. Measurement shall be made between the nearest respective lot lines.
- B. Lot size shall be at least twenty thousand (20,000) square feet.
- C. Lot frontage shall be at least one hundred fifty (150) feet.
- D. Lot depth shall be at least one hundred twenty-five (125) feet.
- E. Pumps, other service devices, and fuel and oil storage shall be located at least thirty (30) feet from all lot lines.
- F. Automobile parts and dismantled vehicles are to be stored within buildings, and no major repair work is to be performed outside building.
- G. There shall be no more than two (2) access driveways from any street. The maximum width of each access driveway shall be thirty (30) feet.
- H. A suitable curbed landscaped area shall be maintained at least five (5) feet in depth along all street frontage not used as a driveway.

§ 165-37. Public utility facilities.

Public utility substations and similar structures shall comply with the following:

- A. The facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
- B. A landscaped area at least fifteen (15) feet wide shall be maintained in front, rear and side yards.
- C. There shall be no open equipment visible from surrounding property.
- D. Low profile equipment shall be used where practical.

§ 165-38. Extraction of soil, sand, gravel or stone.

In any district, removal of soil, sand, gravel or quarried stone for sale, except when incidental to or connected with construction of a building on the same premises, shall be permitted only after issuance of a special permit.

- A. All excavation slopes in excess of one to one (1:1) shall be adequately fenced.
- B. Stripping of topsoil for sale or use on other premises, except as may be incidental to a construction project, is prohibited.
- C. Before approval of any new, or extension of any, sand, gravel or stone-quarrying operation, a performance bond shall be secured from the owner sufficient to insure that, upon completion of extraction operations, the abandoned site will be left in a safe, attractive and useful condition in the interests of public safety and the general welfare. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, recreation area or other usable open space.

§ 165-39. Signs.

- A. Off-premises advertising signs. Billboards and roof signs are not permitted in any district. The following signs are permitted in any district, except as restricted by permitted or allowed uses:
 - (1) Professional office, professional residence-office and home occupation signs not exceeding two (2) square feet.
 - (2) One (1) "For Sale" or "For Rent" sign not exceeding six (6) square feet in Residential Districts, thirty-two (32) square feet in other districts.
 - (3) Direction or information signs not exceeding four (4) square feet.

- (4) Signs necessary for public safety or welfare.
 - (5) Signs identifying a construction project and the specialists concerned, not exceeding eight (8) square feet for a dwelling and sixteen (16) square feet for other buildings.
 - (6) Signs identifying any permitted nonresidential use in a Residential District, one (1) square foot of sign for each linear foot of building frontage, but not exceeding a total of thirty-two (32) square feet.
- B. No person or organization shall post or distribute any advertisement sign or notice on any public street or sidewalk in the Village of Bainbridge, including utility poles or trees located within the public right-of-way, unless such person or organization affixes their name, address and phone number on the advertisement or notice. The dates of the event being advertised also must appear on the notice or advertisement. It shall be the responsibility and obligation of the person or organization posting the notice or advertisement to remove such notice or advertisement within ten (10) days following the advertised event. If the notice or advertisement has not been removed within such ten-day period, the Village Clerk-Treasurer may send a notice to the person or organization listed on the advertisement. Failure of the person or organization to remove the advertisement or notice within five (5) days following receipt of such notice from the Village Clerk-Treasurer shall constitute a violation of these regulations, punishable by a fine of two hundred fifty dollars (\$250.), not more than fifteen (15) days' imprisonment, or both. Each week such advertisement or notice remains posted following receipt of notice from the Village Clerk-Treasurer shall constitute a separate violation of these regulations.
- C. No person, business, corporation or organization shall erect or maintain or cause to be erected or maintained any sign or other projection over any sidewalk, street, highway or public alley within the village without obtaining a permit from the Village Clerk-Treasurer and approve by the Village Board.
- (1) The permit must state the type, size, height, weight and manner or method of suspension of such proposed sign or projection.
 - (2) The permit must state the policy of policies of liability or indemnity insurance issued by a solvent insurance company or companies in a total sum to be established in each case by the Village Board, indemnifying, protecting and holding harmless the village and all officers and employees thereof from any and all claims, demands, suits or judgments for personal injury and for property damage, including the cost and expense of defending any such claim, demand or suit arising out of or caused by the erection and/or maintenance of any sign or projection.
 - (3) No person, business, corporation or organization shall erect or maintain or cause to be erected or maintained any sign within the deeded or accepted boundaries of any village street or highway.

D. Signs in Commercial and Industrial Districts. The following additional signs are permitted in Commercial and Industrial Districts:

- (1) All signs permitted under § 165-39A.
- (2) Business signs or a total area not exceeding two (2) square feet for each one (1) linear foot of building frontage.

E. Ground signs. Every ground sign shall:

- (1) Not exceed twenty (20) feet in height above grade.
- (2) Be set back at least ten (10) feet from any street line and at least twenty (20) feet from any other lot line.
- (3) Not exceed eighty (80) square feet in area.
- (4) Be at least eight (8) feet above any pedestrian walk.

F. Traffic hazard, safety and obstruction. Every sign shall be designed and located in such a manner as to:

- (1) Not impair public safety.
- (2) Not restrict clear vision between a sidewalk and street.
- (3) Not be confused with any traffic sign or signal.
- (4) Not prevent free access to any door, window or fire escape.
- (5) Withstand a wind pressure load of thirty (30) pounds per square foot.

G. Illuminated and flashing signs.

- (1) Signs may be illuminated by a steady light, provided that such lighting does not illuminate adjacent property.
- (2) Flashing, oscillating and revolving signs are not permitted unless necessary for public safety or welfare.

H. Signs by special permit. Other signs may be permitted after issuance of a special permit if the Zoning Board of Appeals finds that such a sign:

- (1) Is in the public interest and is not detrimental to public safety, welfare or surrounding properties.

- (2) Is of a character, size and location that it will be in harmony with orderly development of the district.

§ 165-40. Nonconforming uses.

- A. Nonconforming uses. The lawful use of any building or land existing at the time of enactment or amendment of these regulations may be continued although such use does not conform to these regulations, except as hereinafter provided.
- B. Discontinuance. Except as provided in § 163-23C, when a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with these regulations.
- C. Change of use. Except as provided in § 163-23C, no conforming use shall be changed to other than a conforming use for the district in which it is situated.
- D. Extension; unsafe structures; restoration and alteration. A nonconforming use shall not be extended. Extension of a lawful use to any part of a nonconforming building shall not be deemed an extension of such nonconforming use. A nonconforming structure or part thereof may be:
 - (1) Restored to a safe condition.
 - (2) Repaired, if damaged by fire or other causes, provided that construction starts within a period of one (1) year.
 - (3) Structurally altered only to the extent of its prior nonconformity.
- E. Nonconforming signs.
 - (1) Nonconforming signs shall be removed when any use of property on which the sign is located is discontinued.
 - (2) Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to the provisions of these regulations. This provision shall not restrict routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.

§ 165-41. Preexisting lots.

In Residential Districts, nothing shall prohibit the use of a lot of less area or less frontage than requires for a one-family dwelling in the district in which the lot is located when such lot was held under separate ownership from adjoining lots at the time of enactment or amendment of these regulations.

§ 165-42. Number of dwellings per lot; frontage.

A. There shall be only one (1) residential building on a lot unless otherwise approved under Planned Development District provisions.

B. Residential lots shall have at least twenty (20) feet of frontage on a street.

§ 165-43. Calculation of building coverage.

In determining the percentage of building coverage of a lot or the size of yards, all principal buildings, roofed porches, garages, carports and other accessory buildings shall be included.

§ 165-44. Required yards.

A. No space necessary under these regulations to satisfy area, yard or other open space requirements in relation to any lot, building or use shall be counted as part of required open space in relation to any other lot, building or use.

B. Every part of a required yard shall be open and unobstructed from ground to sky, except for ordinary projections of sills, chimneys and eaves, provided that no such projections extend more than two (2) feet into a required yard.

C. Any yard adjoining a street shall be considered a front yard for purposes of these regulations. Only one (1) front yard is required to comply with minimum depth requirements. Other front yards shall either equal the minimum or be at least twenty-five (25) feet in depth, whichever is less.

§ 165-45. Obstruction of vision.

On a corner lot, within the triangular area formed by the intersection of two (2) street right-of-way lines and a third line joining them at points thirty (30) feet away from their intersection, there shall be no obstruction to a vision between a height of two (2) feet and ten (10) feet above grade of each street.

§ 165-46. Temporary uses and structures.

A. The Code Enforcement Officer may issue a temporary permit for a period not exceeding one (1) year for incidental nonconforming uses as follows:

(1) Temporary uses incidental to a construction project.

(2) Temporary real estate sales offices incidental to a subdivision.

(3) Temporary roadside stands for the sale of agricultural products raised on property.

(4) Other similar temporary incidental uses.

B. Permits shall be conditioned upon agreement by the owner to discontinue the nonconforming use on expiration of the permit.

C. Permits may be reissued for an additional period of six (6) months.

§ 165-47. Removal of construction materials; excavations.

- A. Within three (3) months after a construction project, building or structure has been destroyed, demolished or abandoned, all construction materials shall be removed from the site and any excavation filled to normal grade by the owner.
- B. Unfenced excavations shall not be permitted for a period in excess of sixty (60) days.

§ 165-48. Height exceptions.

- A. Nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers and essential public utility structures.
- B. No radio or television antenna or tower, water or cooling tower, oil or gas holder, elevator bulkhead or similar structure may be erected in excess of district height limits until after issuance of a special permit.

§ 165-49. Minimum habitable floor area.

- A. One-family and two-family dwellings shall have a habitable floor area of at least nine hundred fifty (950) square feet per unit.
- B. No habitable rooms are permitted in basements of multiple-family dwellings.

§ 165-50. Residential front yard grade.

The surface grade of residential front yards, measured at the midpoint of the residence front wall, shall be at least one (1) foot above the elevation of the street center line unless adequate site drainage is provided.

§ 165-51. Stabling of farm animals.

There shall be no stabling of farm animals, storage of manure or fertilizer or dist-producing activities within one hundred (100) feet of any lot line.

§ 165-52. Aircraft landing fields.

In districts where aircraft landing fields are permitted upon issuance of a special permit, the following regulations shall also apply:

- A. The owner shall submit with his application evidence that the landing field and takeoff and landing pattern comply with current regulations prescribed by state and federal

authorities. Approval by these authorities shall not obligate the Board of Appeals to issue a permit.

§ 165-53. Visibility at intersections; violations. [Added 8-19-2008 by L.L. No. 2-2008]

The Codes 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 15 days with the written direction of the Codes Enforcement Officer shall be guilty of a violation of this chapter and shall be subject to its penalties.