

ZONING LAW

VILLAGE OF HOBART DELAWARE COUNTY, NEW YORK

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ZONING LAW

VILLAGE OF HOBART

ARTICLE 1. AUTHORITY, TITLE, PURPOSE, SCOPE

1.1 Authority

- 1.1-1 Pursuant to the authority conferred by Section 10 of Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of Hobart, New York, hereby adopts and enacts as follows:

1.2 Title

- 1.2-1 This Law shall be known and may be cited as "Village of Hobart Zoning Law".

1.3 Purpose

- 1.3-1 The provisions of this Law shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of the Village of Hobart. These regulations are intended to achieve the following purposes:

- a) Promote orderly development in accordance with a comprehensive plan.
- b) Secure safety from fire, flood and other dangers.
- c) Provide adequate light and air.
- d) Prevent overcrowding and undue concentration of population.
- e) Conserve the value of properties and buildings.
- f) Facilitate the adequate provision for public utilities and facilities.
- g) Promote energy conservation.
- h) Make provisions for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

1.4 Scope and Validity

- 1.4-1 These regulations shall apply to the construction, installation or alteration of any building, structure or accessory system and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Village of Hobart.
- 1.4-2 In the interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety and general welfare.
- 1.4-3 If any section, subsection, or phrase of this law is declared to be invalid, such invalidity shall not affect any other portion of this law.

1.5 Other Laws

- 1.5-1 Upon the adoption of this law, prior zoning and trailer ordinances of the Village of Hobart are hereby repealed. Compliance shall be required with all other applicable

laws, ordinances and codes, relating to properties and buildings, including but not limited to:

- a) New York State Uniform Fire Prevention and Building Code
- b) New York State Multiple Residence Law
- c) New York State Environmental Conservation Law
- d) Federal Flood Protection Act
- e) Village of Hobart Sewer Use Ordinance
- f) Water Use Ordinance

1.6 Effective Date

- 1.6-1 This Law, and any amendment, shall be in effect on the date of its publication following adoption.

ARTICLE 2. ESTABLISHMENT OF DISTRICTS

2.1 Zoning Districts

2.1-1 The Village of Hobart is divided into the following districts:

- R Residential
- GB General Business
- I Industrial
- LC Land Conservation (Overlay District)

2.2 Zoning Map

- 2.2-1 The locations and boundaries of the zoning districts are as shown on the map entitled "Village of Hobart, NY, Zoning Map", which is on file at the Village office.
- 2.2-2 Amendments to district boundaries shall be immediately shown on the official zoning map located in the Village office at the time of such amendment.

2.3 District Boundaries

- 2.3-1 Where uncertainty exists concerning the locations of boundaries shown on the map, the following rules shall apply:
- a) District lines are intended to follow center lines of streets and highways; the center line of railroad right-of-way; existing lot lines; the center line of rivers, streams, and other waterways; and Village boundary lines.
 - b) Where a district boundary line does not follow such a line, its position shall be shown on the zoning map by a dimension expressing its distance in feet from a street line or other boundary line as indicated, or by use of the map scale.
 - c) Where a district boundary line divides a lot in single ownership at the time of the passage of the regulations, these standards for the less restricted portion of such lot shall apply provided the lot has frontage on a street in the less restricted area.
 - d) In case of uncertainty as to the true location of a district boundary line in a particular instance, the Board of Appeals shall render a determination with respect thereto.

2.4 Reserved

2.5 Overlay District

- 2.5-1 In an overlay district, property is placed simultaneously in two districts and the requirements of both districts apply. However, the requirements of the overlay zone modify those of the underlying zone.

2.6 Permitted Uses

2.6-1 Districts and their permitted uses are listed in Article 3 and are summarized in Schedule A. Each Zoning District is described as follows:

- a) Purpose
- b) Permitted principal uses
- c) Special permitted uses
- d) Permitted uses requiring site plan approval
- e) Exempt Uses

2.7 Nonconforming Uses

2.7-1 The lawful use of any land or building existing at the time of the adoption of these regulations may be continued, although such use does not conform to the provisions of these regulations, and any such building may be reconstructed or structurally altered and the nonconforming use therein changed, subject to the following regulations:

- a) Additions - A nonconforming building or use shall not be added to or enlarged unless done so in conformance with the regulations of the district in which it is located.
- b) Alteration - A nonconforming building as to use, may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the fair value of the building, unless the use of such building is changed to a conforming use.
- c) Changes - A nonconforming use may be changed only to a use conforming as defined within these regulations.
- d) Discontinuance - Whenever a nonconforming use has been discontinued for a period of one (1) year, any future use must conform to the provisions of these regulations.
- e) Restoration - A building nonconforming as to use which has been damaged by fire or other similar causes to the extent of not more than fifty (50) per cent of its fair value may be restored, reconstructed or used as before, provided the bulk, height, area requirements shall not exceed that which existed before said damage. Said restoration must be completed within two (2) years of such occurrence or the use of the building or land as a legal nonconforming use thereafter shall be terminated.
- f) Removal - If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform with the regulations of the district.
- g) Validity of Permit - Any building for which a permit has been lawfully granted, and on which the construction has been started and diligently prosecuted before the effective date of these regulations, may be completed.

2.8 Existing Lots of Record

A building or structure may be constructed on any lot of record in any district where otherwise permitted even if said lot is less than the minimum area required for building lots in the district in which it is located, providing the following conditions exist or are met:

- a) Adjoining Vacant Land - The owner of said lot owns no adjoining vacant land which would create a conforming lot if combined with the lot which is deficient in area.
- b) Front and Rear Yards - Any structure erected on a nonconforming lot shall have front and rear yards conforming to the minimums required for the district in which said lot is located, except where conditions make this impossible.
- c) Side Yards - Any structure erected on a nonconforming lot shall have a minimum side yard of ten feet, except that it shall be twenty (20) feet adjacent to any street.

ARTICLE 3. DISTRICTS AND THEIR PERMITTED USES

3.1 Residential District (R)

3.1-1 Purpose

- a) To designate those areas where predominately residential development has occurred or is likely to occur in accordance with the Village Comprehensive Plan.
- b) To protect integrity of residential areas by prohibiting the development of incompatible land uses.

3.1-2 Permitted Uses

In any Residential District (R) the following buildings and uses are permitted:

- a) One and two-family dwellings
- b) Accessory uses, including solar and other alternative energy systems and equipment.
- c) Family Day Care/Group Family Day Care

3.1-3 Special Permit Uses

In any Residential District (R) the following buildings and uses are permitted subject to the conditions of Article 5 -- Special Permit Requirements and Article 6 -- Site Plan Review.

- a) Mobile Home Park
- b) Agriculture
- c) Home Occupation
- d) Three and four family dwelling by conversion
- e) School
- f) Religious Use
- g) Nursing/Retirement home
- h) Group Home
- i) Public utility
- j) Library
- k) Public Playgrounds / Park
- l) Bed & Breakfast

3.1-5 Exempt Uses

In any Residential District (R) the following uses are permitted provided they do not utilize any new structures:

- a) Recreation
- b) Conservation practices

3.2 General Business District (GB)

3.2-1 Purpose

- a) To designate those areas where predominately business and commercial development has occurred or is likely to occur in accordance with the Village Comprehensive Plan.
- b) To designate areas best suited for business services because of location, transportation, parking, and relation to other land uses.

3.2-2 Permitted Uses

In any General Business District (GB) the following buildings and uses are permitted:

- a) One and two-family dwellings
- b) Accessory uses, including solar and other alternative energy systems and equipment
- c) Home Occupations
- d) Family Day Care/Group Family Day Care

3.2-3 Special Permit Uses

In any General Business District (GB) the following buildings and uses are permitted subject to the conditions of Article 5 -- Special Use Permit Requirements and Article 6 -- Site Plan Review:

- a) Garage/gas stations
- b) Auto Wash
- c) Public utility
- d) Agriculture
- e) Religious Uses

3.2-4 Permitted uses requiring site plan approval

- a) Professional, business, municipal or other governmental office
- b) Financial Institution
- c) Retail/commercial use
- d) Barber shop, beauty parlor
- e) Laundromat
- f) Club, lodge, social center, recreation center
- g) Funeral Home
- h) Home Occupation
- i) Restaurant; tavern; hotel/motel
- j) Three and four-family dwelling by conversion
- k) Child Day Care Center
- l) Multiple-Family Dwellings

3.2-5 Exempt Uses

In any General Business District (GB) the following uses are permitted provided they do not utilize any new structures:

- a) Recreation
- b) Conservation practices

3.3 Industrial District (I)

3.3-1 Purpose

To designate areas best suited for industrial uses because of location, topography, transportation, existing facilities, and relation to other land uses.

3.3-2 Permitted Uses

Industrial uses are allowed by special permit only.

3.3-3 Special Permit Uses

Industrial uses are allowed by special permit only. In any Industrial District (I) the following buildings and uses are permitted subject to the conditions of Section 5.1 for Special Permit Uses:

- a) Storage/warehouse
- b) Light manufacturing
- c) Gas/fuel distributors
- d) Trucking
- e) Public Utility
- f) Agriculture
- g) Adult Uses

3.3-4 Exempt Uses

Industrial District (I) the following uses are permitted provided they do not utilize any new structures:

- a) Recreation
- b) Conservation practices

3.4 Planned Development District (PD)

3.4-1 Purpose

To provide a means of developing those land areas within the community considered appropriate for new residential, recreational, commercial or industrial use or a satisfactory combination of these uses, in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts in the areas without departing from the spirit and intent of these zoning regulations.

3.4-2 Type

The classification planned district is intended to hold an area of land for future development in one or more of the following categories:

- a) Planned Residential

- b) Planned Business
- c) Planned Industrial
- d) Planned Recreational
- e) Planned Mobile Home Park

3.4-3 Procedure

Establishment of a Planned District project shall require two steps:

- Amendment of the Zoning District Map to establish a Planned District
- Approval of a project in Planned District

a) Amendment of Zoning Map for Planned Development District (PD)

- (1) Application for amendment of the Zoning Map for a Planned District shall be made to the Village Board who shall refer the application to the Planning Board.
- (2) The applicant shall submit a preliminary development plan, at an appropriate scale, illustrating the type, uses, and design of the proposed development, including all of the following, as required by the Planning Board.
- (3) The Planning Board shall review such application and may require such changes in the preliminary plans as are necessary to meet the requirements of this section, to protect the established permitted uses in the vicinity, and to promote the orderly growth and sound development of the community.
- (4) All applications for creation of a Planned District shall be referred to the Delaware County Planning Board which may review and comment on the referral within 30 days.
- (5) The Planning Board shall submit its recommendation to the Village Board within sixty-two (62) days. It may approve, disapprove, or give conditional approval subject to modifications regarding the proposed development.
- (6) The Village Board shall consider the report and recommendation of the Planning Board and all other comments, reviews and statements pertaining thereto, and shall hold a public hearing after proper public notice as required for any amendment to the regulations.

b) Project Approval in a Planned District

- (1) The applicant shall submit to the Planning Board final development plans, specifications and necessary supporting documents as required to detail the approved preliminary development plan, including the data listed in Section 3.4-3 a) and any or all of the following as required by the Planning Board:
 - Property survey showing existing contours, buildings, structures, trees, streets, easements, right-of-way
 - Site plans with proposed building locations, streets, parking areas, grading, walks, landscaping

- Preliminary drawings of buildings to be constructed in current phase, including plans, exterior elevations, sections
 - Preliminary engineering plans, including street design, drainage systems, public utilities
 - Construction time schedule
- (2) No project approval and/or building permit shall be issued until the Planning Board has made its recommendation to the Village Board based on the following considerations:
- The need for the proposed development
 - In what respects the plan is or is not consistent with the stated purposes of a Planned District
 - The extent to which the plan departs from the Zoning Regulations formerly applicable to the property in question (including bulk, density, and permitted uses)
 - The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood
 - The location of principal and accessory buildings on the site in relation to one another and to other structures and uses in the vicinity, including bulk and height
 - The provisions for pedestrian circulation and open space in the Planned Development
 - The traffic circulation features within the site, including the amount of, location of, and access to automobile parking and terminal loading areas
 - The amount of traffic generated at peak hours and the provisions for adequately handling such volumes, with particular reference to points of ingress, potential hazards, such as inadequate site distances and intersection design, and the nature and suitability of the connecting street or highway system to absorb the anticipated changes
 - The provisions for storm, sanitary and solid waste disposal and other utilities on and adjacent to the site
 - The Proposed landscaping and signage
 - The manner in which the physical design makes adequate provision for service demands (water, sewer, fire, etc.), adequate traffic control and the amenities of light, air and visual enjoyment.
- (3) The plan application shall also be referred to the County Planning Board for 239-m Review.
- (4) The Village Board may grant, by resolution, authorization to proceed.
- (5) All conditions imposed by the Village Board, in establishing the Planned District and in the approval of plans and all subsequent conditions imposed by the Village Board in reviewing the final plans, shall run with the land and shall not lapse or be waived because of ownership or tenancy change in any or all of the designated district.
- (6) If construction of the development in accordance with the approved plans and specification has not begun within one (1) year after the date of the resolution

authorizing issuance of the building permit, all permits shall become null and void; the approval shall be deemed revoked and vacated; and the Village Board shall have the authority to again amend the map to restore the district to its original zoning designation or any other designation

c) Special Applicability: Mobile Home Courts

A Mobile Home Court creation, expansion, extension or alteration shall be in accord with the following minimum requirements:

- (1) A Mobile Home Court shall be located and maintained only in those districts as permitted in these regulations and in accord with the standards therein. All proposed Mobile Home Courts shall be subject, and developed according to, the Planned Development District procedures set forth under this Section.
- (2) All existing Mobile Home Courts of record shall be exempt from these regulations, except that they shall comply with them whenever any addition, expansion or alteration of the use of operation is proposed; and that they shall be required to obtain an initial and annual operation permit. All existing Mobile Home Courts shall be limited to the number and size of Mobile Homes presently accommodated at the time of adoption of these regulations, except as they shall meet the minimum requirements set forth herein. In addition, existing Courts shall comply in every regard with minimum standards for health, sanitation and cleanliness.
- (3) A Mobile Home Court shall have a minimum lot size of five (5) acres.
- (4) Within the Mobile Home Court, a minimum lot size for individual mobile homes shall be 6,000 square feet; and within the individual mobile home lot, yard requirements shall be as follows:

front yard	20 feet
side yards (each)	15 feet
rear yard	15 feet

(5) Sanitary Facilities

- i. Water and Sewer - All water supply and sewage disposal systems will connect with the Village system, be in accord with the Village Sewer Ordinance, and shall, furthermore, be approved by the New York State Department of Health before any permit is issued.
- ii. The following shall comply in every regard with those standards set forth by the New York State Department of Health and any such additional regulations as may be established by the Village:
 - Storm and surface drainage
 - Open areas, yards and drives
 - Garbage and refuse disposal

(6) Utility and Fuel Installations

All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the New York Board of Fire Underwriters and local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground and shall be in compliance with Public Service Commission guidelines.

Fuel tanks, where used, shall be placed at the rear of the mobile home and at a distance of at least five (5) feet from any exit and shall have a safety shut-off at the tank. Underground tanks or a centralized fuel supply system are to be encouraged wherever possible.

(7) Roadways

No individual mobile home, within a Mobile Home Court, will have access to an existing street. Internal roadways within a Mobile Home Court shall have a minimum right-of-way of 50 feet and a minimum paved or stone course of 22 feet. There shall be no dead-end streets in any court, although a cul-de-sac or wye turn around may be provided in accord with those provisions set forth in the Village Subdivision Regulations.

(8) Off-street Parking

One off-street parking space shall be provided for each mobile home lot in the mobile home court outside the 50 foot right-of-way and otherwise comply with off-street parking requirements as set forth elsewhere in these regulations.

(9) Recreation Areas

Open space areas (up to 10 percent of the land area) suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed Mobile Home Court.

(10) Improvements

Each mobile home owner/tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood or other suitable 'skirt', properly ventilated, within sixty (60) days after location in the Mobile Home Court. Notification of such requirement shall be the responsibility of the Mobile Home Court operator.

Sidewalks, lighting and landscaping shall be in keeping with surrounding development, the unique features of the site, and the health and safety of the occupants of the Mobile Home Court as determined by the Planning Board. Attractive site development and landscaping shall be a consideration in determining the adequacy of the proposed Mobile Home Court.

(11) Tiedowns Required

All manufactured homes shall rest on a concrete slab, at least fifty (50) feet from the center line of public road and at least twenty (20) feet from adjacent property lines, and be secured to pad according to current New York State Uniform Fire Prevention and Building Code specifications so as to secure the mobile home against uplift, sliding, rotation and overturning.

(12) Permits

No Mobile Home Court shall be established in the Village until an operating permit has been applied for and granted in compliance with these regulations. In addition, all permits for the operation of a Mobile Home Court shall be approved by the Village Board after referral to and recommendation by the Code Enforcement Officer and Planning Board.

All operation permits shall be effective until December 31 of the calendar year of their issuance. An application for a renewable operating permit shall be made to the Village Clerk thirty (30) days prior to expiration date of the previous permit. Upon recommendation of the Planning Board and the Code Enforcement Officer, the Village Board shall issue or deny such permit in accord with the requirements set forth in these regulations and such other applicable regulations as may be established by the Village.

3.5 Land Conservation District (LC)

3.5-1 Purpose

To designate those areas where construction controls may be imposed because of varying degrees of flood hazard and development limitations such as steep slope.

3.5-2 Jurisdiction

The Land Conservation areas shall be as indicated as (LC), an overlay district, on the zoning map.

3.5-3 Procedure and Controls

Buildings and uses shall meet the development standards as set forth in Section 3.4-3 b)(1&2) of this Article, of any Federal, State or New York City Department of Environmental Protection standards for such development, as well as the standards of the underlying district.

ARTICLE 4. SUPPLEMENTARY REGULATIONS

4.1 Application of Regulations

- 4.1-1 No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed or used for any purpose or in any manner other than as specified among the uses herein listed as permitted in the district in which such building or land is located.

No building shall be erected, reconstructed or structurally altered to exceed in height the limit herein designated for the district in which such building is located.

No building shall be erected and no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.

No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

4.2 Lot Area and Width, Yards, Building Coverage and Height

- 4.2-1 Regulations governing lot area and lot width, front, side and rear yards; building coverage and building height are as specified in Schedule B which standards are hereby made a part of these regulations subject to the additional standards set forth herein.

4.3 Additional Area Regulations

- 4.3-1 Number of Dwellings on Lot

More than one (1) principal use, and structure associated with such use, may be established on a tract or parcel of land without the necessity of subdivision provided that each principal use and structure associated with such use are located on a separate and identifiable area of land which meets the area requirements of this local law.

- 4.3-2 Corner Lot

On any corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit.

- 4.3-3 Through Lots

Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the principle structure shall be erected to face

the street on which those adjoining structures face. The building height shall be measured from the grade of the street designated as the street on which the building fronts.

4.3-4 Visibility at Street Corners

On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained which obstructed visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and straight line joining said lines at points thirty (30) feet distant from the point of intersection, measured along said lines.

4.3-5 Front Yard Exception

When a vacant lot in any district is situated between two improved lots, the front yard of the vacant lot shall have a depth equal to the average depth of the front yards of the two adjoining improved lots, but not less than twenty (20) feet from the street right-of-way.

4.3-6 Transition Yard Requirements

Where a residential district abuts a nonresidential district on a street line, there shall be provided in the nonresidential district for a distance of fifty (50) feet, or width of lot - whichever is greater, from the district boundary line a front yard at least equal in depth to that required in the residential district.

Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, there shall be provided along such abutting line or lines in the nonresidential district, a side or rear yard at least equal in depth to that required in the residential district. In no case, however, shall the abutting side or rear yard be less than fifteen (15) feet.

4.3-7 Projections into Required Yards

- a) The space in any required yard shall be open and unobstructed except for accessory buildings in a side or rear yard and except for the ordinary projections of window sills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two (2) feet into any minimum required yard as specified in Schedule B.
- b) A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six (6) feet in height.
- c) In determining the percentage of building coverage or the size of yards for the purpose of these regulations, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.

- d) An open fire escape may extend into any minimum required yard not more than four (4) feet provided that such fire escape shall not be closer than eleven (11) feet at any point to any lot line.
- e) Unenclosed entrance steps or stairways providing access in the first story, cellar or basement of a building may extend into any minimum required yard a distance not to exceed six (6) feet in front or rear but not to exceed four (4) feet in any minimum required side yard.

4.3-8 Walls, Fences and Hedges

The yard requirements of these regulations shall not prohibit any retaining wall nor any fence, wall or hedge otherwise permitted and in conformance with State regulations, providing that in any residential district such fence, wall or hedge shall be no closer to any front line than two (2) feet, except for the provision of four (4) feet to enable the passage of foot traffic, and shall comply with visibility at street corners as provided in this section.

4.3-9 Screening

- a) Enclosed Uses - Any use required by these regulations to be screened shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties or from the public right-of-way.
- b) Unenclosed Uses - Any commercial or industrial use which is not conducted within a building, including, but not limited to junkyards, storage yards, building materials yards, and which is in, abuts or is adjacent to a residential district or fronts on a public right-of-way, shall be obscured from view from such Residential District and public right-of-way in an effective manner. This section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, trailers, bicycles, motorcycles, snowmobiles or farm equipment if set back at least fifty (50) feet from the edge of the pavement.
- c) Approved by the Planning Board - Plans and site design for the installation of such fencing or screening as are required by these regulations shall be reviewed and approved by the Planning Board prior to issuance of a building permit. Any fencing or screening installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased plant materials shall be considered a violation of these regulations.

4.3-10 Width of Side Yards May be Reduced

Width of One Side Yard May be Reduced - When authorized by the Board of Appeals, the width of one side yard may be reduced to a width of not less than ten (10) feet, provided that the sum of the width of the two side yards is not less than the required minimum for both side yards, and further provided that the distance between the proposed structure, and any structure existing or proposed, on an adjacent lot is not less than the required minimum sum of the width of the two side yards. Such reduction may be authorized only when the Board of Appeals finds it to be warranted by the location

of existing buildings or conditions or when it is conducive to the desirable development of two or more lots.

4.3-11 Accessory Buildings: Number, Height, and Location

- a) Number - On any lot, one accessory building including a garage, noncommercial home workshop or other accessory building or use in connection with the principal dwelling or use may be constructed and located subject to the following:
- b) Height - There shall be no height limitation on barns, silos and other farm structure. Others are as shown in Schedule B.
- c) Location - Nonresidential accessory buildings shall comply with front and side yard requirements for the principal building, except that front and side yard requirements for accessory farm buildings shall be a minimum of one hundred (100) feet from the road right-of-way and one-hundred (100) feet from the side lot line.

Accessory buildings to a residential use which are not attached to a principal building shall be erected in accordance with the following requirements:

- (1) Rear or side yard - at least fifteen (15) feet from side or rear property line
- (2) Side yard, street side of corner lot - same as for principal building
- (3) No closer to a principal or other accessory building than ten (10) feet
- d) Attached Accessory Building in Residence District - When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of these regulations applicable to the principal building.

4.3-12 Swimming Pools

All Swimming Pools shall be located in the side and rear yards and shall meet the setback requirements for such district. In the case of a corner lot, swimming pools shall only be located only in the rear yard. Swimming Pools shall meet all applicable requirements of the New York State Building Code(s).

4.3-13 Off-Street Parking

Off-street parking space shall be required of all principal buildings constructed or substantially altered after the effective date hereof. Each off-street space shall consist of at least one hundred and eighty (180) square feet with a minimum width of nine (9) feet. In addition, space necessary for isles, maneuvering and drives shall be provided and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Parking requirements are specified in Schedule B.

For uses not specified, the Planning Board should establish parking requirements in specific cases consistent with those specified in Schedule B. For any building having more than one use, parking space shall be required for each use.

Parking space in Residential Districts shall be located in the side or rear yard only.

Off-street parking for gasoline stations in any districts shall be limited to employee and customer cars which are licensed and in running condition and shall not be used for repair or sale of new or used cars.

Overnight parking or outdoor storage of any vehicle licensed for commercial purposes having more than two axles and four wheels shall be prohibited in any Residential District. Parking or outdoor storage of mobile homes, recreation vehicles or boats in any Residential District shall be confined to the rear or side yard and not within ten (10) feet of any property line.

4.3-14 Off-Street Loading

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of one thousand, five hundred (1,500) feet and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length.

An off-street loading space may occupy any part of any required side or rear yard, except no such berth shall be located closer than one hundred (100) feet to any residential district unless wholly within a completely enclosed area within a building.

4.3-15 Signs

a) General Regulations

Signs shall be permitted only as follows:

- 1) Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
- 2) Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or highway, nor project beyond the authorized property lines.
- 3) All temporary signs erected for a special event or property sale, rental or repair shall be removed by the property owner or his agent when the circumstances leading to their erection no longer apply. Temporary signs are designed or intended to be displayed for a short period of time and shall not be erected for a period in excess of thirty (30) calendar days. When deemed necessary, thirty-day extensions for temporary signs for the sale or rental of land/real estate may be granted by the Town Code Enforcement Officer.
- 4) A permit shall be required for the erection, alteration or reconstruction of any permanent business sign.

- 5) No signs which consist of lights that flash or move or appear to move shall be allowed in any district.
 - 6) No neon signs or similar signs containing incandescent tubing.
- b) In Residential (R) Districts, the following signs can be erected without a permit:
- 1) One nameplate, identification or professional sign not to exceed six (6) square feet of sign area, showing the name and address of the resident or a permitted home occupation of the resident of the premises. In the case of a corner lot, such sign shall be located on the principal street frontage.
 - 2) One nonilluminated sale or rental sign not to exceed six (6) square feet of sign area during and pertaining to the sale, lease, or rental of the land or building. Such sign shall be of a temporary nature.
 - 3) One artisan's sign not to exceed six (6) square feet of sign area during and pertaining to construction, repairs or alterations on the property. Such sign shall be removed promptly upon completion of work.
 - 4) Institutional or religious identification sign not to exceed twelve (12) square feet in area.
 - 5) Sign advertising the sale or development of a tract of land may be erected upon the tract by the developer, builder, contractor or owner. The size of sign shall not exceed thirty-two (32) square feet and not more than two (2) signs shall be placed upon the tract along any highway frontage. Such sign must be at least twenty (20) feet from the edge of the pavement.
- c) In the General Business (GB) and Industrial (I) Districts, the applicable signs above are permitted in addition to business signs as provided for below:

Business signs erected hereafter in the (GB) and (I) Districts shall not project into a public street right-of-way and shall not be closer than ten (10) feet to any line unless it is attached to and flush with the building surface. No sign attached or unattached shall be higher than the principal building to which it is accessory, and no sign shall be erected upon the roof of any building. The gross surface area of business signs in the (GB) and (I) Districts shall not exceed two (2) square feet per lineal foot of building frontage for nonilluminated signs, or one (1) square foot per lineal foot of building frontage for illuminated signs. The gross surface area of any sign shall not exceed thirty-two (32) square feet. All signs shall have sufficient clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway.

4.4 Additional Height Requirements

4.4-1 General Application

No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the district in which such

building or structure is located, except that the height limitations of these regulations shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, monuments, silos, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the height limitations.

4.5 Junkyards

a) Requirements

- 1) Maintenance: it shall be unlawful for any person to operate, establish or maintain a junkyard within the corporate limits of the Village of Hobart, New York.

An abandoned motorized vehicle, farm machine or parts therefrom shall not be allowed within five hundred feet (500') of a church, school, hospital, public building or place of public assembly.

- 2) Concealment: one (1) abandoned motorized vehicle, farm machine or parts therefrom shall be concealed from the public view by a fence, or located in a garage or behind a dwelling unit.

Fencing shall be at least eight feet (8') in height and shall not be erected nearer than fifty feet (50') from the right-of-way line of any public highway. Such fence shall not be erected nearer than fifty (50') feet from any residential structure not owned or occupied by the person who owns the abandoned, motorized vehicle, or farm machine or parts therefrom.

Where the topography, natural growth of timber or other consideration accomplished the purpose of this regulation in whole or in part, the "concealment requirements" may be reduced.

b) Existing Junkyards

For the purposes of this regulation, junkyards already established shall not be considered approved by the Planning Board. Within ninety (90) days from the enactment of this regulation, The owner of any existing junkyard shall comply with all provisions of this regulation.

c) Exemptions

Parking lots established in relation to automobile repair garages or automobile body painting shops shall not be considered junkyards and therefore be exempt from this regulation.

d) Violation

Any person operating a junkyard as defined by this ordinance will be in violation and subject to punishment if the situation has not been remedied thirty (30) days from the time of notification by the Code Enforcement Officer. Violators of any portion of this regulation shall be guilty of an offense punishable by fine of not less than fifty dollars (\$50.00). Each week that such violation is carried on or continues shall automatically constitute a separate violation with the penalty increasing in fifty dollar increments to a maximum of \$200.00. This maximum fine of \$200.00 will then be placed on the violator's village tax bill. If the failure to comply continues, it will be considered a separate violation.

e) Enforcement

This regulation shall be enforced the Code Enforcement Officer, who shall serve written notice, either in person or by certified mail upon the owner, leaseholder, occupant, or person having charge of said land upon which junked motor vehicles, machinery or component parts are placed, to comply with this regulation within thirty (30) days from Code Enforcement Officer notification by removing said junked vehicles, machinery, or parts.

Failure to comply shall constitute a violation and therefore allow the Village Board to impound the junked items which are located along Village and Public streets, property, and charge all costs of removal, storage, or disposal to the persons in violation.

4.6 Wireless Telecommunication Services Facilities

The purpose of these supplementary requirements and standards is to regulate the development of communication towers and facilities in the Village of Hobart consistent with the general purposes stated in this Local Law, to accommodate the necessary infrastructure for the provision of Telecommunication services within the Village, to address the visual, aesthetic, and land use compatibility aspects of communication facilities, towers and antennae and more specifically to:

1. Minimize the total number of towers throughout the Village;
2. Encourage the co-location or shared use of the proposed and existing tower sites;
3. Encourage the location of towers and antennas in areas where the adverse impacts on the community are minimized;
4. Encourage the configuration of towers and antennae in a way that minimizes the adverse visual impact of the structures; and
5. Enhance the specific provisions of telecommunication services within the Village.

a) General Provisions

- 1) The placement, construction, and modification of all wireless telecommunications facilities within the boundaries of the Village of Hobart, shall be permitted only by a Special Use Permit, upon Site Plan Approval and the issuance of a building permit, and subject to all the provisions of this local law in addition to the following supplementary requirements.

- 2) All new telecommunications antennas which are not attached to telecommunication towers shall comply with the provisions of this local law.
- 3) All telecommunications towers existing on the effective date of this local law shall be allowed to continue their usage as they presently exist. New construction, other than the routine maintenance on existing telecommunications tower, shall comply with the requirements of this local law.

b) Specific Provisions

- 1) Co-location preferred. Whenever possible, new telecommunication facilities or in use for telecommunications and/or utility distribution lines in order to preserve the aesthetic and scenic value of the Village. Except in cases where mechanical, structural or regulatory factors prevent co-location, applicants cannot be denied space on an existing telecommunications tower provided the applicant pays a reasonable fee to the owner of the telecommunication tower.
- 2) Location. Applicants for telecommunication towers and facilities shall locate, erect and site the towers in accordance with the following list of priorities (a) being of the highest priority and (h) being the lowest priority.
 - a) on existing telecommunications towers or related structures
 - b) co-location on a site with existing towers or structures
 - c) on Village of Hobart property
 - d) on fire district properties
 - e) in industrial districts
 - f) in general business districts
 - g) other developed municipal properties
 - i. Delaware County
 - ii. New York State properties
 - h) in residential districts

Upon filing an application for a permit for a telecommunications tower, the applicant shall submit a report demonstrating the applicant's review of the above locations in order of priority demonstrating technologically the reason for the site selection. If the site selected is not the highest priority, then a detailed explanation as to why sites of higher priority were not selected should be included in the application.

Notwithstanding the above, the Planning Board may require location on an alternative site if the alternative site is in a higher priority area and such site provides reasonably adequate services and meets the minimum needs of the service provider and the Planning Board, in writing, finds it is in the best interest of the health, safety and welfare of the Village.

- 3) Applicants for a special permit to place, construct or modify wireless telecommunication facilities within the Village of Hobart shall submit the following information to the Planning Board for its referral to the professional engineer or consultant for review and recommendation:

- a) State Environmental Quality Review Act (SEQRA) Environmental Assessment Form and Visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, and proposed elevations.
- b) Preliminary report prepared by a licensed professional engineer describing:
 - i. feasibility of the co-location on existing structures and telecommunications facilities;
 - ii. applicant's full map and grid coverage in the Village;
 - iii. surrounding topography in relation to the line of sight transmission;
 - iv. available road access, electric power and land-based telephone lines and/or microwave link capability;
 - v. required improvements for construction activities, including those within the public's right-of-way or land owned or controlled by the Village of Hobart;
 - vi. identity of location, ownership and usage of currently existing telecommunication facilities within the Village.
 - vii. Plans for construction of telecommunications accessory equipment building or structure and landscaping plans;
 - viii. Proposed mitigation measures for visual impacts;
 - ix. Proposed safety measures
- c) In the case of an application for a telecommunications tower, additional information shall be provided describing: the telecommunications tower's height and design, including a cross-section of the structure; the telecommunication tower's compliance with applicable structural standards; the telecommunications tower's capacity, including the number and type of telecommunications antennas it can accommodate and the basis of calculation of capacity.
- d) In the case of a telecommunications antenna mounted on an existing structure, additional information shall be provided indicating; the existing structure's suitability to accept the telecommunications antenna; the proposed method of affixing the telecommunications antenna to the structure; and complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- e) Demonstration of a need for proposed telecommunications facility showing the impracticality of upgrading or expanding an existing site.
- f) Demonstration that the proposed site is the most appropriate site within the immediate area for the location of the wireless communication.
- g) Inventory of existing telecommunications within the Village outlining the opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed telecommunications tower or

telecommunications antenna cannot be accommodated on an existing approved telecommunications tower or facility.

- h) Description of the applicant's long range plans which project market demand and long range facility needs within the Village.
 - i) Proof of certified mail announcements to all other telecommunication providers in the area declaring the applicant's sharing capabilities and/or siting needs.
 - j) A map showing the location of the premises for which the permit is sought and sketch plan showing all features of the facility necessary for providing road access, electrical service, land-based telephone line connection and/or microwave link capability within the proper boundaries of the proposed location.
 - k) Certification by a New York State Licensed Professional Engineer (P.E) that the facility will comply with Federal Communications Commission (FCC) regulations for radio frequency (RF) emissions.
 - l) Such other information as may be required by the Planning Board or its engineer or consultant.
- C) Special Permits Used for Wireless Telecommunication Service Facilities shall be subject to the following general conditions:
- 1) Separation Distance. Telecommunication facilities shall be separated from all residential dwellings by a distance of no less than 500 feet.
 - 2) All telecommunication facilities shall comply with setback regulations in the affected zone. In any event, a structure shall be set back a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional fifty percent (50%) of its fall zone. Additional set backs may be required by the Planning Board in order to provide for the public safety, health and welfare.
 - 3) Minimal Visual Impacts. All telecommunications towers and telecommunication antennas shall be sited to have the least possible visual effect on the environment.
 - 4) Lighting. Telecommunications towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state, or local authority.
 - 5) Material and Paint. Telecommunication towers and telecommunication antennas shall be of a galvanized finish or painted gray above the surrounding tree lines, and gray and green below the tree lines; the mountings of telecommunications antennas should be non-reflective and of the appropriate color to blend with their background.

6) Screening

a) Vegetative Screening

- i) Where a wireless telecommunications facility abuts residential or public property, the following vegetative screening shall be provided: Native evergreen shrubs or trees capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting to effectively screen a telecommunications tower base and accessory facilities.
- ii) Additional screening may be required by the Planning Board to screen portions of the telecommunications tower from nearby residential property or important views.

b) Architectural Screening. Creative design measure to camouflage facilities by integrating them with existing buildings and among other existing uses or to camouflage them to look like trees or other appropriate features are preferred.

- 7) Height. The size of telecommunications sites should be limited to the minimum required to provide the proposed telecommunications services.
- 8) Access Road. Existing roadways shall be used for access to the site whenever possible.
- 9) Telecommunications Accessory Structures. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures should be screened, placed underground, depressed, earth bermed or sited below the ridge line to the greatest extent feasible, particularly in areas of high visibility.
- 10) Telecommunications Antennas. Due to their high visibility, dish and parabolic telecommunications antennas should be located at as low an elevation as possible without compromising the function of the device, preferably on the sides of the buildings or ground mounted on slopes below the ridge line wherever possible, rather than elevated on telecommunications towers.
- 11) Utility Service. Electrical and land based telephone and/or microwave utilities extended to serve telecommunication sites shall be underground.
- 12) Security Provisions. Each site should have a security program including physical features such as fencing, anti-climbing devices or elevating ladders on telecommunication towers and/or monitoring either by staff or electronic devices, to prevent unauthorized access and vandalism.
- 13) Safe Zone. Telecommunications towers should be designed so that in the event of failure, they will fall within the set back area of the site and/or away from adjacent development.

- 14) Noise. Noise producing equipment should be sited and/or insulated to prevent noise impacts on adjacent properties.
- 15) Annual Inspection and Report. Telecommunications towers over one-hundred (100) feet in height shall be inspected annually by a licensed professional engineer, and a copy of the inspection report submitted to the Village Code Enforcement Officer.
- 16) Removal. All telecommunications facilities, including, but not limited to antennas, towers and accessory structures shall be dismantled and removed from the site when they have been inoperative or abandoned for two years. Applicants shall post a bond or other suitable undertaking as a condition of the special permit in order to guarantee removal of abandoned structures.
- 17) Post Installation Field Report Identifying the Facilities Coverage Area, Telecommunications Towers Maximum Capacity, if any, and co-located users of the telecommunications tower shall be submitted to the Village.

D) The Planning Board may grant the Special Permit, deny the Special Permit or grant the Special Permit with Written Stated Conditions. Denial of the Special Permit shall be by written decision based upon substantial evidence submitted to the Board.

4.7 Adult Uses

No adult use shall be established except upon receipt of a special use permit approval from the Planning Board in accordance with Article 5 of this Local Law and the provisions herein. Adult uses shall be allowed in the Industrial (I) district(s) as identified in Schedule B of this Local Law. In addition, adult uses must also conform to the following requirements:

- 1) An adult use shall not be located within a 250-foot radius of any property currently in residential use.
- 2) No adult use shall be located within a 500-foot of another adult use.
- 3) No adult use shall be located within 250-foot radius of any religious or educational institution, public park, recreation facility, civic facility or day care center.
- 4) No more than one adult use shall be located on any lot.
- 5) No adult use shall locate in any building that is used in whole or in part for residential use.
- 6) All building openings, including doors and windows shall be located, covered and screened in such a manner as to prevent a view into the establishment from any public street, sidewalk or parking area.
- 7) As a condition of approval of any adult use, there shall be a restriction that no person under the age of 18 years shall be permitted into or on the premises.
- 8) Any sign for an adult use shall conform to all signage requirements of this Local Law.
- 9) No loudspeakers or sound equipment shall be used by adult uses that can be heard by the public outside of the establishment.

ARTICLE 5. SPECIAL PERMIT REQUIREMENTS

5.1 Intent, Scope, Procedure, Referrals

5.1-1 Intent

It is the intent of this chapter to use special permits to control the impact of certain uses upon areas where they could be incompatible unless conditioned in a manner suitable to the particular location.

5.1-1 Scope

The Planning Board may grant a Special Permit for uses as listed in Schedule B if the proposed use meets the standards and conditions listed in this section.

A Special Permit shall authorize only one particular special use, and shall expire if the special use ceases for more than six (6) months for any reason.

Planning Board approval shall be obtained for any addition or alteration to uses and buildings authorized by Special Permit.

5.1-2 Procedure

Application for Special Permits shall be submitted to the Code Enforcement Officer. A completed application shall include a site plan prepared in conformance with Article 6 of these regulations. The Code Enforcement Officer shall act to certify the application as complete or return it to the applicant for completion within ten (10) days of submission. The Code Enforcement Officer shall forward a certified complete application to the Planning Board no later than ten (10) days prior to the next regularly scheduled meeting.

The Village Planning Board shall schedule a public hearing on an application for a Special Permit. Such hearing shall be held within sixty-two (62) days of submission of a certified application. Within sixty-two (62) days of the hearing, the Planning Board shall render a decision either granting, granting subject to conditions, or denying the permit

5.1-3 Referrals

Whenever any Special Permit involves real property in an area as described in Section 239-m of the General Municipal Law and Article 25-AA of the Agriculture and Markets Law, said Special Permit shall be referred to the County Planning Board, which Board shall report its recommendations to the Village Planning Board.

The concurring vote of a majority plus one of the Village Planning Board shall be necessary to override the County Planning Board recommendations of approval with modifications or disapproval.

Within ten (10) days after final action by the Village Planning Board on the recommendations, modifications or disapproval of the referred matter, the Board shall file a report of the final action with the County Planning Board.

5.2 Standards

5.2-1 As is provided by Section 7-725 of Village Law, the Enforcement Officer shall refer any request for Special Permit to the Planning Board for their review and approval. The Planning Board shall, pursuant to law, hold a public hearing on such application prior to acting thereon. In authorizing such permit, the Planning Board may designate appropriate conditions in harmony with the following standards:

- a) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts and uses.
- b) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying these standards, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of development of the neighborhood.
- c) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.

5.3 Special Uses to be Considered by the Planning Board

5.3-1 Mobile Homes

Mobile homes for living purposes must be located within an established mobile home parks, as permitted by Special Permit in all Residential Districts as per the requirements of this Article.

Plans shall show provisions for utilities, off-street parking, and road access.

All mobile homes shall rest on a concrete pad, at least fifty (50) feet from the center line of public road and at least twenty (20) feet from adjacent property lines, and be secured to pad according to current New York State Uniform Fire Prevention and Building Code specifications so as to secure the mobile home against uplift, sliding, rotation and overturning.

Each mobile home owner/tenant shall be required to enclose the bottom portion of the mobile home with a metal, wood or other suitable 'skirts', properly ventilated, within sixty (60) days after locating in the village.

Utility hookups for all mobile homes must conform to sewer and water use ordinances of the Village of Hobart.

5.3-2 Home Occupations

Home Occupations are allowed in all residential districts provided they meet the following criteria:

- a) Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and
- b) Is carried on by a member of the family residing in the dwelling unit, and
- c) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- d) Which conforms to the following additional conditions:
 - 1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
 - 2. Not more than one person outside the family shall be employed in the Home Occupation.
 - 3. There shall be no exterior display, no exterior sign except as permitted in Section 4.3-15 of this law, no exterior storage of materials and no other exterior indication of the Home Occupation or variation from the residential character of the principal building.
 - 4. No offensive noise, vibration, smoke, dust odors, heat or glare shall be produced.
- e) Provides on premise, off-street parking for all parking needs.

In particular, a Home Occupation includes - but is not limited to the following: Professional office of a physician, dentist, lawyer, engineer, architect, accountant, musician, teacher, artist, funeral director, or real estate broker, within a dwelling occupied by the same. Teaching with musical instruction limited to a single pupil at a time. However, a Home Occupation shall not be interpreted to include the following: Commercial stables and kennels, Restaurants.

ARTICLE 6. SITE PLAN REVIEW

6.1 Intent

The intent of site plan review is to provide an additional review by communities of uses and activities which have greater impact on surrounding properties, the environment, community character and the ability of the village to accommodate them.

6.2 Administration

Pursuant to Village Law 7-725, the Hobart Village Planning Board shall administer site plan review.

6.3 Procedure

Application for Site Plan Review shall be made to the Code Enforcement Officer (CEO). The CEO shall act to certify the application as complete and in compliance with this Local Law or return it to the applicant for completion and/or revision within ten (10) days of submission. The CEO shall forward a certified application to the Planning Board no later than ten (10) days prior to their next regularly scheduled meeting.

- a) Sketch Plan. A sketch plan conference may be held between the Planning Board and the applicant to review the basic site design concept and generally determine the information to be required on the site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed
 - (1) An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within two-hundred (200) feet of the boundaries thereof.
 - (2) A map of site topography at no more than five foot contour interval. If general site grades exceed five percent (5%) or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation should also be provided.
- b) Application for site plan approval. An application for site plan approval shall be made in writing to the Code Enforcement Officer and shall be accompanied by information drawn from the following checklist:
 - (1) Title of drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
 - (2) North arrow, scale and date.
 - (3) Boundaries of the property plotted to scale.

- (4) Existing watercourses.
 - (5) Grading and drainage plan, showing existing and proposed contours.
 - (6) Location, proposed use and height of all buildings.
 - (7) Location, design and construction materials of all parking and truck loading areas, showing access and egress.
 - (8) Provision for pedestrian access.
 - (9) Location of outdoor storage, if any.
 - (10) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - (11) Description of the method of sewage disposal and the location, design and construction materials of such facilities.
 - (12) Description of the method of securing public water and the location, design and construction materials of such facilities.
 - (13) Location of fire and other emergency zones, including the location of fire hydrants.
 - (14) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 - (15) Location, size and design and construction materials of all proposed signs.
 - (16) Location and proposed development of all buffer areas, including existing vegetative cover.
 - (17) Location and design of outdoor lighting facilities.
 - (18) Designation of the amount of building area proposed for retail sales or similar commercial activity.
 - (19) General landscaping plan and planting schedule.
 - (20) Other elements integral to the proposed development as considered necessary by the Planning Board, including identification of any state or county permits required for the project's execution.
- c) Planning Board review of site plan. Once an application for Site Plan Review has been deemed "complete" by the Village Code Enforcement Officer, applicant shall be referred to the Planning Board for the remainder of the Site Plan Review process. The Planning Board's review of a site plan shall include, as appropriate, but is not limited to, the following:

(1) General Considerations

- a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- b. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- c. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- d. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- e. Adequacy of stormwater and drainage facilities.
- f. Adequacy of water supply and sewage disposal facilities.
- g. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- h. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
- i. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- j. Adequacy of fire lanes and other emergency zones and the provision for fire hydrants.
- k. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

(2) Consultant review. The Planning Board may consult with the Village Code Enforcement Officer, Fire Commissioners, Conservation Council, Superintendent of Public Works, other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies, including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

(3) Public Hearing. The Planning Board may conduct a public hearing on the site plan. Such public hearing, if required, shall be conducted within sixty-two (62) days of the receipt of the application for site plan approval and shall be advertised in a newspaper of general circulation in the village at least five (5) days before the public hearing.

- d) Planning Board review of site plan. Within sixty-two (62) days of the public hearing, the Planning Board shall act on application for Site Plan Review. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the site plan is approved, disapproved or approved with modifications. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the site plan, conformance with said modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.
- e) Required referral. Prior to taking action on the site plan, the Planning Board shall refer the plan to the County Planning Board for advisory review and a report in accordance with 239-m of the General Municipal Law and 25-AA of the Agriculture and Markets Law.
- f) Planning Board Action on site plan. Within sixty-two (62) days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Code Enforcement Officer.
 - (1) Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the village, the Planning Board shall endorse its approval on a copy of the site plan and shall forward such copy to the Code Enforcement Officer and to the applicant.
 - (2) Upon disapproval of a site plan, the Planning Board shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.
- g) Reimbursable costs. Costs incurred by the Planning Board for consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant, not to exceed one hundred dollars (\$100) per acre or fraction thereof.
- h) Performance guarantee. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Code Enforcement Officer, Superintendent of Public Works and Village Attorney.
- i) Inspection of improvements. The Code Enforcement Officer shall be responsible for the overall inspection of site improvements, including coordination with the Superintendent of Public Works and other officials and agencies, as appropriate.
- j) Expiration. If a building permit has not been issued to commence work on the project within a one (1) year of the approval date, said approval will expire unless an extension is granted from the Planning Board.

ARTICLE 7. ADMINISTRATIVE ENFORCEMENT

7.1 Building/Use Permit

- 7.1-1 No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefor has been issued by the Code Enforcement Officer.

No such permit shall be issued until there has been filed with the Code Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location on the lot of the building or accessory building to be erected, relocated, or altered and such other information as may be necessary to determine and provide for the enforcement of these regulations. Each application shall state the purpose for which the structure or land is to be used and general description of the type of construction.

The Code Enforcement Officer shall issue, refer to appropriate board, or refuse to issue such permit, all within thirty (30) days. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal. The fee for any such permit shall be as determined by the Village Board.

7.2 Certificate of Occupancy

- 7.2-1 No land shall be used or occupied, and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer. A Certificate of Occupancy shall be issued only if the proposed use of building or land conforms to the provisions of this law, the New York State Uniform Fire Prevention and Building Code, and all other applicable laws, codes and regulations.

7.3 Completion of Existing Buildings

- 7.3-1 Nothing herein contained shall require any change in plans, construction, or designated use of building actually under construction at the time of the passage of these regulations, providing the entire building shall be completed within one year from the date of the passage of these regulations.

7.4 Zoning Board of Appeals

- 7.4-1 There is hereby established a Zoning Board of Appeals which shall function in the manner prescribed by law. The members of the Board of Appeals shall be residents of the Village of Hobart and shall be appointed by the Village Board to serve for terms as prescribed by law. The Village Board shall designate the chairman and may also provide for compensation to be paid to said members and secretary. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the manner as provided by law. The Board of Appeals shall adopt such rules and regulations as it may deem necessary to carry into effect the provisions of these regulations, and all its resolutions and orders shall be in accordance therewith.

7.4-2 Procedure

The Board of Appeals shall act in strict accordance with the procedure specified by law by these regulations. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal shall refer to the specified provision of these regulations involved, and shall set forth the interpretation that is claimed or the details of the variance that is applied for, and the basis thereof. At least seven (7) days before the date of the hearing required by law on appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal.

7.4-3 Meetings

All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. Meetings of the Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall also keep records of its examination and other official actions.

7.4-4 Records

All decisions of the Board shall be by resolution and a copy of each decision shall be sent to the applicant, to the Village Clerk and to the Code Enforcement Officer. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards pertaining thereto where the appeal concerns a variance.

7.4-5 Appeals

An appeal for an interpretation of or a variance from a determination of the Code Enforcement Officer, or from a decision of the Planning Board in regard to a special permit, may be taken by any aggrieved person, or by an officer, department or board of the Village. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such local law by filing with the Village Clerk and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought.

7.4-6 Stay

An appeal stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer, from whom the appeal is taken, certifies to the Board of Appeals after the notice of appeal shall has been filed with the Code Enforcement

Officer, that by reason of acts stated in the certificate, a stay would, in the Code Enforcement Officer's opinion, cause imminent peril to life or property.

7.4-7 Hearing and Determination

The Board of Appeals shall, within sixty-two (62) days, set the hearing of the appeal and give due notice thereof to the parties, and by publication at least once in the official newspaper not less than five (5) days before the date of the hearing, and shall decide that same within sixty-two (62) days of the hearing. Upon the hearing, any party may appear in person or by agent or by attorney.

The applicant shall bear the cost of advertising as required in connection with hearing. The Village Board shall establish and post a schedule of fees.

7.4-8 Jurisdiction

The Board of Appeals shall have the following powers and duties prescribed by statute and by these regulations as described below:

a) Interpretation

On appeal from a determination of the Code Enforcement Officer or the Planning Board, to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Enforcement Officer involving the interpretation of any provision of these regulations.

b) Variances

On appeal from a determination of the Code Enforcement Officer or the Planning Board and in conformity with law, to vary the requirements as they apply to a particular lot where the property owner can show that his property was acquired in good faith and where the strict application of these regulations would result in practical difficulty or unnecessary hardship. No application for a variance shall be acted on until the required public hearing has been held.

c) Granting Area Variances

1. Area variances may be granted where setback, frontage, lot size, density or yard requirements of this Local Law cannot be reasonably met. The Zoning Board of Appeals, in its findings, must find that "unnecessary hardship" is present.
2. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider the following criteria:
 - a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

- b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - c. Whether the requested variance is substantial;
 - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
3. Area variances shall be granted by the procedure established in section 7.4-2, Procedure.

d) Granting Use Variances

1. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals the following:
 - a. Under the applicable 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. 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. The requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. The alleged hardship has not been self-created.
2. Use variances shall be granted only by the procedure established in section 7.4-2, Procedures.

7.5 Amendments

- 7.5-1 The Village Board may, from time to time on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by these regulations pursuant to law.

Whenever the owners of fifty (50) percent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged to the Village Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Village Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Village Clerk.

The Planning Board may, by resolution, propose an amendment to the Village Board suggesting a change or repeal of specific portions of the regulations. Within ninety (90) days from the time such resolution is filed with the Village Clerk, it shall be the duty of the Board to vote on such proposed amendment.

7.5-2 Referral of Proposed Amendments to the Village Planning Board and County Planning Board.

All proposed amendments, supplements or changes originated by petition, or by motion of the Village Board, shall be referred to the Village Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within forty-five (45) days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.

Whenever any zoning regulation or any amendment, including special use permits or variances would change the district classification of or a regulation applying to real property within a distance of five hundred (500) feet from any boundary line of properties in a neighboring municipality or upon other county or state property as described in the General Municipal Law, the amendment shall be referred to the County Planning Board, which Board shall have thirty (30) days in which to report its recommendations to the Village Board.

7.5-3 Hearing on Proposed Amendment

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. Such hearing may be held by the Village Board, by a committee of the Board, or by the Planning Board request of the Village Board. In addition to the public notice of a hearing, notice shall be given in writing, either personally or by mail, to all property owners of the land included in such proposed change, and the land immediately adjacent extending one hundred (100) feet therefrom, and the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the Village.

7.5-4 Adoption of Amendment

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Village Board shall be required to amend the zoning regulations, except as described in section 7.5-5.

7.5-5 Protest Petition

In accordance with Section 7-708 of Village Law, if a protest against a proposed amendment, supplement or change is presented to the Village Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four members of the Village Board.

7.6 Interpretation, Enforcement, Violations

7.6-1 Periodic Review of Zoning Regulations

From time to time, at intervals of not more than three (3) years, the Planning Board shall reexamine the provisions of these regulations and the location of district boundary lines and shall submit a report to the Village Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health or welfare.

7.6-2 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standard shall govern.

7.6-3 Enforcement

These regulations shall be enforced by a person hereinafter called the "Code Enforcement Officer", designated by the Village Board, who shall in no case grant any permit for any building or use on premises where the proposed erection, alteration relocation or use thereof would be in violation of any provision of these regulations. The Enforcement Officer shall make such inspections of buildings or premises as are necessary to carry out his/her duties. No permit or certificate of compliance required hereunder shall be issued by the Code Enforcement Officer except in compliance with the provisions of these regulations, or as directed by the Board of Appeals under the provisions of Article 6.4.

7.6-4 Violations

Violations of these regulations shall be subject to the provisions of applicable law. Each week a violation continues shall constitute a separate additional violation. Upon determination by the Code Enforcement Officer that a violation of these regulations exists, he/she shall send written notice to the last known owner of record of the property, as determined by the assessment records, informing said owner of the violation of specific provisions of these regulations and stating that action is to be taken by said owner to remove such violation in sixty (60) days; or proceedings to compel compliance with the regulations will be instituted. Any violation of these regulations may also be adjoined pursuant to law.

7.6-5 Fines

In addition to all other provisions of this Local Law the owner of record of the property on which the violation of these regulations exists shall be liable for a fine of not more than one hundred dollars (\$100.00). Each week a violation continues shall constitute a separate additional violation.

7.6-6 Appearance Tickets

The Code Enforcement Officer as defined in Article 6.6-3 is authorized to issue and serve Appearance Tickets returnable in a local criminal court, in connection with any

violation of the Zoning Law of the Village of Hobart as the same may be amended from time to time.

SCHEDULE 'A' - DEFINITIONS

A. General

For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot" or "parcel". The word "person" includes a corporation, partnership, association or organization as well as an individual. The word "building" includes the word "structure". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied". The word "shall" is mandatory.

B. Definitions

ACCESSORY BUILDING: A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Zoning Law) located on the same lot as the main building or principal use of the land.

ACCESSORY USE: An allowed use, which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Zoning Law) is located on the same lot as the principal use of the premises. When the term "accessory" is used in this Law, it shall have the same meaning as "accessory use."

ADULT USE: Any use or establishment constituting an adult book/video store, adult drive-in theatre, adult entertainment cabaret, adult massage establishment, adult hotel/motel, adult peep shows, adult theatre, adult body painting studio, or adult model studio that are open to the public generally, but exclude any minor by reason of age.

AGRICULTURE: The use of lands for agricultural or farming purposes, including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, viticulture, forestry, animal and poultry husbandry and the necessary accessory uses for packing or storing of products, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that such uses shall not include the commercial feeding of garbage and offal to swine or other animals.

ALLEY: A service way which affords a secondary public means of vehicular access to abutting property.

ALTERATION: A change or rearrangement in the structural parts, or in the entrance and exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AUTOMOBILE SALES: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.

AUTO WASH: A structure designed or intended primarily for the washing of automobiles, including conveyor, drive-through and self-service types.

BANK : See “Financial Institutions”

BASEMENT: A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the established grade of the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

BED AND BREAKFAST: A private dwelling in which at least one (1) and not more than four (4) rooms are offered for rent for transient occupancy, in which overnight lodging and breakfast are offered to such occupants, and in which no public restaurant is maintained.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into entirely separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING AREA: The total ground floor area of a principal building and accessory building exclusive of uncovered porches, steps and terraces.

BUILDING COVERAGE: The portion of the plot or lot area covered by a building.

BUILDING, DETACHED: A building surrounded by open space on all sides on the same lot.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory building on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF: The vertical distance measured from the established grade at the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: A line parallel with the front, side and rear property lines, respectively, beyond which a structure may not extend as determined by these regulations.

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

CAMOUFLAGE: A means of concealing a building or other man-made structure that creates the effect of that camouflaged object is part of the natural surroundings.

CAMOUFLAGING: The construction of facilities to house or support telecommunication towers or antennas so that the towers or antennas blend readily with the landscape, neighborhood, and adjacent architectural features. Examples of camouflaging that could be used are: silo and barn, windmill, and simulated tree.

CAMP: Any one of the following:

A tent, trailer, shelter, cottage or other accommodation for seasonal or other more or less temporary living accommodations, regardless of whether such structure or other accommodation is actually used seasonally or otherwise; a parcel of land on which is located two (2) or more cottages, shelters, recreational vehicles, tents or other accommodation for seasonal or other more or less temporary living arrangements; a parcel of land, including buildings and facilities thereon, used for the assembly of children or adults for what is commonly known as "day camp" purposes; or a parcel of land, including buildings and facilities thereon, used for overnight, weekend or long periods of camping by organized groups.

CELLAR: That space of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the established grade at the street center line or, if no grade has been officially established on the street, measured from the average level of the proposed finished grade across the front of the building, and which space is not designed or used primarily for year-round living accommodations.

CHILD DAY CARE: care for a child on a regular basis provided away from the child's residence for less than twenty-four hours per day by someone other than the parent, step-parent, guardian, or relative within the third degree of consanguinity of the parents or step-parents of such child. Child day care shall not refer to care provided in:

- (A) a day camp, as defined in the state sanitary code;
- (B) an after-school program operated for the purpose of religious education, sports, or recreation;
- (C) a facility providing day services under an operating certificate issued by the department or a facility providing day treatment under an operating certificate issued by the office of mental health or office of mental retardation and developmental disabilities; or
- (D) a kindergarten, pre-kindergarten, or nursery school for children three years of age or older, or after-school program for children operated by a public school district or by a private school or academy which is providing elementary or secondary education or both, in accordance with the compulsory education requirements of the education law, provided that the kindergarten, pre-kindergarten, nursery school, or after school program is located on the premises or campus where the elementary or secondary education is provided.

CHILD DAY CARE PROVIDER: any individual, association, corporation, partnership, institution or agency whose activities include providing child day care or operating a home or facility where child day care is provided.

CHILD DAY CARE CENTER: any program or facility caring for children for more than three hours per day per child in which child day care is provided by a child day care provider except those programs operating as a group family day care home, a family day care home, and a school-age child care program, as herein.

CLUB: Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes and not open to the general public; which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required for the membership and purposes of such club. For the purpose of this law, clubs shall include lodges, fraternal organizations, mutual benefit societies, and other like organizations.

CO-LOCATED ANTENNAS: Telecommunications facilities which utilize existing towers, building or other structures for placement of antenna(s) and which do not require the construction of a new tower.

COMMERCIAL/RETAIL USES: Businesses intended for the sale of retail goods or personal services; departments store; restaurant, tavern; but excludes gas station, garage, car wash, utility and agriculture.

COMPREHENSIVE PLAN - Materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports, and other descriptive materials that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Village.

CONCEALMENT: To place out of public sight and/or to prevent recognition of.

DWELLING, CONDOMINIUM: Any apartment, townhouse or other residential building or portion thereof, involving a combination of two (2) kinds of ownership of real property including:

- fee simple ownership of the individual dwelling unit; and
- undivided ownership together purchasers of the common elements of the structure, land and appurtenances, the management thereof controlled by a property owners' association.

DWELLING, GUEST HOUSE: An accessory seasonal dwelling unit built of the same lot with the principal dwelling and not for rent.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof designed for year-round occupancy, containing separate dwelling units for three or more families living independently of each other, other than hotels, motels, camps and rooming houses.

DWELLING, ONE-FAMILY: A detached building designed for year-round occupancy by one family only, other than a mobile home, recreational vehicle, camp or any temporary structure.

DWELLING, SEASONAL: A detached dwelling unit providing complete housekeeping facilities for one family designed for seasonal or non-year-round occupancy other than a mobile home, camp or recreational vehicle.

DWELLING, TOWNHOUSE: Three or more attached dwelling units designed for year-round occupancy and containing separate dwelling units for occupancy by one family per unit.

DWELLING, TWO-FAMILY: A detached dwelling designed for year-round occupancy by two families living independently of each other, other than a mobile home, recreational vehicle, camp or rooming house.

DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family, including living, cooking, sanitary and sleeping facilities.

FAMILY: One or more persons occupying a dwelling as a single housekeeping unit with single culinary facilities.

FAMILY DAY CARE: a program or facility caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children. A family day care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the department and the department inspects such home to determine whether the provider can care adequately for seven or eight children.

FARM: A parcel of land containing at least ten (10) acres which is used for the raising of agricultural, dairy or livestock products, except where such is an accessory and noncommercial garden to a principal residential use on the same lot. The term includes the necessary farm structures within the prescribed limits of the storage of equipment used on the premises. It excludes the raising of fur-bearing animals, riding academics, boarding or sales stables and dog kennels. It also excludes a holding area where cattle, livestock or poultry are held and fed commercially in a restricted area as distinguished from a traditional farm.

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

FINANCIAL INSTITUTIONS: Establishments, including but not limited to, banks, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges.

GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space for more than one car is leased to a nonresident of the premises.

GARAGE, PUBLIC: A building or part thereof operated and used for the storage, hiring, selling, greasing, washing servicing, or repair of motor-driven vehicles.

GARBAGE: Includes all putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including the container in which packaged.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term 'gasoline station' shall be deemed to include filling station and service station.

GAS/FUEL DISTRIBUTOR: Any area of land, including structures thereon, that is used or designed primarily to be used for the filling of commercial truck tankers for the distribution of gasoline, oil, or any other fossil fuel, to smaller fuel stations or directly to individuals or households for use therein.

GROUP FAMILY DAY CARE: a program or facility caring for children for more than three hours per day per child in which child day care is provided in a family home for seven to ten children of all ages, or up to twelve children where all of such children are over two years of age, except for those programs operating as a family day care home, which care for seven or eight children. A group family day care provider may provide child day care services to two additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session. There shall be one caregiver for every two children under two years of age in the group family home. A group family day care home must have at least one assistant to the operator present when child day care is being provided to seven or more children. This assistant shall be selected by the group family day care operator and shall meet the qualifications established for such position by the regulations of the department.

GROUP HOME: A nonprofit or for-profit boarding home for the sheltered care of not more than ten (10) persons with special needs involving supervised living accommodations which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. Such home(s) shall include homes for the:

- a) elderly
- b) developmentally disabled: those persons having conditions including mental retardation, cerebral palsy, epilepsy, autism and sensory or neurological impairments.

HOLDING AREA: A special farm area where cattle or other livestock are held and bulk fed commercially in a restricted area as distinguished from a pasture and other parts of an operating farm.

HOME OCCUPATION: Any profession or vocation, full-time or part-time, conducted entirely within a dwelling by the inhabitants thereof, or within a building or other structure accessory to the dwelling, which use is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL OR MOTEL: A building or group of buildings where transient guests are lodged for hire.

IMPERVIOUS SURFACE: Those surfaces, improvements, and structures that cannot effectively infiltrate rainfall, snowmelt, and water (e.g. building rooftops, pavement, sidewalks, driveways, etc.).

INOPERABLE/ABANDONED: With respect to motorized vehicles, any motor vehicle, or used parts or waste materials from motor vehicle which, taken together, equal in bulk one or more such vehicle, which is in a condition of disrepair and cannot be removed under its own power.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Including, but not limited to: abandoned or inoperable motor vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber. This definition shall not be deemed to include garden compost or items kept in covered bins or metal receptacles, designed for trash collection and approved by the Village Health Officer or Village Code Enforcement Officer.

JUNKYARD: Any place of storage or deposit, whether in connection with a business or not, where more than one (1) unregistered, old or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, or more than one (1) unregistered, old, or secondhand boat, or parts therefrom, no longer intended or in condition for legal use in public water, are held, whether for the purpose of resale of used parts therefrom, and or more than one (1) piece of unworkable, derelict and held or abandoned pieces of machinery, including as, but not limited to farm tractors, balers, combines, side rakes, harvesters, and/or wagons or parts therefrom for the purpose of reclaiming for the use some or all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same of for any other purpose; such term shall include any place of storage or deposit for any such purpose of disposing of the same of for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles and/or machinery, which, taken together, equal in bulk to more than one (1) such vehicle; it shall also mean any place of storage or deposit whether privately or publicly owned, whether in connection with another business or not, where scrap metal, rubber, rags, papers, lumber, glass or other material are disposed of or held for the purpose of resale or for the purpose of reclaiming for the use of some or all of such material. Parking lots established in relation to automobile repair garages or automobile body painting shall not be considered a junkyards.

LANDFILL, SANITARY: The depositing of refuse in a natural or man-made depression or trench, or dumping it at ground level, compacting to the smallest practical volume, and covering with earth or other material in a systematic and sanitary manner.

LAUNDROMAT: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential or resort hotel or club.

LIGHT MANUFACTURING: Those industrial uses which activities do not constitute a fire hazard or emit smoke, glare, noise, odor or dust or in other ways constitute a nuisance and/or are not detrimental to neighborhood properties.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a principal building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by these regulations, and having its principal frontage on a public street or an officially approved place.

LOT AREA: The total area included within side and rear lot lines and the street or highway right-of-way.

LOT, CORNER: A lot located at the intersection of and fronting on two (2) or more intersecting streets, and having an interior angle at the corner or intersection of less than one hundred and thirty-five (135) degrees.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: The property lines bounding the lot, including:

- Lot Line, Front - The lot line separating the lot from the street right-of-way.
- Lot Line, Rear - The lot line opposite and most distant from the front lot line.
- Lot Line, Side - Any lot line other than a front or rear lot line.

LOT, THROUGH: A lot having frontage on two (2) approximately parallel, or converging streets other than a corner lot.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MOBILE HOME: A factory-finished movable dwelling unit (having a minimum floor area of six hundred (600) square feet) designed and built on frame and wheels to be towed on its own chassis and designed for and providing housekeeping facilities for year-round occupancy including living and sleeping accommodations, a flush toilet, tub or shower, and kitchen facilities, and with plumbing and electrical connections provided for attachment to outside systems; after being transported to the building site. It does not include a recreational vehicle.

MOBILE HOME COURT: A parcel of land which has been planned and improved for the placement of two or more mobile homes for dwelling purposes. The term shall include mobile home park or other area planned and/or improved for two (2) or more mobile homes.

MOTOR VEHICLE: All vehicles propelled or drawn by power other than muscular power including but not limited to automobiles, bus, trailers, trucks, tractor, boats, motorcycles, snowmobiles, all-terrain vehicles and other recreational vehicles.

NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this Zoning Law for the district in which it is located either at the effective date of this Zoning Law or as a result of subsequent amendments to the Zoning Law.

NONCONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Zoning Law for the district in which it is located, either at the effective date of this Zoning Law or as a result of subsequent amendments to this Zoning Law.

NURSING/RETIREMENT HOME: A proprietary facility, licensed or regulated by the State of New York for the accommodation of convalescents or other persons, who are not acutely ill and not in need of hospital care, but who require skilled nursing and related medical services which are prescribed by or performed under the direction of a person or persons licensed or provide such care or services in accordance with the laws of the State of New York.

OPEN SPACE, GREEN: An open space area not occupied by any structures or impervious surfaces.

OPEN SPACE, PRIVATE: Common open space, the use of which is normally limited to the occupants of a single dwelling, building, or property.

OPEN SPACE, PUBLIC: Open space owned and maintained by a public agency for the use and enjoyment of the general public.

PARKING SPACE: A space designated for the parking of one (1) motor vehicle and having an area of not less than one hundred and eighty (180) square feet, exclusive of passageways and driveways thereto.

PERSONS: Includes natural individuals, firms, partnerships, corporations and associations.

PLANNED DEVELOPMENT DISTRICT: A tract of land so designated under these regulations that has been designed for and is capable of being used for one (1) or more residential, commercial, industrial or recreational uses which have certain facilities in common and which have been designed as an integrated unit.

PLAYGROUND: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

PROFESSIONAL OFFICE: Offices in which an occupation or vocation requiring training and advanced study in a specialized field is practiced (i.e., doctor, lawyer, real estate offices).

PUBLIC UTILITY: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

PUBLIC UTILITY STRUCTURE: Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

RECREATION: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATIONAL VEHICLE: A mobile recreational unit including travel trailer, pickup, camper, converted bus, tent-trailer, camper trailer, tent or similar device used for temporary portable housing.

RELIGIOUS USES: Any building, structure or facility used for religious assembly, or directly affiliated with a religious group including, but not limited to churches, synagogues, temples and mosques. Definition shall also include all cemeteries, mausoleums, burial grounds or similar uses which the Planning Board finds to be appropriate.

RESTAURANT: Any establishment, at which food is sold for consumption to patrons seated within a building or on premises. A snack bar, refreshment stand, or vendor at a public or quasi-public recreational facility for the convenience of the patrons of the facility shall not be deemed a restaurant.

SCHOOL: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. Includes business schools, trade schools, schools of dance and the martial arts, as well as academic institutions.

SCHOOL AGE CHILD CARE: A program caring for more than six school-aged children who are under thirteen years of age or who are incapable of caring for themselves. Such programs shall be in operation consistent with the local school calendar. School age child care programs shall offer care during the school year to an enrolled group of children at a permanent site before or after the period children enrolled in such program are ordinarily in school or during school lunch periods and may also provide such care on school holidays and those periods of the year in which school is not in session.

SIGN: Any device affixed to, painted, or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business. (These regulations shall not apply to any flag or insignia of a government or government agency, nor any official traffic control device). Each display surface shall be considered to be a 'sign'.

SIGN ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed and only incidentally on the premises, if at all. A commercial billboard shall be construed to be an 'advertising sign'.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted, or a commodity, service or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "To Let" sign relating to the lot on which it is displayed shall be deemed to be a 'business sign'.

SIGN, FLASHING: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of these regulations, any revolving illuminated sign shall be considered a 'flashing sign'.

SIGN, NEON: A sign composed of discharge lamps which contains large amounts of the colorless and odorless inert gaseous element known as neon.

SIGN, TEMPORARY: A sign or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations. Such signs may be altered to reflect new products, sales, etc., but shall be limited to two (2) signs per parcel at any given time. Temporary signs are designed or intended to be displayed for a short period of time and shall not be erected for a period in excess of thirty (30) calendar days. When deemed necessary, thirty-day extensions for temporary signs for the sale or rental of land/real estate may be granted by the Town Code Enforcement Officer.

SIGN, WALL: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

SKETCH PLAN: An informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

SOLAR ENERGY: Radiant energy (direct, diffuse and reflected) received from the sun.

SOLAR ENERGY SYSTEM: An arrangement or combination of components and structures designed to provide heating, cooling, hot water or electricity through the process of collecting, converting, storing, protecting against unnecessary dissipation and distributing solar energy.

SPECIAL USE: A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare. Such use may be permitted in certain zoning districts as a special use, if specific provision for such special use is made in these zoning regulations.

STORAGE/WAREHOUSE: A building used primarily for the storage of goods and materials. May be long-term or short-term.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, than the space between any floor and the ceiling next above it.

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five (5) feet clear head room shall not be considered as floor area.

STREET: A public or private way which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

TAVERN: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

THEATRE: A building or part of a building, or an open lot or part thereof, with its appurtenant structures and facilities, devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

TRUCKING: Includes Truck sales, Truck stops, and trucking terminals.

TRUCK SALES: The sale of vehicles primarily designed to carry cargo and material.

TRUCK STOPS: Any building, premises, or land in which or upon a business, service, or industry involving the maintenance, servicing or storage of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

TRUCK TERMINALS: An area or building where trucks load and unload cargo and freight and where the cargo and freight can be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. Also includes gas/fuel distribution centers/station.

VARIANCE: Any authorized departure by the Board of Appeals from the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

WIRELESS TELECOMMUNICATIONS ACCESSORY STRUCTURE: Accessory buildings and structures, including base stations, designed and used to shelter telecommunications, equipment and/or to support wireless telecommunication facilities and located on the same lot as a telecommunications facility or tower.

WIRELESS TELECOMMUNICATIONS ANTENNA: An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission ("FCC") including but not limited to, radio, television, cellular, paging, PCS and microwave communications. Design examples of telecommunications antennas are described as follows: a)whip; b)panel; and c)dish. The term "Telecommunications Antenna" shall not include amateur radio operator's equipment as licensed by the FCC, private, or residential reception equipment.

WIRELESS TELECOMMUNICATIONS TOWER: Any type of building or structure used for signaling or for any other form of wireless communications.

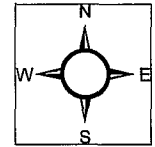
WIRELESS TELECOMMUNICATIONS SERVICES: Commercial mobile services, unlicensed wireless services and common carrier exchange access services.

YARD, FRONT: An open space extending across the principal street side of a lot measured between the side lot lines, the depth of which yard is the minimum horizontal distance between the street center line and the building line or any projection thereof other than steps and unenclosed porches, extending not more than six (6) feet from the front of the building, except as otherwise provided in these regulations.

YARD, REAR: An open space extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof other than steps and unenclosed porches extending not more than six (6) feet from the rear of the building, except as otherwise provided in these regulations. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: An open space from the front yard to the rear yard between the building and the nearest side lot line unoccupied and unobstructed from the ground upward, except for the steps and unenclosed porches and as otherwise specified in these regulations.

Village of Hobart Zoning Map



Miles

0

0.25

0.5

Legend

- Roads
- Water Bodies
- General Business
- Industrial
- Residential

Land Conservation Overlay District

- 100 Foot Buffer
- 250 Foot Buffer

SCHEDULE 'B' -- DISTRICTS, PERMITTED USES AND REGULATIONS -- SUMMARY

DISTRICTS	PERMITTED USES	① PERMITTED USES REQUIRING SITE PLAN REVIEW	② SPECIAL PERMIT USES	MINIMUM AREA	LOT SIZE WIDTH	MAX % OF LOT OCCUPIED	BUILDING ③ FRONT	SETBACK SIDE	REAR	OFF-STREET PARKING BUILDING HEIGHT
"R" Residential	-One, two-family dwelling -Accessory uses including solar and other alternative energy systems and equipment	Home Occupations	Individual Mobile Home	10,000	100'	25%	50'	15'/15'	35'	1 1/2 /dwelling unit
			Agriculture	2 ac.	100'	50%	25'	15'/15'	20'	See Special Permit Standards, Section 5.02
			3 and 4 family dwelling by conversion	15,000 sq. '	100'	25%	50'	15'/15'	35'	
			Public School	2 ac.	150'	25%	50'	15'/15'	35'	
			Church, cemetery	2 ac.	150'					
			Retirement Home	15,000 sq'	150'					
			Public Utility	To be set by Board	Planning					
			Bed & Breakfast							Maximum building height 35'
"GB" General Business	One, two-family dwelling Accessory uses including solar and other alternative energy systems and equipment	All uses listed in Section 3.2-4.	Garage/Gas stations	10,000 sq.'	100	25%	50'	15'/15'	35'	1 1/2 dwelling unit
			Car wash	As determined setback re-	by other quirements	50%	35'	15'/15' (corner lots 35')	20'	One space/500 sq.' of retail floor space
			Public Utility							
			Agriculture	15,000 sq. '	150'	50%	35'	15'/15'	20'	One space plus 4 spaces per bay Maximum building heght 35'
			Adult Uses	15,000 sq.'	by Planning	50%	25'	15'/15'	20'	
				As determined Board review						
"I" Industrial	Industrial uses are allowed by special use permit only as listed in 3.3-3. Also included are alternative energy systems and equipment.	None	Storage/warehouse	1 ac.	150'	50%	35'	25' (corner lots 35')	25'	One Space per Employee Peak shift capacity
			Light manufacturing	2ac.	300'	25%	70'	50' (corner lots 70')	50'	Maximum building height 35'
"LC" Land Conservation District	Uses otherwise permitted in the underlying district upon approval of Planning and Village Board under P-D process as set forth under Section 3.4 and in accordance with those regulations applicable in the underlying district, except where the Planning and Village Board determine these minimums are sufficient to achieve the purposes of this district; in which case, they will establish appropriate minimums in accord with the circumstances of the situation.									
"PD" Planned Development District	Mobile home courts and uses with a demonstrated need and which are deemed appropriate by the Planning Board and Village Board under Section 3.4 and approved as outlined therein.									

① See more complete list of permitted uses requiring site plan review.

② Special permit uses shall be authority of Village of Hobart Planning Board as per Article 5.

③ Minimum setback from street right-of-way.