

**ZONING LAW
OF THE
VILLAGE OF MIDDLEBURGH
NEW YORK**

VILLAGE OF MIDDLEBURGH
ZONING LAW

TABLE OF CONTENTS

ARTICLE I TITLE AND PURPOSE			1
Section	1.1	Title	1
	1.2	Enactment	1
	1.3	Purposes	1
	1.4	Scope	
	1.5	Application of Regulations	1
	1.6	Exemptions	2
ARTICLE II USE AND INTERPRETATION OF WORDS			2
Section	2.1	General	2
	2.2	Definitions	2
ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP			3
Section	3.1	Purpose	3
	3.2	Establishment of Zoning Districts	3
	3.3	Official Zoning Map	3
	3.4	Interpretation of District Boundaries	3
ARTICLE IV REGULATIONS AND STANDARDS			4
Section	4.1	Use Schedule	4
	4.2	Land Use Activities, Districts, and Special Requirements	4
	4.21	Historic Districts	4
		4.211 Purpose	4
		4.212 Applicability	4
		4.213 Location	5
		4.214 Planning Board	5
		4.215 Determination of Significance	6
		4.216 Standards for Review	7
		4.217 Procedure	8
		4.218 Minimum Maintenance Standards	12
		4.219 Penalties for Offenses	12
		4.220 Repairs and Maintenance	13
	4.22	R-3 Low Density Agriculture/ Residential District	13
	4.23	R-2 Medium Density Residential	13
	4.24	C-Commercial District	13
	4.25	PDD Planned Development District	13
		4.251 Procedure	13

	4.252	Development Guidelines	15
4.26		FPD Flood Protection District	15
4.3		Special Conditions and Special Use Permits	16
4.4		Supplementary Use Regulations	16
	4.41	General Provisions	16
		(1) Public Utilities	16
		(2) Principle Buildings Per Lot	17
		(3) Lot Size	17
		(4) Existing Undersized Lots	17
		(5) Height Exceptions	17
		(6) Transition Requirements for District Boundaries	17
		(7) Yards	17
		(8) Damaged Buildings	18
4.42		Standards and Specifications for Roads	
		Under Construction as Village Highways	18
	4.421	Residential Requirements	18
	4.422	Professional Plans	18
	4.423	Minimum Street Dimensions	19
	4.424	Minimum Street Standards	19
	4.425	Roadbed Material Specifications	20
	4.426	Required Permits and Approvals	20
	4.427	Construction Specifications and Requirements	21
	4.428	Exceptions	21
4.43		Off-Street Parking and Loading	21
	4.431	Recommended Commercial Off-Street Parking or Storage Space	21
	4.432	Space Requirements for R-3, R-2, and H Zoning Districts	22
	4.433	Service Station Parking	23
	4.434	Multiple Use Parking	23
	4.435	Parking for Altered Uses	23
	4.436	Side Yard Parking	23
	4.437	Off-Street Parking	23
		(a) Parking Areas in Residential Districts	23
		(b) Parking Areas in PDD	23
		(c) Required Parking Spaces	24
		(d) Landscaping	24
		(e) Required Screening	24
		(f) Off-Street Loading	24
4.44		Signs	24
4.45		Gasoline Stations	26
4.46		Public Garages	26
4.47		Excavations and Mining	26

	4.48	Outdoor Motion Picture Theatres	26
4.5		Kennels	26
	4.51	License	26
	4.52	Records	26
	4.53	Physical Facilities	26
	4.54	Contact	28
	4.55	Exception	28
4.6		Junk Yards	28
4.7		Activity Standards for Noisome and Injurious Substances, Conditions, and Operations	28
4.8		Mobile Home Regulations	28
4.9		Garage Sale Regulations	29
4.10		Home Occupation	29
4.11		Adult Use and Entertainment Establishments	30
	4.11.1	Allowed Zoning District	31
	4.11.2	Location within the allowed Zoning Districts	31
	4.11.3	Standards appropriate to Special Use Permit for Adult Use and Entertainment Establishment	31
	4.11.4	Display Prohibited	31
4.12		Outdoor Furnaces	32
	4.12.1	Allowed Zoning District	32
	4.12.2	Standards Appropriate to Special Use Permit for Outdoor Furnace	32
	4.12.3	Existing Outdoor Wood Furnaces	32
4.13		Right to Farm	32
	4.13.1	Right to Farm	33
	4.13.2	Declaration	33
	4.13.3	Notice to Real Estate Buyers	33
	4.13.4	Resolution of Disputes	33
	4.14	Driveway Construction	34
ARTICLE V NONCONFORMING BUILDINGS, USES, AND ACTIVITIES			35
Section	5.1	Continuation of Existing Uses	35
	5.2	Maintenance and Repair	35
	5.3	Reconstruction and Restoration	35
	5.4	Changes	35
	5.5	Abandonment or Discontinuance	35
	5.6	Public Properties	36
ARTICLE VI MISCELLANEOUS PROVISIONS			36
Section	6.1	Application	36
	6.11	Compliance with the Law	36
	6.12	Precedence	36
	6.13	Existing Prior Permits, Certificates and Variances	36
	6.14	Remedies	37

6.15	Penalties	37	
6.16	Separate Validity	37	
6.17	Effective Date	37	
Attachment I - District Regulations – Area Schedule		38	
Attachment I - District Regulations – Use Schedule		39	
Attachment II - Definitions		40	
Attachment III - Administration		56	
Section	1.1	Zoning Enforcement Officer	56
	1.11	Entry and Inspection	56
	1.12	Violations	56
		1.121 Extension	56
		1.122 Emergency Action	57
		1.123 Certificate of Zoning Compliance	57
		1.124 Penalties	57
	1.13	Building Permit	57
	1.14	Certificate of Compliance	59
	1.15	Fees	59
	1.16	Health Department Requirements	59
	1.2	Board of Appeals	59
	1.21	General Provisions	59
		1.211 Creation, Appointment, and Organization	59
		1.212 Members of the Board of Trustees	59
		1.213 Term of Appointment	59
		1.214 Rules of Procedure, By-Laws, Forms	59
		1.215 Staff	60
		1.216 Meetings	60
	1.22	Authority	60
		1.221 Public Hearings	60
		1.222 Findings and Conclusions	61
		1.223 Reporting and Filing of Decisions, Permits, and Variances	61
		1.224 Rehearing and Reversal	61
	1.23	Interpretation	61
	1.3	Variances	61
	1.31	Application	61
	1.32	Referral of Use Variances	61
	1.33	Criteria for Granting a Use Variance	62
	1.34	Area Variances	62
	1.35	Financial Gain Not a Criterion	63
	1.36	Conditions	63

	1.37	Compliance With Rest of Law	63
	1.38	Fee	63
1.4		Special Use Permits	63
	1.41	Application and Issuance	63
	1.42	Standards Applicable to all Special Use Permits	63
	1.43	Required Findings	64
	1.44	Referrals to the Planning Board	64
	1.45	Renewal, Time Limit, and Extension	64
	1.46	Submission of Plans	64
	1.47	Fees	65
1.5		Procedure for Appeals	65
	1.51	Public Hearing	65
	1.52	Notices and Referral	65
		1.521 Planning Board Referrals	65
	1.53	Findings and Conclusions	66
	1.54	Reporting and Filing of Decisions, Permits, and Variances	66
	1.55	Rehearing and Reversal	66
1.6		Review of Large-Scale Planned Residential, Commercial, and Industrial Developments	66
	1.61	Proposals	66
	1.62	Flood Hazard Facilities	66
	1.63	Flood Hazard Drainage	66
1.7		Site Plan Review	67
	1.71	Sketch Plan	67
	1.72	Application for Site Plan Approval	68
	1.73	Site Plan Checklist	68
	1.74	Review of Site Plan	68
	1.75	Planning Board Action on Site Plan	69
	1.76	Reimbursable Costs	69
	1.77	Performance Guarantee	69
	1.78	Inspection of Improvements	69
	1.79	Integration of Procedures	70
	1.80	Waivers	
1.8		Subdivision Guidelines	70
	1.81	Filing Plat and/or Deeds	70
	7.81	Zoning Enforcement Officer Review and Area Verification	70
		Attachment IV – Amendments	72
Section	1.1	General Provisions	72
		1.11 Amendments by Village Board	72
		1.12 Advisory Report by Planning Board	72
	1.2	Public Notice and Hearing	72
		1.21 Public Hearing	72

1.22	Newspaper Notice of Hearing	72
1.23	Written Notice of Change or Amendment	72
1.24	Referral to County Planning Commission	72
1.25	Effective Date	73
1.3	Publication and Posting	73
1.4	Protest	73
1.5	Change of Zoning in Subdivision Approval	73
1.51	Review of Decisions of Planning Board	73
1.6	Exceptions	74
1.7	Public Properties	74
1.8	Public Utilities	74
1.9	Lot in Different Districts	74
2.0	Fee	74