

# Chapter 119

## ZONING

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Village of Champlain Map

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**[HISTORY: Adopted by the Board of Trustees of the Village of Champlain 12-8-1986 by L.L. No. 1-1986. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 60.  
 Flood damage prevention — See Ch. 65.  
 Junkyards — See Ch. 73.

Subdivision of land — See Ch. 103.  
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### ARTICLE I

#### General Provisions

#### § 119-1. Title.

The title of this chapter is the "Zoning Law of the Village of Champlain," and it shall include this text and the Official Zoning Map.<sup>1</sup>

#### § 119-2. Purposes.

The purposes of this chapter are to provide for orderly growth and change within the Village of Champlain and to provide for the health, safety and general welfare of existing and future residents.

#### § 119-3. Applicability. [Amended 9-11-1989 by L.L. No. 3-1989; 10-8-1990 by L.L. No. 1-1990]

The provisions of this chapter shall apply to any of the following actions:

- A. Construction of any new building or structure.
- B. Enlargement of any existing building or structure.
- C. Change in the use of a building or of land.
- D. Erection of fences and signs.
- E. Storage on lots.
- F. Petroleum and hazardous materials bulk storage tanks and facilities.

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1. Editor's Note: See the zoning maps included at the end of this chapter. The Official Zoning Map and amendments thereto are on file in the Village offices.

**§ 119-4. Conflict with other provisions.**

Whenever the requirements of this chapter are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the highest standards shall govern.

**§ 119-4.1. Severability. [Added 10-8-1990 by L.L. No. 1-1990]**

See § 119-61.

**§ 119-5. Fees.**

Permit fees shall be collected and paid according to the fee structure in effect at the time of application. A fee schedule is available at the Village Clerk's office.

**§ 119-6. Penalties for offenses. [Amended 10-12-2017 by L.L. No. 2-2017]**

Any person committing an offense against any provision of this chapter shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$200 for the first offense and not less than \$500 nor more than \$1,000 for the second or any subsequent offense within a twelve-month period or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each violation thereof.

**§ 119-7. Actions for injunction.**

The Village may obtain an action to restrain by injunction any violation of this chapter or any failure to comply with any of the provisions of this chapter.

**§ 119-8. Stop orders.**

Any building or structure erected or any use conducted without a zoning permit or certificate of conformity, where required, or not in conformity with the provisions of this chapter may be removed, closed or halted at once by the Zoning Enforcement Officer with the issuance of a stop order, with the assistance, if deemed necessary, of any appropriate Village officer or employee.

## ARTICLE II Permits and Certificates

**§ 119-9. Zoning permit required.**

No building or structure shall be erected or enlarged nor shall the use of land be changed until a zoning permit has been issued by the Zoning Enforcement Officer, who shall issue such permits in accordance with this chapter. Permit applications shall be filed with the Village Clerk.

**§ 119-10. Application for zoning permit.**

- A. Application for zoning permits must be made with the Village Clerk on forms approved by the Village.
- B. All information on the application form must be completed. In addition, the following information is also required to constitute a complete application:
  - (1) Map required. Two copies of a property map shall be submitted with all applications involving construction or enlargement of structures. The map shall be either:
    - (a) Sketch map: A sketch map is required with all applications for one- or two-family dwellings and their customary accessory uses. The sketch map shall be drawn to scale and shall show, as applicable: the dimensions and location of the lot, the exact size and location of all existing and proposed buildings on the lot, the proposed location of water and sewage disposal systems, parking areas and driveway location, natural watercourses, ponds, surface drainage patterns and the location of existing or proposed easements; or
    - (b) Site plan: A site plan is required with applications for all other uses. The requirements and procedures for site plan approval are in § 119-50 of this chapter.
  - (2) Evidence of property ownership such as a duly executed deed of title or a duly executed contract of purchase or intent to purchase. [Amended 9-11-1989 by L.L. No. 3-1989]
  - (3) Licenses. Any use currently licensed by federal, state, county or Village agencies and already operating within the Village shall present evidence of currently valid licenses before any expansion permits are considered.
  - (4) Fee. The appropriate nonrefundable fee established by the Village Board in its fee structure shall be collected at the time of application.

**§ 119-11. Types of zoning permits.**

Under the terms of this chapter, the following classes of zoning permits may be issued:

- A. Permitted use. A zoning permit for a permitted use may be issued by the Zoning Enforcement Officer of his own authority.
- B. Special permit uses. A zoning permit for a special permit use may be issued by the Zoning Enforcement Officer after special permit approval from the Board of Appeals.
- C. Zoning permit after an appeal or request for a variance. A zoning permit may be issued by the Zoning Enforcement Officer upon order of the Zoning Board of Appeals as more fully described in Articles VIII and IX.

**§ 119-12. Grant of zoning permit.**

When all requirements of this chapter have been met, the Zoning Enforcement Officer shall issue a zoning permit and return one approved copy of the map no later than 15 days after approval. The Zoning Enforcement Officer shall file one copy of the approved permit in the Village Clerk's office.

**§ 119-13. Termination of zoning permit.**

Any zoning permit for which construction has not commenced one year after issuance shall be revoked.

**§ 119-14. Certificate of conformity.**

The applicant shall notify the Village Clerk when the structure is ready for final inspection. The Zoning Enforcement Officer shall then make a final inspection. If satisfied that the regulations pertaining to the project have been complied with and the project has been completed as specified on the approved application, the Zoning Enforcement Officer shall issue a certificate of conformity with the Zoning Law, granting permission to occupy or use the structure.

ARTICLE III  
**Word Usage and Definitions**

**§ 119-15. Word usage.**

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

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. Words used in the present tense include the future tense.
- C. The singular includes the plural.
- D. The words "shall" and "must" are mandatory.
- E. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
- F. The word "lot" includes the words "plot" or "parcel."

**§ 119-16. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY USE OR STRUCTURE** — A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure, such as parking areas,

garages, outbuildings, swimming pools, and energy collection devices. [Amended 9-11-1989 by L.L. No. 3-1989; 10-12-2017 by L.L. No. 1-2017]

**ADULT ARCADE** — An establishment where film, slides, or any other images of specified sexual activities or specified anatomical areas are available for viewing by the public. [Added 12-14-2004 by L.L. No. 3-2004]

**ADULT BOOKSTORE or ADULT VIDEO STORE** — A bookstore or video store which, as one of its principal business purposes, offers for sale or rental any printed matter or videocassettes that depict specified anatomical area or specified sexual activities. For the purpose of this definition, a "principal business purpose" shall mean that part of the business that constitutes 10% or more of the printed material or videocassettes for sale or rent in the establishment. [Added 12-14-2004 by L.L. No. 3-2004]

**ADULT CABARET** — A nightclub, bar, restaurant, juice bar, or similar establishment where persons appear in a state of nudity, or where there are live performances, films, videocassettes or slides characterized by the exposure of specified anatomical area or by specified sexual activities. [Added 12-14-2004 by L.L. No. 3-2004]

**ADULT-CARE FACILITY** — A residence for adults that provides temporary or long-term care and services to persons who, by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, are unable to live independently. [Added 12-14-2004 by L.L. No. 3-2004]

**ADULT USE OR ENTERTAINMENT ESTABLISHMENT** — An establishment, or any part thereof, which includes any of the following: topless or bottomless dancers or waitresses; strippers; topless hair care or massages; entertainment where the servers or entertainers wear pasties or G-strings; adult cabaret; adult arcade; adult bookstore; or adult video store. [Added 12-14-2004 by L.L. No. 3-2004]

**AGRICULTURE** — The use of land for agricultural 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.

**ALTERATIONS** — As applied to a building or structure, a change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

**ALTERNATIVE ENERGY SYSTEMS** — Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms or energy on site and may be attached to or separate from the principal structure. Examples include windmills and solar water heaters.

**ANIMAL HOSPITAL** — A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment. [Added 12-14-2004 by L.L. No. 3-2004]

**ARTIST LOFT** — A workshop or workroom for the creation of fine arts and crafts such as painting, sculpturing, photography or other handmade pieces of art. The space may include a residential unit, and it may also include a teaching area for small groups of 10 or less. This

definition also includes the term "artist live-work space." [Added 10-12-2017 by L.L. No. 1-2017]

**AUTOMOBILE BODY SHOP** — A shop in the business of making substantial repairs to the shell or body of an automobile and of major or substantial painting of the shell or body and where the following services may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body frame or fender straightening and repair; overall painting and undercoating. [Added 10-12-2017 by L.L. No. 1-2017]

**AUTOMOBILE REPAIR STATION** — A parcel or building thereon where the following services may be carried out: general auto repair; engine rebuilding; and rebuilding or reconditioning of motor vehicles. Automobile repair stations shall not include the offering of collision service or painting and undercoating of motor vehicles. The sale of vehicular fuel may or may not also be carried on. [Added 10-12-2017 by L.L. No. 1-2017]

**AUTOMOBILE SERVICE STATION** — A parcel or building thereon where gasoline or any other automobile engine fuel, kerosene, motor oil, lubricants, grease (for operation of motor vehicles) or minor accessories are retailed directly to the public on the premises and where the servicing or minor mechanical repair of motor vehicles or installation of mufflers or other specialty items may occur. Gasoline service stations shall not include the sale or storage of automobiles or trailers (new or used). An automobile service station is also known as a "gasoline station." [Added 10-12-2017 by L.L. No. 1-2017]

**AUTOMOBILE/MOTORIZED VEHICLE RENTAL, SALES AND SERVICE** — The use of any building or land for the retail or wholesale display and sale of new or used automobiles, boats, trucks or recreational vehicles five or more times in 12 months. This may include the sale of vehicular fuel, the servicing or repair of automobiles and boats and the sale of automobile and boat parts. [Added 10-12-2017 by L.L. No. 1-2017]

**BAR** — A place in which the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment. This definition shall also include the term "tavern." [Added 10-12-2017 by L.L. No. 1-2017]

**BREW PUB** — An eating and drinking establishment where beer is prepared on the premises for on-site consumption. The brewing of such beer is accessory to the eating and drinking establishment. [Added 10-12-2017 by L.L. No. 1-2017]

**BUILDING** — Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing or enclosure of persons, animals or chattel.

**CAMPING TRAILERS** — Any vehicle used or arranged for temporary living or sleeping purposes, mounted on wheels and drawn by a power-driven vehicle, or such type of vehicle having its wheels removed.

**CAR WASH** — Any structure or land regularly used for washing, cleaning, waxing or polishing of motor vehicles, whether manually or with the use of equipment, for compensation. [Added 10-12-2017 by L.L. No. 1-2017]

**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, provided that 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 chapter, "clubs" shall include lodges, fraternal organizations, mutual benefit societies and other like organizations.

**CLUSTER DEVELOPMENT** — A development consisting of three or more structures whereby individual lots may be reduced in size and/or where buildings may be placed closer together than otherwise permitted so that open spaces on the development parcel may be retained. A cluster development may consist solely of residential units or, if commercial uses are permitted in the zone where the cluster development is located, may consist of a mixture of residential and commercial uses. A parcel of land containing a single multifamily dwelling structure shall not be considered to be a cluster development. A single structure occupied by two or more businesses shall be considered to be a shopping center, not a cluster development. **[Added 12-14-2004 by L.L. No. 3-2004]**

**COMMERCIAL USE** — Any use involving the sale, rental or distribution of goods or services, either retail or wholesale, such as stores, offices or provision of recreation facilities for a fee. The term "commercial use" shall not include home occupations as defined elsewhere in this chapter.

**CRAFT INDUSTRY** — Encompasses goods that are generally handmade by artisans or those skilled in a particular trade, although machinery may be used. Small businesses engaged in the craft trade may include but are not limited to art galleries, handmade textiles, woodworking and culinary products. **[Added 10-12-2017 by L.L. No. 1-2017]**

**DAY-CARE CENTER** — A "child day-care center," "group family day-care home," or "family day-care home," as defined by the Social Services Law of the State of New York, and which is duly licensed or registered by the state. Such facilities provide for the care of three or more unrelated children for three or more hours per day. **[Added 12-14-2004 by L.L. No. 3-2004]**

**DISPOSAL** — A material is disposed of when it is discharged, deposited, injected, dumped, spilled, leaked, burned, incinerated, or placed into any or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water. **[Added 12-14-2004 by L.L. No. 3-2004]**

**DRIVE-THROUGH SERVICE FACILITY** — Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. Any drive-through service facility is considered an accessory use for purposes of this chapter except that an automobile service station is not considered a drive-through service facility for purposes of this chapter. **[Added 10-12-2017 by L.L. No. 1-2017]**

**DWELLING UNIT** — A building or part thereof used as living quarters for one family, containing independent cooking and sleeping facilities. The terms "dwelling unit," "one-family dwelling," "two-family dwelling" and "multifamily dwelling" shall not include a motel, hotel, boardinghouse, tourist home or mobile home.

**ESSENTIAL SERVICES** — The erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

**FAMILY** — One or more persons related to each other by blood, marriage or adoption, or not more than three individuals who are not related, living together as a single housekeeping unit.

**FLOOR AREA, GROSS** — For the purpose of applying the requirements for off-street parking and loading in the case of offices, merchandising or service types of uses, the total floor area to be used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for nonpublic purposes such as storage, incidental repair, rest rooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

**HAZARDOUS CHEMICALS** — Solid, liquid or gaseous substances which pose a potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed, including but not limited to hazardous substances designated by the U.S. Environmental Protection Agency under Section 311 of the Clean Water Act (40 CFR 116). [Added 12-14-2004 by L.L. No. 3-2004]

**HAZARDOUS WASTE** — A waste or combination of wastes which because of their quantity, concentration, or physical, chemical or infectious characteristics, may: [Added 12-14-2004 by L.L. No. 3-2004]

- A. Cause or contribute to an increase in mortality or an increase in irreversible, or incapacitating reversible, illness; or
- B. Pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

**HOME OCCUPATION** — An occupation conducted in a dwelling unit or accessory structure which is clearly secondary to the property's residential use and which does not change the character thereof.

**IMPERVIOUS SURFACE** — An area covered by pavement, rooftops and/or other structures or materials, which is either impervious to water or which substantially prevents the infiltration of water into the soil at that location. [Added 10-12-2017 by L.L. No. 1-2017]

**INDUSTRIAL USE** — Any use involving the act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity. [Added 12-14-2004 by L.L. No. 3-2004]

**JUNKYARD** — A lot, land or structure or part thereof used for the collection, storage, disassembly, packing, sorting, salvage, buying, selling or exchange of wastepaper, rags, scrap or discarded material or machinery or parts of any sort, including house-wrecking yards, used-lumber yards and structural steel materials, but not including used furniture, clothing, pawnshops or antique shops. "Automobile junkyards," as defined in § 136 of the General Municipal Law, shall be included within this definition.

**KENNEL** — Any premises or shelter on any lot on which four or more domestic animals such as dogs are bred, boarded, trained or sold for commercial purposes. This definition does not include the keeping of cows, horses, sheep or other farm animals. [Added 12-14-2004 by L.L. No. 3-2004]

LOT — A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

LOT LINE — Any boundary line of a lot. In the case of front "lot lines," the boundary will be the edge of the street pavement. [Amended 10-8-1990 by L.L. No. 1-1990]

MANUFACTURING — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials, such as lubricating oils, plastics, resins or liquors. [Added 10-12-2017 by L.L. No. 1-2017]

MOBILE HOME — Factory-built housing at least 32 feet in length constructed after June 15, 1976, in accordance with the Federal Building Code, administered by the Department of Housing and Urban Development, which is designed and constructed to be used as a dwelling unit when connected to required utilities and is a structure or unit designed or constructed or built to be towed or transported on its own chassis in one or more parts, either on its own wheels or on the wheels of another vehicle or structure and comprised of a frame or frames either with or without wheels, and designed without a permanent foundation. Such a structure or unit or units may contain parts that may be folded, collapsed or telescoped when being towed or transported and expanded later to provide additional cubic capacity. Such a structure or unit may also be comprised of two or more separately towable components designed to be joined into one integral structure or unit capable of being again separated into components for repeated towing and transportation. A double-wide trailer shall be deemed a mobile home as defined herein. This definition shall exclude travel trailers motorized homes and camping trailers, provided that the same shall not be inhabited or used as living or sleeping quarters. Modular homes and modular houses that are houses constructed off site and transported to the site of permanent placement in two or more main sections and are not separable and movable after permanent placement and are assembled on site with frame removed are not considered mobile homes and are considered to be single-family dwellings for the purpose of these regulations. [Amended 10-8-1990 by L.L. No. 1-1990; 12-14-2004 by L.L. No. 3-2004; 10-14-2008 by L.L. No. 1-2008]

MOBILE HOME PARK — Any site, lot, field, plot, parcel of tract of land on which two or more mobile homes are parked or located and for which use said premises are offered to the public or to any person for a fee of any type, including cost sharing.

MODULAR HOUSE — A housing unit, constructed off-site, consisting of more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate and which meets all the standards of the New York State Uniform Fire Prevention and Building Code. [Amended 9-11-1989 by L.L. No. 3-1989]

MULTIFAMILY DWELLING — A building or portion thereof used as living quarters for three or more families.

NONCONFORMING BUILDING — A building existing at the time of enactment of this chapter or any amendment thereto which does not conform to the regulations of the district in which it is located. [Added 9-11-1989 by L.L. No. 3-1989; amended 10-8-1990 by L.L. No. 1-1990]

NONCONFORMING LOT — A lot existing at the time of enactment of this chapter or any amendment thereto which does not conform to the area regulations of the district or zone in which it is situated.

**NONCONFORMING USE** — A use of land existing at the time of enactment of this chapter or any amendment thereto which does not conform to the regulations of the district or zone in which it is located. [Amended 9-11-1989 by L.L. No. 3-1989]

**ONE-FAMILY DWELLING** — A building or portion thereof used as living quarters for one family.

**PARKING AREA OR LOT** — An off-street, ground-level open area for the temporary storage of motor vehicles. A parking area or lot does not include an area used exclusively for the display of motor vehicles for sale as part of a motor vehicle sales establishment. [Added 10-12-2017 by L.L. No. 1-2017]

**PARKING LOT, PRINCIPAL USE** — A lot or structure used for the sole purpose of temporary parking of registered motor vehicles. [Added 10-12-2017 by L.L. No. 1-2017]

**PARKING LOT, PUBLIC** — A parking lot or portion thereof, available to be used by the public, to temporarily park registered and operable motor vehicles. [Added 10-12-2017 by L.L. No. 1-2017]

**PARKING, ACCESSORY** — A parking area developed to serve the residents, occupants, employees, patrons or other users of a particular land use or building on the same lot. Accessory parking supports the principal use of the lot. [Added 10-12-2017 by L.L. No. 1-2017]

**PARKING, SHARED** — Two or more land uses or a multitenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s). [Added 10-12-2017 by L.L. No. 1-2017]

**PUBLIC AND SEMIPUBLIC BUILDINGS AND GROUNDS** — Designates but is not limited to any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Churches, places of worship, parish houses and convents.
- B. Public parks, playgrounds and recreational areas, when authorized or operated by a governmental authority.
- C. Nursery schools, elementary schools, high schools, colleges or universities.
- D. Golf courses and country clubs; however, not including clubs whose activities include the maintenance, storage, takeoff or landing of aircraft.
- E. Public libraries and museums.
- F. Not-for-profit fire, ambulance and public safety buildings.
- G. Proprietary or not-for-profit hospitals for the care of human beings, nursing homes, convalescent homes, homes for adults and homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
- H. Not-for-profit membership corporations established for cultural, social or recreational purposes.

- I. Recreational facilities, either for profit or not for profit, such as swimming, tennis, platform tennis, bowling, hockey, ice skating or other indoor or outdoor sports.
- J. Day-care centers approved by the New York State Department of Social Welfare.

**SELF-STORAGE UNITS** — A building or group of buildings divided into separate units or compartments. Each unit or compartment shall be divided from the floor to the ceiling by a wall and shall have an independent entrance from the exterior of the unit. There shall be no electrical outlets permitted inside any unit. This definition shall include the term "mini-self-storage units." [Added 10-12-2017 by L.L. No. 1-2017]

**SELF-STORAGE-UNIT FACILITY** — A public facility for the temporary storage of personal, household or business property that is serviced by the owner of the storage property or an agent of the owner of the storage property. The term "self-storage facility" shall not be construed to mean warehouse and shall not be used for the transfer, shipping or receiving of products or goods in conjunction with a business operation. This definition shall include the term "mini-self-storage facility." [Added 10-12-2017 by L.L. No. 1-2017]

**SIGN** — Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

**SOLID WASTE** — All materials or substances that are discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, medical and infectious waste, sludges from air or water treatment facilities, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal. [Added 12-14-2004 by L.L. No. 3-2004]

**SPECIFIED ANATOMICAL AREA** [Added 12-14-2004 by L.L. No. 3-2004]: —

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the areola; or
- B. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** [Added 12-14-2004 by L.L. No. 3-2004]: —

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

**STATE OF NUDITY** — The appearance of bared buttocks, male genitals, female genitals, or full female breast. [Added 12-14-2004 by L.L. No. 3-2004]

**STRUCTURE** — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, "structures" include buildings, mobile homes, signs, billboards and poster panels. Fences, wells and above-ground pools shall not be considered "structures." [Amended 10-8-1990 by L.L. No. 1-1990]

**TRUCKING** — Facility for the storage of more than one semi-trailer-type truck, or more than two smaller trucks, that are used principally for hire for transporting goods that are not manufactured or warehoused on the site. [Added 12-14-2004 by L.L. No. 3-2004]

**TWO-FAMILY DWELLING** — A building or portion thereof used as living quarters for two families.

**USE, PRINCIPAL** — The main or primary purpose for which a building, structure and/or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this chapter. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto, and permitted under this chapter shall be considered an "accessory use." [Added 10-12-2017 by L.L. No. 1-2017]

**VARIANCE** — Any departure from the strict letter of these regulations granted by the Zoning Board of Appeals as it applies to a particular piece of property, usually pertaining to dimensional requirements only. "Variances" run with the land and are not particular to any one landowner.

**WAREHOUSING AND DISTRIBUTION** — Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials. [Added 12-14-2004 by L.L. No. 3-2004]

**WASTE DISPOSAL AREA** — Any area for the disposal of solid waste. (See definitions of "solid waste" and "disposal.") [Added 12-14-2004 by L.L. No. 3-2004]

**ZONING ENFORCEMENT OFFICER** — The official designated to administer and enforce this chapter.

**ZONING PERMIT** — A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this chapter.

**ARTICLE IV**

**Establishment and Designation of Districts**

**§ 119-17. Enumeration of districts.** [Amended 3-9-1998 by L.L. No. 4-1998; 10-12-2017 by L.L. No. 1-2017]

For the purpose of promoting the public health, safety, morals and general welfare of the Village of Champlain, the Village is hereby divided into the following types of districts:

R1	Residential 1
R1-M	Residential 1 with Multifamily
R2	Residential 2
R3	Residential 3
DMU	Downtown Mixed-Use
COM	Commercial
IC	Industrial-Commercial
I	Industrial

PIP

Planned Industrial

**§ 119-18. Zoning Map.**

Said districts are bounded as shown on the map entitled the "Zoning Map of the Village of Champlain," adopted December 8, 1986, and certified by the Village Clerk, with accompaniments, and which, with all explanatory matter, is hereby made a part of this chapter.<sup>2</sup>

**§ 119-19. Interpretation of district boundaries.**

- A. Unless otherwise indicated on the Zoning Map, the district boundary lines are intended generally to follow the center lines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams and other waterways or boundary lines, all as shown on the Zoning Map.
- B. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Board of Appeals to render its determination.

ARTICLE V  
Use Regulations

**§ 119-19.1. Prohibited uses. [Added 12-14-2004 by L.L. No. 3-2004]**

- A. Any use not listed as permitted within a zoning district is assumed to be prohibited in that zoning district.
- B. The following uses are specifically prohibited in all zoning districts:
  - (1) Junkyard.
  - (2) Waste disposal facility or area.
  - (3) Vehicular racetrack.
  - (4) Slaughterhouse.

**§ 119-20. RI Residential 1 District.**

The following regulations shall apply to the R1 District:

- A. The purpose of this district is to provide for the protection of existing residential neighborhoods and for the establishment of new residential neighborhoods.
- B. Permitted uses shall be as follows:

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<sup>2</sup> Editor's Note: See the zoning maps included at the end of this chapter. The Official Zoning Map and all amendments thereto are on file in the Village offices.

- (1) One- and two-family dwellings.
  - (2) Accessory uses (garages, swimming pools and other such uses).
- C. The following uses shall be permitted after obtaining a special permit:
- (1) Home occupations.
  - (2) Public and semipublic buildings and grounds.
  - (3) Clubs.
  - (4) Essential services.
  - (5) Nursing home; adult-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
  - (6) Day-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
  - (7) Cluster development. [Added 12-14-2004 by L.L. No. 3-2004]
- D. Lot and yard requirements shall be as specified in Article VI.

**§ 119-21. R1-M Residential 1 With Multifamily District.**

The following regulations shall apply to the R1-M District:

- A. The purpose of this district is to provide for the establishment of new residential neighborhoods to include multifamily dwellings.
- B. Permitted uses shall be as follows:
- (1) One- and two-family dwellings.
  - (2) Accessory uses (garages, swimming pools and other such uses).
- C. The following uses shall be permitted after obtaining a special permit:
- (1) Multifamily dwellings.
  - (2) Home occupations.
  - (3) Public and semipublic buildings and grounds.
  - (4) Clubs.
  - (5) Essential services.
  - (6) Nursing home; adult-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
  - (7) Day-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
  - (8) Custer development. [Added 12-14-2004 by L.L. No. 3-2004]
- D. Lot and yard requirements shall be as specified in Article VI.



**§ 119-22. R2 Residential 2 District.**

The following regulations shall apply to the R2 District:

- A. The purpose of this district is to provide for residential neighborhoods, including individually sited mobile homes.
- B. Permitted uses shall be as follows:
  - (1) One- and two-family dwellings.
  - (2) Individual mobile homes.
  - (3) Accessory uses (garages, swimming pools and other such uses).
- C. The following uses shall be permitted after obtaining a special permit:
  - (1) Multifamily dwellings.
  - (2) Home occupations.
  - (3) Public and semipublic buildings and grounds.
  - (4) Clubs.
  - (5) Essential services.
  - (6) Nursing home; adult-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
  - (7) Day-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
  - (8) Cluster development. [Added 12-14-2004 by L.L. No. 3-2004]
- D. Lot and yard requirements shall be as specified in Article VI.

**§ 119-23. R3 Residential 3 District.**

The following regulations shall apply in the R3 District:

- A. The purpose of this district is to provide for residential neighborhoods, including individual mobile homes and mobile home parks.
- B. Permitted uses shall be as follows:
  - (1) One- and two-family dwellings.
  - (2) Individual mobile homes.
  - (3) Accessory uses (garages, swimming pools and other such uses).
- C. The following uses shall be permitted after obtaining a special permit:
  - (1) Mobile home parks.
  - (2) Multifamily dwellings.
  - (3) Home occupations.

- (4) Public and semipublic buildings and grounds.
- (5) Essential services.
- (6) Clubs. [Added 9-11-1989 by L.L. No. 3-1989]
- (7) Nursing home; adult-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
- (8) Day-care facility. [Added 12-14-2004 by L.L. No. 3-2004]
- (9) Cluster development. [Added 12-14-2004 by L.L. No. 3-2004]

D. Lot and yard requirements shall be as specified in Article VI.

**§ 119-24. DMU Downtown Mixed-Use District. [Added 10-12-2017 by L.L. No. 1-2017<sup>3</sup>]**

The following regulations shall apply to the DMU District:

- A. Purpose. The purpose of this district is to provide for a vibrant mix of compatible uses in the Village downtown with development considerations that preserve the traditional aesthetic character of the Village and promote a safe and walkable environment.
- B. Permitted uses. Permitted uses shall be as follows:
  - (1) Existing one-family, two-family and multifamily dwellings.
  - (2) Dwelling units located above the first floor (street elevation) only.
  - (3) New one-family, two-family and multifamily dwellings on lots that do not have frontage on Main Street.
  - (4) Artist loft/live-work space above the first floor (street elevation) only.
  - (5) Commercial uses except the uses otherwise listed in Subsection C below or expressly prohibited in Subsection D below.
  - (6) Craft industries with first floor store front or gallery space fronting Main Street.
  - (7) Home occupations.
  - (8) Mixed-use principal buildings.
  - (9) Accessory uses.
- C. Special permits required. The following uses shall be permitted after obtaining a special permit pursuant to all of the requirements of Chapter 119, and all industrial regulations as set forth in § 119-27.1 shall apply to same:
  - (1) Bars, brew pubs and taverns.
  - (2) Clubs.
  - (3) Essential services.

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3. Editor's Note: This local law also repealed former § 119-24, CC Convenience Commercial District, as amended.

- (4) Day-care facilities.
  - (5) Parking lot, public.
  - (6) Public and semipublic buildings and grounds.
- D. Prohibited uses. Specifically prohibited are the following uses:
- (1) Uses prohibited by § 119-19.1, Subsection B, herein;
  - (2) Adult entertainment establishments.
  - (3) Automobile dealerships or rental.
  - (4) Automobile repair.
  - (5) Automobile service stations, including gas stations.
  - (6) Drive-through service.
  - (7) Dwelling units on the first floor (street elevation) of properties with frontage on Main Street.
  - (8) Kennels.
  - (9) Manufacturing and industrial uses except craft industries as permitted in Subsection B(6) above.
  - (10) Parking lot as a principal use, except a public parking lot.
  - (11) Self-storage facilities or units.
  - (12) Telecommunications towers.
  - (13) Trucking.
  - (14) Warehousing and distribution.
- E. Lot and yard standards. Lot and yard requirements shall be as follows:
- (1) Except as required in this § 119-24E, the bulk regulations of Article VI shall not apply to the DMU zone.
  - (2) Setbacks.
    - (a) Maximum principal building setback from front lot line shall be 15 feet or so as to be in line with neighboring principal structures, whichever is less. If the front yard setback of neighboring structures differ, the more common setback on the block is preferred.
    - (b) Minimum building setback from the front lot line shall be 10 feet or so as to be in line with neighboring principal structures, whichever is less. If the front yard setback of neighboring structures differ, the more common setback on the block is preferred.
    - (c) There shall be no rear or side yard setback requirements except as otherwise provided in Subsection F of this section.

- (3) Building height.
  - (a) Except as provided below in Subsection E(3)(b), principal buildings shall be a minimum of two full stories to reflect the existing scale of buildings in the downtown and a maximum height of 40 feet.
  - (b) Principal buildings existing at the time of the adoption of this provision may be replaced with a building of equal height.
- (4) Maximum impervious surface. The maximum impervious surface in the DMU Zone shall be 75%.

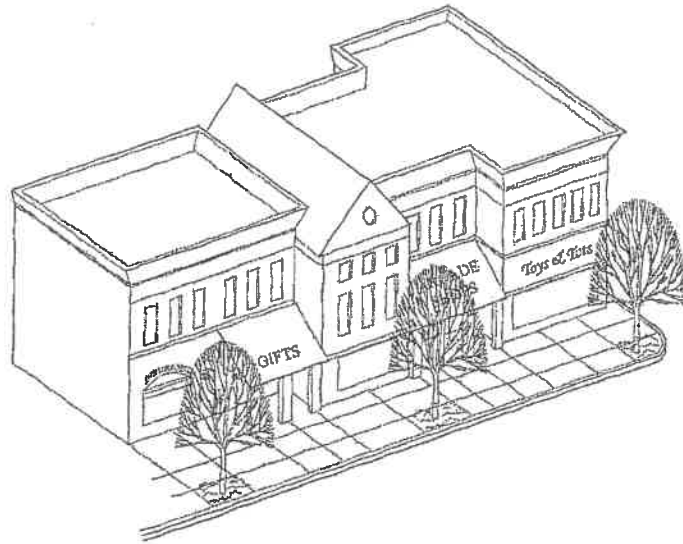
F. Downtown design guidelines.

- (1) Purpose. The intent of the following guidelines is to ensure that building renovation and new construction preserve and reinforce the architectural character of the Village. Trademark or chain architecture which identifies an establishment by building design features may have a negative impact on the community. New construction and renovations should be quality architecture with design that does not detract from the character of the Village.
- (2) Applicability; definitions. The building design standards apply to all new construction, additions and alterations requiring site plan review. One- and two-family dwellings, and agricultural uses shall be exempt. The following definitions shall apply to this section:

ADDITION — New construction added to an existing building or structure.

ALTERATION — Construction or other modification that changes one or more of the exterior features of a structure or building, including, but not limited to, the erection, construction, reconstruction, addition, sand blasting, water blasting, chemical cleaning or removal of any structure, but not including changes to the color of exterior paint.

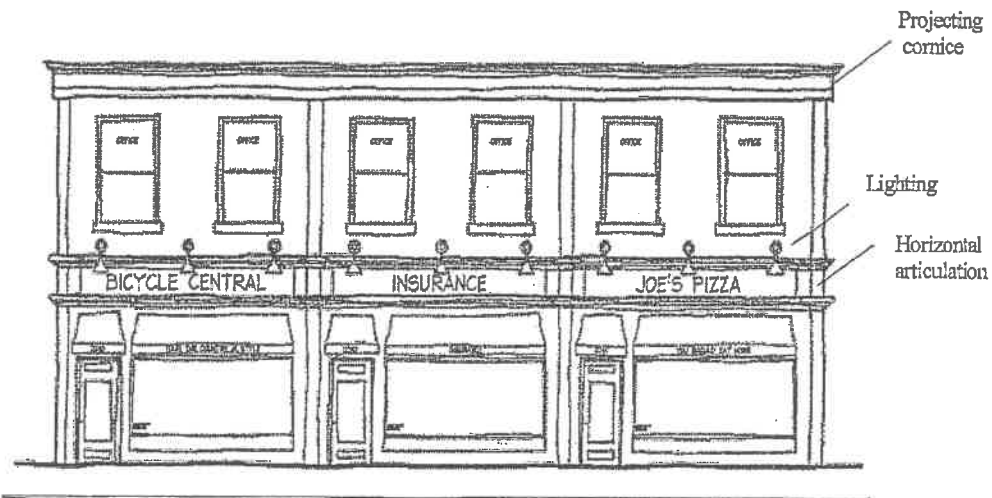
- (3) Character and massing.
  - (a) The architectural design of new structures shall complement the character of the Village downtown. In particular, the architecture of new development should consider the scale, height and rooflines that fit comfortably within the Village context. The design of the structure should promote a pedestrian-friendly, visually appealing environment.
  - (b) New infill development shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
  - (c) For larger structures, the length of any facade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further; 30 feet or less is preferred. Facades may be broken up through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.



Example of a facade break-up through architectural treatments.

- (4) Building orientation, entrances and front yards.
  - (a) Buildings shall be parallel to the street frontage property line.
  - (b) The front facade of buildings shall be oriented towards the public right-of-way with an everyday public entrance in this front facade.
  - (c) The primary entrance on a site should have clearly defined, entrance-featuring elements such as, but not limited to, outdoor patios; raised cornice parapets over the door; recesses/projections; peaked roof forms; arcades, canopies or porticoes; arches, display windows; architectural details such as tile work and moldings which are integrated into the building structure and design.
  - (d) The area between the street and the building shall be dedicated to greenspace or pedestrian facilities, not vehicular areas. This may include, but not be limited to, lawn, landscape plantings, pedestrian facilities, outdoor seating, or similar public space.
- (5) Off street parking areas and access driveways.
  - (a) No parking shall be located between a building and Main Street.
  - (b) On a corner lot, buildings may be located to accommodate up to 30% of off-street parking on the side fronting a side street if such side street is not Main Street. However, such parking area fronting a street or sidewalk shall be buffered with landscaping at a height of two feet to four feet and at least four feet wide.
  - (c) No new access driveways or curb cuts shall be created on Main Street except when a new access driveway would consolidate other existing access driveways into a shared access driveway arrangement.

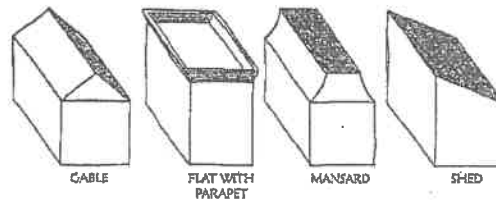
- (d) Parking lot entrances and exits for off-street parking with more than four spaces shall not be located within 50 feet of street intersections. All points of ingress and egress shall have appropriate signage unless deemed unnecessary by the Planning Board.
- (6) Building materials.
- (a) For any new building, addition or alteration, the use of natural materials such as concrete clapboard siding, stone, brick, wood siding and trim, and slate are preferred.
  - (b) Synthetic stucco or exterior insulation and finish systems (EIFS), plain (unfinished) concrete masonry units, anodized or galvanized metal are prohibited except when metal is used for roofs.
  - (c) Muted and traditional colors are generally preferred, with contrasting textures and tones used to add interest. Building colors should emphasize earth tones and colors common to traditional/natural building materials. Strong color may be used sparingly on trim, doors, shutters, and other architectural accents.
- (7) Walls and windows.
- (a) Blank facades with no windows or doorways shall not be permitted along any exterior wall facing a street, sidewalk, pedestrian or multiuse path, or other public right-of-way.
  - (b) Blank facades on principal buildings with no windows fronting the Great Chazy River shall not be permitted.
  - (c) Walls or portions of walls, where windows are not provided, shall have architectural treatments that are similar to the front facade, including materials, colors, and details.
  - (d) When necessary repair or replacement of windows is required, replacement windows shall match the original window in style, configurations and size.
  - (e) Smoked, reflective, or black glass in windows is prohibited.



Example of mixed-use building with first floor retail/service and upper floor office or residential.

(8) Roofs.

- (a) Roofs shall be proportional to the rest of the building and be in keeping with the character of adjacent buildings. Where flat roofs are used, they shall have a parapet (see diagram below). False-mansard-style roofs shall not be used.
- (b) Rooftop mechanical apparatus, except solar arrays and green roof systems, shall be hidden or screened using a parapet or cornice.



Examples of preferable roof types.

(9) Storefronts.

- (a) Storefront design should be in keeping with the overall building design. Storefront elements such as display windows, entrances, and signage provide clarity and lend interest to facades.
- (b) Street level windowsills should be placed no higher than 30 inches above finished grade at the building line.
- (c) Clear, colorless glass without tinting is preferred for all display windows. Plexiglas or other replacement materials instead of glass shall not be used.



Examples of preferred storefront elements.

- (10) Signs. Notwithstanding the regulations of § 119-36, signs should take into account the following guidelines:
  - (a) Internally lit signs are prohibited. Externally lit signs should not cause glare or upward light spillage.
  - (b) Signs should complement the building facade and/or site design.
  - (c) Freestanding signs should relate to the building materials and style of the primary structure.
  - (d) The proportion of wall-mounted signs should relate to the building facade; avoid simply using the largest sign allowed under zoning.
- (11) Awnings.
  - (a) Awnings can provide visual interest and added function to a building. Awnings extend business space past the front door and over the sidewalk. This covered area is appropriate to display outdoor merchandise or set up cafe tables.
  - (b) Awnings should be made of fabric. Rigid plastic or metal awnings are prohibited or discouraged.
  - (c) Fabric awnings may utilize accent lighting such as lanterns, small string lights, or uplights, provided that the lights are located within the awning. This lighting should be for accent purposes only and not create glare on the facade or street.
  - (d) Signage may be placed on awnings.
- (12) Outdoor lighting. Outdoor lighting shall be attractive, appropriately scaled lighting which does not contribute to light pollution within the Village.



- (a) Light poles in parking areas shall not exceed 14 feet or the height of the primary structure, whichever is less.
  - (b) Pedestrian-scaled lighting should be featured in public spaces and sidewalks.
  - (c) Poles shall be no higher than 12 feet.
  - (d) Consider using ornamental light fixtures.
  - (e) Building-mounted lighting should enhance the architecture and signage.
  - (f) To minimize off-site, upward light spillage, full-cut-off-style luminaries shall be used as a minimum.
  - (g) The minimum light level necessary to promote safety should be used.
  - (h) Avoid using high-pressure sodium lamps as a light source.
- (13) Accessory refuse/garbage storage areas. The storage of refuse shall be provided inside the principal building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be sited in the following manner:
- (a) Shall be located behind the principal building, at least 20 feet from the property line.
  - (b) Refuse areas shall be entirely screened by a fence or enclosure of at least six feet high on all four sides.

**§ 119-25. COM Commercial District. [Amended 10-8-1990 by L.L. No. 1-1990; 3-9-1998 by L.L. No. 4-1998]**

The following regulations shall apply to the COM District:

- A. Purpose. The purpose of this district is to provide land for new commercial growth of the type which will attract consumers from outside the Village.
- B. Special permits required. The following uses shall be permitted after obtaining a special permit pursuant to all of the requirements of Chapter 119, and all industrial regulations as set forth in § 119-27.1 shall apply to same:
  - (1) Commercial uses, except the following: **[Amended 12-14-2004 by L.L. No. 3-2004]**
    - (a) Uses prohibited by § 119-19.1, Subsection B herein;
    - (b) Adult entertainment establishments;
    - (c) Telecommunications towers;
    - (d) Trucking;
    - (e) Warehousing and distribution.

- (2) Shopping centers.
  - (3) Public and semipublic buildings and grounds.
  - (4) Clubs.
  - (5) Essential services.
  - (6) Kennels and animal hospitals, provided that all animals are kept indoors at all hours of the day. **[Added 12-14-2004 by L.L. No. 3-2004]**
- C. Lot and yard requirements. Lot and yard requirements shall be as follows: none. (Article VI shall not apply.)
- D. Prohibited uses. Specifically prohibited are all prohibited uses set forth in § 119-27 hereinafter set forth.

**§ 119-26. IC Industrial-Commercial District. [Amended 9-11-1989 by L.L. No. 3-1989; 10-8-1990 by L.L. No. 1-1990; 3-9-1998 by L.L. No. 4-1998]**

The following regulations shall apply to the IC District:

- A. Purpose. The purpose of this district is to provide an area suitable for either commercial or industrial growth in a section of the Village which is buffered from residential areas and which has easy access to highways and customs facilities.
- B. Permitted uses. Permitted uses shall be as follows: none.
- C. Special permits required. The following uses shall be permitted after obtaining a special permit pursuant to all of the requirements of Chapter 119:
- (1) Commercial uses, except those prohibited by § 119-19.1, Subsection B herein. **[Amended 12-14-2004 by L.L. No. 3-2004]**
  - (2) Public and semipublic buildings and grounds.
  - (3) Clubs.
  - (4) Essential services.
  - (5) Industrial uses.
  - (6) Kennels; animal hospitals. **[Added 12-14-2004 by L.L. No. 3-2004]**
  - (7) Warehousing and distribution. **[Added 12-14-2004 by L.L. No. 3-2004]**
  - (8) Trucking. **[Added 12-14-2004 by L.L. No. 3-2004]**
  - (9) Telecommunications towers. **[Added 12-14-2004 by L.L. No. 3-2004]**
  - (10) Adult use or entertainment establishment. **[Added 12-14-2004 by L.L. No. 3-2004]**
- D. Lot and yard requirements. Lot and yard requirements shall be as follows: none (Article VI shall not apply.)

- E. Prohibited uses. Specifically prohibited are all prohibited uses set forth in § 119-27 hereinafter set forth.

**§ 119-27. I Industrial District. [Amended 10-8-1990 by L.L. No. 1-1990; 3-9-1998 by L.L. No. 4-1998]**

The following regulations shall apply to the I District:

- A. Purpose. The purpose of this district is to use existing industrial areas of the Village, properly buffered, for industry and to promote new industrial growth in areas that are both buffered from residential users and have access to major highways.
- B. Allowed uses. The following uses are hereby designated as being "industrial" and shall be permitted in the I Industrial District after obtainment of a special permit: **[Amended 12-14-2004 by L.L. No. 3-2004]**
- (1) Any use involving the act of storing or preparing for or treatment or processing or manufacturing or assembling of any article, substance or commodity of any nature, provided that same complies with all of the following requirements and conditions and prohibitions as set forth hereinafter.
  - (2) Warehousing and distribution.
  - (3) Trucking.
- C. Prohibited uses and conditions requirements.
- (1) All uses shall comply with local, county, state and federal regulations. Uses which may adversely impact the health, safety and welfare of the community shall be prohibited. Uses shall be further limited to those considered "low hazard" or "moderate hazard" as defined in Part 700 of the New York State Building Code.
  - (2) In addition, specifically prohibited are uses that involve:
    - (a) The manufacturing, processing, storage, transportation, handling or treatment of any hazardous chemicals that are not treated to comply with applicable local, state or federal regulations.
    - (b) Any use which involves the creation or discharge into the ground or groundwater or sewer system or stream or body of water or environment of any solid, liquid or airborne hazardous wastes that are not treated to comply with applicable local, state or federal regulations.
    - (c) Any use which would cause or tend to cause the production of undesirable smoke or airborne particulate matter that is not treated to comply with applicable local, state or federal regulations.
    - (d) Any use which causes a danger to the general public due to the possibility or likelihood of a fire or explosion, including any uses where explosives, combustible gases or flammable liquids are manufactured, stored, processed, handled or transported.

- (e) Any use or activity which could or does emit dangerous levels of radioactivity.
  - (f) The production or processing from raw materials of cement, explosives, fertilizers, rubbers and rubber substances, soaps, starch and any by-products of coal, coke, and or petroleum and or natural gas or the reduction, refining, smelting and alloying of metal ores.
  - (g) The milling or processing of flour; or the distillation of wood or bones; or the reduction and or processing of wood pulp and fiber.
  - (h) The operation of stockyards or slaughterhouses or rendering plants or operations and uses involving same.
  - (i) Any dwelling or residential facility other than the quarters of a watchman incidental only to the industrial project on which it is located.
  - (j) Any storage facility or use involving the bulk storage tanks or the storage of any petroleum product or hazardous chemicals.
- D. Lot and building requirements.
- (1) The minimum setback and lot lines shall be:
    - (a) Front: 50 feet.
    - (b) Each side: 25 feet.
    - (c) Rear: 25 feet.
    - (d) The minimum frontage shall be 200 feet.
  - (2) The maximum building coverage of any industrial lot shall not exceed 40% of same.
  - (3) The maximum building height shall be 40 feet.
  - (4) The minimum green space buffer bordering any residential or mixed-use zone shall be 75 feet.
- E. Additional requirements applying to all industrial uses and industrial lots.
- (1) No lot used shall be used except for manufacturing and industrial purposes related to and in the support of the said industrial or manufacturing use.
  - (2) All lighting or illumination used in connection with parking, signs, security or other site elements shall be designed, located and installed in such a way that it does not distract vehicles on roadways. All lighting must comply with Village of Champlain Code requirements and local laws.
  - (3) No more than one identifying sign shall be permitted on the main building of each user. This sign should not exceed the building height requirements for the area. This sign shall not exceed 125 square feet in area at a height of 30 feet, and same shall be in compliance with the provisions of the local laws and Code of the Village of Champlain.

- (4) All uses shall comply with the Clean Air Act Regulations as promulgated in the New York State Environmental Conservation Law.
- (5) No building shall be erected, altered or extended to cover more of the lot than is allowed in the local laws and Code of the Village of Champlain or the New York State Building and Construction Code.<sup>4</sup>
- (6) Each building shall have sufficient parking on site to accommodate each employee on the largest work shift plus anticipated visitors.
- (7) Each building to be constructed must comply with all applicable federal, state and local regulations and laws.
- (8) All premises constructed shall be maintained in a suitable manner to achieve an attractive appearance. No premises may be allowed to deteriorate so as to become unattractive or hazardous.
- (9) All premises constructed shall have lawns and landscaping maintained to achieve an attractive appearance. All refuse storage areas shall be neatly maintained and visually screened from roadways.
- (10) Any building constructed shall be in accordance with the approval plot plans, building plans and specifications submitted to and approved by the Planning Board of the Village of Champlain.
- (11) No offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or shall become a nuisance to the lots in said subdivision or the adjoining property.
- (12) Parking lots and those parts of the lots on which buildings have not been constructed shall at all times be kept clean of waste and debris.

**§ 119-27.1. PIP Planned Industrial Park District. [Added 3-9-1998 by L.L. No. 4-1998]**

The following regulations shall apply to the PIP District:

- A. Purpose. The purpose of this district is to provide and permit orderly and controlled development of an industrial park area in an orderly coordinated and comprehensive manner consistent with accepted land use planning and landscape architecture practices and engineering principles while protecting the overall public welfare, health and wellbeing of the village and its citizens.
- B. Regulations for the use and development of land and structures. Regulations pertaining to the use of land or structures, and the physical development thereof within the Planned Industrial Park Development (PIP) Zoning District, are hereby established and adopted. Adoption of a Planned Industrial Park District classification shall be approved by the Village Board of Trustees as outlined in Subsection E hereinafter for the zoning of a parcel into the PIP. The Village Board of Trustees shall approve the concept and preliminary development plan. Subsequently, final development plan approval for

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4. Editor's Note: See Ch. 60, Fire Prevention and Building Construction.

individual lots and projects shall be authorized and approved by the Village Planning Board as outlined in Subsection E.

- C. Permitted uses. Development lots shall be used for office, industrial or manufacturing and as noted for preexisting and ancillary uses. Warehousing shall be permitted only if in association with and/or ancillary to other uses as reviewed and approved by the village and the Clinton County Area Development Corp. Uses existing as of the date of the adoption of this resolution may expand. A day-care facility to serve industrial park uses may be appropriate as an ancillary use.
- D. Development plan standards and guidelines. The following development standards for arrangement and development of land and buildings are required in the Planned Industrial Park District:
- (1) Uses.
- (a) All uses shall comply with local, county, state and federal regulations. Uses which may adversely impact the health, safety and welfare of the community shall be prohibited. Uses shall be further limited to those considered "low hazard" or "moderate hazard" as defined in Part 700 of the New York State Building Code.
- (b) In addition, specifically prohibited are uses that involve:
- [1] The manufacturing, processing, storage, transportation handling or treatment of any hazardous chemicals that are not treated to comply with applicable local, state or federal regulations.
  - [2] Any use which involved the creation or discharge into the ground or groundwater or sewer system or stream or body of water of any solid, liquid or airborne hazardous wastes that are not treated to comply with applicable local, state or federal regulations.
  - [3] Any use which would cause or tend to cause the production of undesirable smoke or airborne particulate matter that is not treated to comply with applicable local, state or federal regulations.
  - [4] Any use which causes a danger to the general public due to the possibility or likelihood of a fire or explosion, including any uses where explosives, combustible gases or flammable liquids are manufactured, stored, processed, handled or transported.
  - [5] Any use or activity which could or does emit dangerous levels of radioactivity.
  - [6] The production or processing from raw materials of cement, explosives, fertilizers, rubbers and rubber substances, soaps, starch and any by-products of coal, coke and/or petroleum.
  - [7] The milling or processing of flour; or the distillation of wood or bones; or the reduction and or processing of wood pulp and fiber.

- [8] The operation of stock yards or slaughter houses or rendering plants or operations and uses involving same.
- [9] Any dwelling or residential facility other than the quarters of a watchman incidental only to the industrial project on which it is located.
- [10] Any storage facility or use involving storage tanks with a capacity greater than 10,000 gallons or the storage of any petroleum product or hazardous chemicals.

(2) Development plan components.

- (a) Development plans and specifications for proposed buildings, signs and site improvements shall be reviewed and approved by the Village of Champlain Planning Board. Submissions to the Planning Board shall contain the following. Site plans shall graphically illustrate at a minimum scale of one inch equals 40 feet:
  - [1] Lot size and building setbacks.
  - [2] Building footprints.
  - [3] Roof overhangs.
  - [4] Parking areas, including parking bay size.
  - [5] Roads and sidewalks, including width dimensions.
  - [6] Designated shipping and receiving areas.
  - [7] Dumpster/waste disposal areas, including screening.
  - [8] Stormwater detention basins.
  - [9] Lighting, including footcandle measures (average and minimum to maximum ratio) in a Photometric analysis.
  - [10] Landscaping plan, including plant species and sizes.
  - [11] Site utilities.
  - [12] Wetland boundaries.
  - [13] Designated outdoor storage areas.
  - [14] Site grading and drainage.
  - [15] Signage.
  - [16] Views of proposed buildings from roadways and adjacent properties.
- (b) Plans shall include a table which indicates the maximum number of employees, parking spaces, projected water use and sewage generation, floor area and lot coverage ratios in compliance with the development standards of this section.

- (3) Development standards.
- (a) Site layouts shall conform to State Fire Code regulations and the following standards as measured from the property line (see Table 1 Figure 1):
- [1] Front yard setback to edge of pavement: 20 feet.
  - [2] Front yard setback to building: 95 feet.
  - [3] Side yard setback to edge of pavement: eight feet.
  - [4] Side yard setback to building: 50 feet.
  - [5] Rear yard setback to building and/or edge of pavement: 50 feet.
  - [6] Road frontage: 200 feet minimum.
  - [7] Floor area ratio: 40% maximum; 20% minimum.
  - [8] Open space: 10%.
  - [9] Building height: 35 feet maximum. **[Amended 8-24-1998 by L.L. No. 7-1998]**
- (b) Delineated Corps of Engineers wetland areas shall be preserved, avoided or mitigated as determined by the USACOE.
- (c) Water system design shall conform with village regulations and specifications and fire suppression requirements.
- (d) Sewer system design shall conform with village regulations and specifications.
- (e) Stormwater plan.
- [1] Plans shall conform with New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities. In addition, plans shall be prepared in accordance to the New York State Guidelines for Urban Erosion and Sediment Control.
  - [2] Site layouts and details shall include a site-specific stormwater management plan and details, including the following minimum elements:
    - [a] Stormwater detention basin design.
    - [b] Detention basin controlled outlet structure design to control peak stormwater discharge to the predevelopment rate.
  - [3] The methods considered acceptable are the Soil Conservation Service TR-20 and the Soil Conservation Service TR-55.
- (4) Signs. All signs shall conform with Village of Champlain local laws.
- (a) Prohibited signs shall include:



- [1] Billboards.
  - [2] Roof signs.
  - [3] Internally illuminated signs, except that illuminated or backlighted letters shall be permitted.
  - [4] Signs which contain flashing, intermittent, rotating or moving lights, messages or displays.
  - [5] Signs located within 30 feet of the intersection of street.
  - [6] Signs which consist of multiple banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
- (b) Exempt signs are as follows:
- [1] Historical markers.
  - [2] Flags and insignia of any government.
  - [3] On-premises directional signs, not exceeding four square feet per face and six feet in height.
  - [4] Temporary signs limited to the following:
    - [a] Directional signs for meetings, conventions and other assemblies which shall not be erected more than three days prior to the event or remain more than one day after the event they identify.
    - [b] One sign not exceeding 16 square feet listing the architect, engineer, contractor, sponsors and/or owner on premises where construction, renovation or repair is in progress.
    - [c] Temporary signs placed by public sector agencies identifying construction, housing rehabilitation or economic development projects, sponsored by a public sector agency.
    - [d] Industrial park entry signs.
- (c) Permitted signs. Lots shall contain no more than one freestanding or wall sign which meets the following criteria:
- [1] Buildings containing more than one business may have no more than one sign identifying each of the individual businesses or offices located therein.
  - [2] No freestanding sign shall exceed the maximum height of 12 feet or a maximum size of 32 square feet.
  - [3] Wall signs shall not exceed a size of 125 square feet and shall be designed as an integral component of the building's exterior.

- (d) The Village Planning Board shall consider the specific sign design, colors, material, scale and location, in relation to the character, style, color and scale of buildings and landscaping on the site and adjacent to the site, and compatibility with the character of the area in which it is proposed. In addition the following shall be considered:
- [1] Signs mounted on buildings should not cover openings or architectural detail.
  - [2] Signs shall be located no higher above the ground than is necessary for viewing from internal roadways.
  - [3] Sign colors and materials which are discordant with the general character of the adjacent area shall be avoided.
  - [4] Generally, signs on the same building shall be placed within the same horizontal band and be of similar height.
  - [5] Wherever possible, freestanding signs shall be integrated with fences or walls.
  - [6] Freestanding signs shall withstand a wind pressure of not less than 30 pounds per square foot of surface area.
  - [7] Signs shall not swing or move in any manner.
  - [8] Signs extending over pedestrian traffic areas shall have a minimum clearance of seven feet six inches.
  - [9] Projecting signs shall not have more than two faces.
  - [10] No signs shall extend into vehicular traffic areas.
  - [11] No sign shall project from an awning.
  - [12] Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and or address of the enterprises or premises.
- (5) Screening.
- (a) Building lots which border residentially zoned districts shall be screened with an opaque screening of fence and/or vegetation a minimum of eight feet in height.
  - (b) Mechanical facilities shall be screened from roadways and off-site residences.
  - (c) Dumpsters and refuse areas shall be screened with vegetation and/or fencing from roadways and shall not be located in front yards.
  - (d) Outdoor storage areas shall be screened from roads and off-site residences with vegetation and/or fencing.

- (6) Outdoor storage. Outdoor storage shall be restricted to non-hazardous materials only as defined in Part 700 of the New York State Building Code. No outdoor storage shall be allowed within front yards. All outdoor storage shall be effectively screened from off-site properties and roadways as described in § 119.27.1D(5), Screening.
- (7) Utilities.
  - (a) Ground-mounted antennas and satellite dishes shall not be located in front yards and shall be screened from roadways and residential properties.
  - (b) Antennas and satellite dishes shall not project more than 10 feet above building roofs.
- (8) Parking.
  - (a) Each building lot shall contain sufficient on-site automotive parking to accommodate each employee on the largest shift plus anticipated visitors.
  - (b) Parking area designs shall be designed to eliminate or minimize through traffic by delivery trucks.
  - (c) Fire lanes shall be developed in consultation with village officials and shall conform with State Fire Code requirements.
  - (d) Parking lots shall be located in the front and/or side yards, pursuant to yard setback requirements.
  - (e) Commercial and industrial truck parking areas shall be located in side and/or rear yard areas, pursuant to yard setback requirements.
  - (f) Shared access drives with adjoining properties shall be developed, where appropriate.
- (9) Buffer zones.
  - (a) A twenty-foot wide buffer zone area shall be observed along the industrial park's perimeter.
  - (b) No structures, parking areas or outdoor storage shall be permitted within buffer areas. Except for a single identification sign per lot, no signs shall be located within a buffer area.
  - (c) Buffer areas shall conform with State Fire Code requirements.
- (10) Fencing.
  - (a) Opaque wood fencing or other styles which reflect the site's agricultural heritage shall be used, where practicable.
  - (b) Chain-link fencing eight feet in height may be used if required for security purposes, provided that the fence fabric, posts, gates and appurtenances are black in colour. No screening slats shall be permitted.
  - (c) Generally, chain-fencing shall not be permitted within front yards.

- (d) Where appropriate, fences shall be installed to restrict unauthorized entry to hazardous areas such as storage yards and loading docks.
- (11) Fuel and storage tanks.
- (a) Storage of fuel and other volatile materials shall conform to applicable local, state and federal regulations.
  - (b) Aboveground storage shall not be permitted within front yard areas.
- (12) Architecture.
- (a) Building materials. Acceptable building materials shall be non-combustible and may include:
    - [1] Corrugated metal.
    - [2] Metal sandwich panel.
    - [3] Architectural-grade masonry block.
    - [4] Pre-cast concrete.
    - [5] Glass panel.
  - (b) Acceptable exterior colors. Acceptable exterior building colors shall be non-reflective, muted colors, including light, medium or dark grays, taupes, browns and greens.
  - (c) Prohibited colors. Prohibited colors shall include red, orange and yellow except that these colors may be used for trim if specifically approved by the Village Planning Board.
  - (d) Multiple colors. Buildings may be multicolored. However, all buildings shall follow monochromatic or analogous color schemes.
- (13) Landscaping:
- (a) Lighting.
    - [1] All lighting shall comply with Village of Champlain ordinances. All lighting shall minimize off-site light spillover as demonstrated by a photometric analysis as required by the village. Lighting levels shall not exceed 0.2 footcandles at the site's property line.
    - [2] On-site lighting levels shall meet the following criteria:
      - [a] Fixture height: 30 feet maximum.
      - [b] Parking areas: one footcandle maximum.
      - [c] Shipping and receiving area: 20 footcandles maximum.
      - [d] Roadways: 0.9 footcandle.
      - [e] Intersections: 1.2 footcandles.

## (b) Plant materials.

- [1] An eight-foot wide (minimum) landscape buffer, densely planted with trees, shall be provided between parking areas and site driveways.
- [2] Lawn areas shall be maintained at a minimum height of three inches and a maximum height of six inches.
- [3] Deciduous trees shall be located along internal site roadways at thirty-foot intervals.
  - [a] Acceptable varieties are: green ash (*Fraxinus pennsylvanica* "Ladnaw," "Newport," "Patmore" or approved equal), Elm (*Ulmus x Hollandica* "Urban," "Homestead" or approved equal) and white oak (*Quercus bicolor*).
  - [b] The minimum acceptable deciduous tree size shall be 2 1/2 caliper inch. All plant materials shall conform with the American Standard for Nursery Stock published by the American Association of Nurseryman. If existing vegetation insufficiently mitigates visual impacts of the project, it shall be supplemented by planting additional indigenous vegetation. Each parking island with parking lots shall be planted with at least one deciduous tree.
- [4] Plantings within front yards shall include, at a minimum:
  - [a] Deciduous trees spaced at 30 feet on center.
  - [b] Front foundation plantings of evergreen and deciduous shrubs spaced at five feet on center.
  - [c] Vegetative screening located between front and side yard parking shall consist of, at a minimum a densely planted hedge of vertically habited evergreen shrubs. Shrubs shall be a minimum of six in height at installation and shall be spaced at 2 1/2 feet on center.

## (14) Operations.

- (a) Permitted uses. All uses shall, at a minimum, comply with current Clear Air Act standards.
- (b) Hours of operation. Site operations shall conform with the village's noise restrictions as outlined in Chapter 81 of the Village Code.

## E. Approval procedures (setting up district). The following procedure shall be followed in placing land in the Planned Industrial Park District:

- (1) Submission of application. The owner or owners of a tract of land 25 acres or more in area may request that the Village Zoning Map be amended to include such tracts in the Planned Industrial Park District in accordance with the following requirements:

- (a) Eight copies of a concept plan, together with an application, shall be filed with the Mayor or his/her designee.
  - (b) Such concept plan shall include in text and graphic form:
    - [1] The proposed location and size of industrial areas, indicating by sketch map or text the general development character of the tract, limitations or controls to be placed on industrial uses, processes, operations, locations or the types of tenants, probable lot size and other development features, including a schematic grading plan.
    - [2] The proposed location and size of nonindustrial uses within the tract indicating types of proposed uses such as commercial, community service or facility, or other associated nonindustrial activity.
    - [3] The proposed provisions for water, sanitary sewer, industrial waste disposal and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.
    - [4] The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including their relationship to topography and existing transportation facilities with evidence of reasonableness.
    - [5] The proposed schedule of site development and associated facilities, including streets, other transportation facilities, utilities, services and other facilities.
    - [6] The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities and other public improvements.
    - [7] Evidence that the applicant has sufficient control over the land to prepare required land improvements, including street, water, sanitary sewers, waste disposal, surface drainage and other facilities for subdivision development required by the village. Evidence of control includes property rights and the engineering feasibility data which may be necessary.
  - (c) Within three days after the submittal, the concept plan and application for zone map amendment shall be forwarded to the Board of Trustees who shall consider it at its next regular meeting, and to the Village Clerk for a report on whether or not the submittal contains the items required. The Village Board of Trustees shall then refer the entire application to the Planning Board for its recommendations.
- (2) Following the submittal of the concept plan and zone map amendment application, the Planning Board shall have not less than 30 days nor more than 90 days in which to submit its report of recommendations to the Village Board of Trustees. Such recommendations may be for approval, denial or approval with suggested modifications. Within 30 days of the receipt of the report or recommendations from the Planning Board, or as soon thereafter as practicable,

the Village Board of Trustees shall deny or approve with or without modifications, the concept plan. Approval of the concept plan shall be authorization to prepare and submit a preliminary development plan. The concept approval or approval with modifications, whether by the Planning Board or Village Board of Trustees, shall be of no binding effect and shall in no way vest any rights in the applicant or affect the zoning of the land.

- (3) Within 180 days of approval of the concept plan, the applicant may submit a primary development plan for approval. Failure to submit a preliminary development plan within 180 days shall invalidate any prior approval or fee payments. Submittal of such plan shall be to the Mayor or his/her designee. Within three days of the submittal, the preliminary development plan and accompanying documents shall be forwarded to the Village Board of Trustees, where a resolution shall be drawn concerning the requested Zoning Map amendment. The preliminary development plan, accompanying documents and resolution shall then be forwarded to the Planning Board for study and recommendation.
- (4) The Planning Board shall have a reasonable time of not less than 30 days to consider the resolution and the submitted plan and its compliance with these regulations and to report its recommendations to the Village Board of Trustees. When the report and recommendations of the Planning Board are received by the Village Board of Trustees, the trustees shall establish a date for a public hearing on the resolution and the plan giving notice in accordance with the provisions of Subsection L hereinafter set forth. Such public hearing, by the Board of Trustees, shall be held within 30 days after the receipt of the report of the Planning Board. Each member of the Planning Board shall be given reasonable notice of the public hearing before the Village Board of Trustees and shall be permitted in his or her official capacity as a member of the Planning Board to participate in the hearing and provide advice to the Village Board of Trustees.
- (5) The report of recommendations of the Planning Board on the preliminary development plan and the proposed resolution, as well as the plan and the proposed resolution, shall be available for public inspection for the period of 10 days immediately preceding the public hearing.
- (6) Adoption of the resolution including the preliminary development plan shall constitute a rezoning of the property included in the preliminary development plan subject to the applicant's compliance with the provisions and conditions of the resolution prior to the development or the construction of improvements contained in the preliminary development plan.

F. Refined procedures for approval.

- (1) Within 240 days of approval of the preliminary development plan, the applicant shall submit a final development plan to the Planning Board for area(s) contained within the Board of Trustees approved preliminary development plan. Upon good cause shown by the applicant and by a majority vote of the Planning Board, the Planning Board may extend the two-hundred-forty-day period if the request is submitted prior to the expiration date. The failure to submit a final development plan within such two-hundred-forty-day period shall invalidate any prior

approvals given or fee payments. The final development plan and accompanying documents shall be considered by the Planning Board for study and approval at its next regular meeting.

- (2) Following receipt of a proposed final development plan and accompanying documents, it shall be the duty of the Planning Board to review such plan and determine whether the plan and supporting documents comply with the regulations of this chapter, that it represents a detailed and precise expansion and delineation of the previously approved preliminary development plan, that it complies with all conditions which may have been given at the time of approval of the preliminary development plan, and that the project plan is consistent with sound zoning and planning concepts or, that before it can be further considered, it requires an amendment of the preliminary development plan.
  - (3) If the Planning Board finds that the final development plan complies in all respects with the regulations of this chapter and the previously approved preliminary development plan, the Planning Board shall approve the plan and the Secretary of the Planning Board shall affix his or her signature and approval date thereto attesting to such approval. If the Planning Board finds that the proposed final development plan necessitates revision of portions of the approved preliminary development plan located outside of the area included with boundaries of the subject final development plan, it shall be required that an amended preliminary development plan be submitted and approved in accordance with the provisions of this resolution before considering the final development plan. At such time as such amended preliminary development plan is so approved, consideration to such final development plan shall be given by the Planning Board in accordance with this Subsection F(3) and Subsection F(2) hereof. Following approval of the final development plan and the attestation of such action by the Secretary of the Planning Board, the applicant shall provide at least one Mylar copy of all plans as part of the final development plan for the records of the village.
  - (4) At any time, the applicant and/or his or her successors in title to the property may submit an amended preliminary development plan. In such event, the same procedures shall be followed as in the case of an original preliminary development plan and, if approved, such amended preliminary development plan shall, in all respects, be considered as if it were the originally adopted primary development plan.
- G. Basis of approval. The basis for approving a Planned Industrial Park District (PIP) final development plan application shall be:
- (1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code.
  - (2) That the proposed development is in conformity with a Village Comprehensive Plan or portion thereof as it may apply and the approved preliminary development plan for the PIP.
  - (3) That the proposed development advances the general welfare of the village and the immediate vicinity.



- (4) That the benefits of improved arrangement and design of the development justifies deviation from the standard requirements for industrial development included in the Zoning Code.
- (5) That the proposed development is in accordance with the environmental assessment form, environmental impact statement review in the preliminary development plan, and SEQR determinations by the lead agency for the proposed project.

H. Effect of approval.

- (1) The concept and preliminary development plan as approved by the Village Board of Trustees constitutes an amendment to the Planned Industrial Park District regulations as they apply to the land included in the approved map amendment.
- (2) Approval shall be for a period of 10 years to allow the preparation of the required subdivision plat(s), submitted in accordance with the Subdivision Regulations.<sup>5</sup> Unless the required subdivision plat is properly submitted and recorded within 10 years, the approval shall be voided and the land shall revert to its last previous zoning district, except if an application for time extension is submitted and approved.
- (3) Approval of a final development plan by the Planning Board shall constitute site plan approval for the area designated in the final development plan application.

I. Exceptions.

- (1) If an applicant for rezoning to the Planned Industrial Park (PIP) District submits with his/her application a concept plan and a preliminary development plan for the entire property contained within the subject application, the provisions of Subsection F(1) and (2) hereof may be dispensed with. Such concept plan and preliminary development plan may be contained within a single document. The Mayor or his/her designee shall insure that the plans and all supporting documentations concerning content and completeness comply with regulations of this chapter before accepting the plans for detailed review and further processing. Within three days of official acceptance, the concept plan, the preliminary development plan and accompanying documents shall be forwarded to the Board of Trustees, where a proposed resolution shall be drawn concerning the requested zoning change. The concept plan, the preliminary development plan, the accompanying documents and resolution shall then be forwarded to the Planning Board for study and recommendation. The Planning Board shall have a reasonable time, not less than 30 days, to consider the resolution and the plans and to report its recommendations to the Board of Trustees. Rather than make such recommendations, the Planning Board may require the applicant to withdraw the concept plan and preliminary development plan and recommence the procedures by the filing of a concept plan in which case the matter shall proceed as if no preliminary development plan had been filed. When a report and recommendations of the Planning Board are received by the Board of Trustees, the Board of Trustees shall establish a date for a public hearing on the resolution

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5. Editor's Note: See Ch. 103, Subdivision of Land.

and preliminary development plan, giving notice in accordance with the provisions of Subsection L hereinafter set forth. Such public hearing shall be held within 30 days after the receipt of the report of the Planning Board. Each member of the Planning Board shall be given reasonable notice of the public hearing before the Village Board of Trustees and shall be permitted in his/her official capacity as a member of the Planning Board to participate in the hearing and provide advice to the Village Board of Trustees.

- (2) The report of recommendations of the Planning Board on the preliminary development plan and on the concept plan and the resolution, as well the actual plans and the draft resolution, shall be available for public inspection for the period of 10 days immediately preceding the public hearing. Adoption of the resolution by the Village Board of Trustees including the preliminary development plan shall constitute a rezoning of the property included in the preliminary development plan subject to the applicant's compliance with and the provisions of this section prior to the development or the construction of improvements contained in the preliminary development plan.

J. Approval of lot development.

- (1) In the Planned Industrial Park District, no use shall be established or changed and no structure shall be constructed without review and approval of the Planning Board.
  - (a) The Planning Board shall confirm that the proposed lot development is in accordance with the Planned Industrial Park District final development plan and that any required subdivision plat has been recorded.
  - (b) Provided that the proposed lot development is in accordance with the Planned Industrial Park District Planning Board approved final development plan, the requirements of § 103-6A and B of Chapter 103, Subdivision of Land, of the Village Code for preapplication and submission of a preliminary plat shall be deemed to have been satisfied, and lots proposed for subdivision pursuant to the provisions herein regarding the PIP District shall begin the subdivision process of Chapter 103 of the Village Code with § 103-6C, Approval of final plats and procedures.
- (2) No use shall be established or changed and no structure shall be constructed without review and approval of an environmental assessment form by the Village Board of Trustees to determine that the proposed development is in accordance with the generic environmental impact statement.

K. Fees.

- (1) All fees outlined as follows shall accompany applications and are nonrefundable regardless of action of the Planning Board or Board of Trustees, provided that a fee may be returned if the Mayor refuses to accept an application for processing due to incomplete information.
  - (a) Fees shall be as follows:
    - [1] Concept plan: \$500.

- [2] Preliminary development plan: \$1,500.
  - [3] Final development plan: \$500.
- (b) Should the concept plan and preliminary development plan be submitted concurrently as described above in Subsection E(1), (2) and (3), then the concept plan fee of \$500 will be waived.
- (2) In addition to the fees listed on the Schedule of Fees, the Planning Board may charge the applicant for costs and expenses necessitated in the technical review of any application, including costs of legal, engineering or other professional technical review of the application and plans or exhibits together with such costs incurred in review of said application.
- L. Notice requirements.
- (1) All public hearings required to be held shall be held after written notice and publication is given as herein provided.
  - (2) Written notice of the hearing shall be mailed to the applicant at least 10 days prior to the date of the hearing, and publication of said notice of the hearing shall be given in a newspaper of general circulation in the village at least five days prior to the date of the hearing.

## ARTICLE VI

### Bulk Regulations

#### § 119-28. Lot size.

Minimum lot sizes shall be as follows:

- A. One-family dwelling: 10,000 square feet.
- B. Two-family dwelling: 15,000 square feet.
- C. Multifamily dwelling: 10,000 square feet, plus additional square footage as follows:
  - (1) Each bachelor unit: 2,500 square feet.
  - (2) Each one-bedroom unit: 3,000 square feet.
  - (3) Each two-bedroom unit: 3,500 square feet.
  - (4) Each three-or-more-bedroom unit: 4,500 square feet.
- D. Nonresidential uses: 20,000 square feet.

#### § 119-29. Frontage.

All lots shall front upon public streets, and the minimum length of the lot line along the street shall be as follows:

- A. For one- and two-family dwellings and nonresidential uses: 100 feet.

- B. For multifamily dwellings: 125 feet.

**§ 119-30. Setbacks.**

The following minimum setbacks shall apply to both principal structures and accessory structures:

- A. Front: 30 feet for all structures, measured from the edge of the front property line to the structure, or so as to be in line with neighboring principal structures.
- B. Sides: 30 feet for multifamily dwellings and 10 feet for all other structures, measured from the edge of side lot lines to the structure.
- C. Rear: 30 feet for principal structures and five feet for accessory structures, measured from the edge of the rear lot line to the structure.

ARTICLE VII

**Supplementary Regulations**

[Amended 9-11-1989 by L.L. No. 3-1989; 10-8-1990 by L.L. No. 1-1990]

**§ 119-31. Individual mobile homes. [Amended 3-9-1998 by L.L. No. 2-1998]**

- A. A permit is required for placement of a mobile home, and only mobile homes at least 12 feet wide shall hereafter be placed in the Village of Champlain. All mobile homes shall conform to the fire prevention and building construction requirements of this Code.<sup>6</sup> All applications for a mobile home placement permit shall be made upon the official form required by the Village and shall be submitted to the Village Clerk or other designated Village official.
- B. A storage shed or garage shall be located on each mobile home lot. The shed or garage will provide necessary storage space to compensate for the unit's lack of an attic and basement.
- C. Each mobile home shall be enclosed at the bottom with a skirt or enclosure made of nontransparent building material such as metal, cement or building board. The appearance of the skirt or enclosure shall be in keeping with the appearance of a residential neighborhood.
- D. Each mobile home shall be placed upon a permanent foundation or upon a poured concrete slab. The slab shall either be at least six inches deep or be designed by a licensed engineer or architect. The foundation or slab shall have a minimum of six tie-down positions for anchoring the mobile home, and the mobile home shall be firmly attached and anchored to the tie downs. [Amended 12-14-2004 by L.L. No. 3-2004]
- E. The mobile home shall be placed upon the lot at a grade and height to provide adequate and proper surface drainage to ensure that rainwater and surface water shall run off and drain away from the mobile home and also not interfere or cause a nuisance to any adjoining properties.

6. Editor's Note: See Ch. 60, Fire Prevention and Building Construction.

- F. All sewer connections and pipes shall be placed and attached to the mobile home in a proper manner in compliance with the provisions of the Village Code, and same shall be kept and maintained in good state of repair, and same shall be free of any leakage.
- G. All mobile homes after placement on the lot shall have proper and adequate steps for ingress and egress at both entrances of the said mobile home.
- H. All fuel tanks shall be placed upon an adequate cement pad placed and located at the rear of the mobile home between the said mobile home and the rear lot line. All fuel tanks shall be concealed from view to the extent practicable.
- I. Each mobile home shall be located on its own lot, and only one mobile home shall be allowed per lot.
- J. Each mobile home shall have at least two off-street parking spaces.
- K. Each mobile home lot shall front upon a roadway.
- L. No Village utilities of sewerage, water or electricity shall be connected to or allowed to be connected to any mobile home or mobile home site unless said mobile home owner shall have a valid and unrevoked permit as required by this chapter.
- M. Any nonconforming use existing prior to the effective date of this chapter concerning a mobile home which shall have been in existence and was so occupied or used at the time of adoption of this chapter and which was a valid nonconforming use and which was not in violation of any prior local law or the Village Code which this chapter is amending shall continue to remain a nonconforming use while so used or occupied, but if any such mobile home shall be removed or should the same be abandoned or discontinued for six months or more, then said nonconforming use shall cease.
- N. No mobile home may be used for any purpose other than a single-family residence. A mobile home shall not be used as a storage building. [Added 12-14-2004 by L.L. No. 3-2004]
- O. Pitch of factory-manufactured roof shall be 3/12 (about 14°) or greater. Roof material shall be shingle, shingle-like, or metal. [Added 12-14-2004 by L.L. No. 3-2004]
- P. Exterior siding shall resemble traditional stick-built appearance made of clapboards, shingles, and shakes; masonry; wood board-and-batten; or "texture 1-11" exterior plywood. [Added 12-14-2004 by L.L. No. 3-2004]
- Q. Tires, pieces of metal, boards, cement blocks, bricks or similar loose objects shall not be placed upon a roof of a mobile home. [Added 12-14-2004 by L.L. No. 3-2004]
- R. Any existing mobile home may be replaced with a mobile home of larger size without obtaining a variance, provided that: [Added 12-14-2004 by L.L. No. 3-2004]
  - (1) Subsections A through Q of this section are complied with; and
  - (2) Minimum building setbacks from lot lines are sufficient to meet the requirements of this chapter.

**§ 119-32. Mobile home parks. [Amended 3-9-1998 by L.L. No. 2-1998]**

- A. Every applicant who seeks to establish a mobile home park within the Village shall apply for a mobile home park permit and shall supply the information and documentation required to the Village.
- B. Application procedure and information required.
- (1) Applications for the mobile home park permit shall contain the following:
- (a) A legal description, by metes and bounds, of the property upon which the proposed mobile home park will be located, or an existing mobile home park extended, together with copies of deeds for the same as may be required by the Village.
- (b) A plot plan or sketch drawn to scale showing the proposed park or extension thereof, as the case may be, including the number and size of the lots, mobile home stand locations, recreation areas, accessory buildings and service buildings and recreational area, location of present and proposed water, sewer and electrical lines and facilities and all present and proposed internal and access streets and roads and the lot lines and locations of all abutting land and the owners and present use of all abutting land and location of all structures located upon the premises and within 100 feet of the boundaries of the proposed mobile home park and the location of the land features, including but not limited to streams, creeks and areas subject to flooding.
- (c) All information as required on the application form.
- (2) All applications for a mobile home park permit shall be made upon the official form required by the Village, and all completed applications with required documentation shall be submitted to the Village Clerk or other designated Village Official.
- C. Mobile home lots shall have an area of not less than 5,000 square feet.
- D. Each mobile home lot shall front on a roadway and have a minimum width of 50 feet.
- E. Each mobile home shall be located no closer than 20 feet to any other mobile home or permanent building in the mobile home park.
- F. Each mobile home or other structure shall be at least 40 feet from all boundaries of the mobile home park.
- G. A landscaping plan shall be prepared and carried out which will assure the Zoning Board of Appeals that an appropriate planting of trees and shrubs will be included in the park design, including screening where necessary.
- H. Not more than one mobile home shall be located on any mobile home lot. Every mobile home within a mobile home park shall be located on a mobile home lot or temporarily located in a designated storage area shown on the approved site plan approved for said park.
- I. Each mobile home must have at least two off-street parking spaces.

- J. There shall be provision for an adequate supply of water for fire-fighting purposes, including the installation of hydrants as necessary.
- K. All fuel tanks shall be placed upon an adequate cement pad placed and located at the rear of the mobile home between the mobile home and the rear lot line or beneath the mobile home and shall be concealed from public streets to the extent practical.
- L. Each mobile home shall be enclosed at the bottom with a skirt or enclosure made of nontransparent permanent building material such as metal, cement or building board. The appearance of the skirt or enclosure shall be in keeping with the appearance of a residential neighborhood.
- M. No mobile home shall be offered for sale, displayed for sale or sold within a mobile home park unless such mobile home is located on a mobile home space and is connected to an electric utility supply and to a sewer and water supply.
- N. Every roadway within a mobile home park shall be designed and constructed to meet the Village of Champlain's highway standards.
- O. Every roadway within a mobile home park shall be maintained in good repair and shall be open at all times reasonably possible for travel by occupants of the park and necessary fire, police, ambulance, public utility maintenance and fuel supply vehicles. The park owner shall be responsible for providing and paying the cost of such maintenance and all necessary snow removal.
- P. Each mobile home shall be placed upon a permanent foundation or upon a poured concrete slab. The slab shall either be at least six inches deep or be designed by a licensed engineer or architect. The foundation or slab shall have a minimum of six tie-down positions for anchoring the mobile home, and the mobile home shall be firmly attached and anchored to the tie downs. **[Amended 12-14-2004 by L.L. No. 3-2004]**
- Q. The mobile home shall be placed upon the lot at a grade and height to provide adequate and proper surface drainage to ensure that rainwater and surface water shall run off and drain away from the mobile home and also not interfere or cause a nuisance to any adjoining properties.
- R. All sewer connections and pipes shall be placed and attached to the mobile home in a proper manner in compliance with the provisions of the Village Code and same shall be kept and maintained in good state of repair, and same shall be free of any leakage.
- S. All mobile homes after placement on the lot shall have proper and adequate steps for ingress and egress at both entrances of the said mobile home.
- T. No Village utilities of sewerage, water or electricity shall be connected to or allowed to be connected to any mobile home or mobile home park or mobile home park site unless said mobile home owner or mobile home park owner, as the case may be, shall have a valid and unrevoked permit as required by this chapter.
- U. Any nonconforming use existing prior to the effective date of this chapter concerning a mobile home or mobile home park which shall have been in existence and was so occupied or used at the time of adoption of this chapter and which was a valid nonconforming use and which was not in violation of any prior local law or the Village Code which this chapter is amending shall continue to remain a nonconforming use

while so used or occupied, but if any such mobile home or mobile home park, as the case may be, shall be removed or should the same be abandoned or discontinued for six months or more, then said nonconforming use shall cease.

- V. No travel trailer, motorized home or camping trailer shall be inhabited or used for living or sleeping quarters within the Village for more than seven days unless the same shall be located in an approved mobile home park.

**§ 119-33. Off-street parking.**

- A. A parking space shall not be less than nine feet by 20 feet, exclusive of driveways and accessways. One- and two-family dwellings need not exclude driveway area.
- B. Off-street parking areas for nonresidential uses shall provide access lanes to parking spaces. Parking areas for 50 or more vehicles shall delineate fire lanes and include no-parking markers.
- C. Minimum parking standards shall be as follows: **[Amended 10-12-2017 by L.L. No. 1-2017]**
- (1) All residential structures: two spaces per dwelling unit.
  - (2) Places of public assembly (eating and drinking establishments, churches, schools, bingo halls, etc.): one space for each four seats.
  - (3) Nonresidential uses adjoining Main Street in the DMU Downtown Mixed-Use zone shall be exempt from the off-street parking standards of § 119-33C.
  - (4) Off-street parking areas for all uses on lots adjoining Main Street in the DMU Downtown Mixed-Use zone shall be located in the rear yard unless on a corner lot where up to 40% of off-street parking may be on the side fronting a side street. Main Street shall not be considered the side yard.

**§ 119-34. Existing undersized lots of record.**

Any recorded lot held in single and separate ownership prior to the adoption of these regulations shall be exempt from the minimum lot size and frontage requirements of §§ 119-28 and 119-29 herein, provided that:

- A. Such lot does not adjoin any other lot or lots held by the same owner such that the owner might combine two or more lots in order to meet minimum requirements.
- B. The minimum setback requirements in § 119-30 are met.



**§ 119-35. Buffers, landscaping and setbacks along zone transitions. [Amended 10-12-2017 by L.L. No. 1-2017]**

Where the land use in an I Industrial or COM Commercial zone abuts a residential zone, except where the zones are separated by a public road, the following regulations shall apply:

- A. A twenty-five-foot landscaped buffer strip shall be established and maintained within the industrial or commercial zone. A landscaping plan shall be reviewed and approved by the Board of Appeals. Vegetative plantings shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grasses and ground cover, as appropriate.
- B. An additional building setback of 25 feet is required. No building in an industrial or commercial zone, therefore, may be any closer than 50 feet to the boundary of the residential zone.

**§ 119-36. Signs. [Amended 12-14-2004 by L.L. No. 3-2004; 10-12-2017 by L.L. No. 1-2017; 1-13-2020 by L.L. No. 2-2020]**

- A. The following are prohibited in all zones:
  - (1) Moving, flashing, blinking or animated signs.
  - (2) Signs over 20 feet in height.
  - (3) General advertising signs unrelated to a business conducted on the premises.
  - (4) Signs erected on a public utility pole or traffic control structure.
  - (5) Signs that project into a public right-of-way.
  - (6) Signs that obscure a line of sight for traffic or otherwise constitute a traffic hazard.
  - (7) Electronic message centers (EMCs).
- B. Regulations for commercial and industrial zones. This subsection shall apply to signs in the COM (Commercial Districts), DMU (Downtown Mixed-Use) District, I (Industrial) Districts, and IC (Industrial Commercial) Districts.
  - (1) Each nonresidential use located in a COM Commercial Zone shall be limited to one freestanding sign not to exceed 50 square feet in area, plus any number of additional signs applied to the face of a building, provided that the total area of any sign applied to the building shall not exceed one square foot for each linear foot of building frontage on that side.
  - (2) Each nonresidential use located in the DMU Downtown Mixed-Use Zone shall be limited to the following:
    - (a) One freestanding sign not to exceed 25 square feet in area and seven feet in height. Monopole, freestanding signs shall not be permitted.
    - (b) One additional sign applied to the face of a building or two signs applied to the face of a building if the building is located on a corner lot. The total

area of any sign applied to the building shall not exceed one square foot for each linear foot of building frontage on that side.

- (3) Each nonresidential use located in an I Industrial Zone and IC Industrial Commercial Zone shall be limited to one freestanding sign not to exceed 35 square feet in area and 15 feet in height, plus any number of additional signs applied to the face of a building, provided that the total area of any sign applied to the building shall not exceed one square foot for each linear foot of building frontage on that side.

C. Regulations for residential zones.

- (1) General advertising signs are not allowed.
- (2) One sign is permitted, not to exceed three feet by one foot in size.
- (3) Flashing or moving signs are not allowed.
- (4) Only unlighted or indirectly lighted signs are allowed.
- (5) The top of the sign shall not be more than three feet above the ground, or, if placed on a building, it shall not protrude above the building.

D. Sign area. The area of a sign shall be computed as including the entire surface within the frame of a sign. For a sign consisting of letters painted on or attached onto a building, the sign area shall be calculated by multiplying the average height of the letters by the distance between the first and last letters. In the case of a freestanding sign with lettering on both the front and the back, the areas of both sides of the sign shall not be added together for purposes of computing the total area of the sign.

E. Sign height. Sign height shall be measured from the distance from the highest portion of the sign to the finished grade at the base of the sign. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

F. Temporary signs.

- (1) Temporary signs are permitted in all zones, provided that they are 24 square feet or less in size.
- (2) A temporary sign shall mean any "for sale" or "for rent" sign, or any sign announcing an event that is removed within 30 days of its placement.

**§ 119-37. Home occupations.**

A. No more than one nonmember of the immediate family occupying a dwelling shall be employed as part of the home occupation.

B. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds or vibrations. No use shall create noise, dust, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance in excess of that created by a residence.

- C. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.
- D. One commercial-type vehicle may be used in conjunction with the home occupation and be parked on the property.
- E. Parking requirements shall be as determined by the Board of Appeals.
- F. The following uses are not home occupations and shall comply with all sections of this chapter which govern commercial uses: garages or shops for the repair of motor vehicles, restaurants, commercial stables or kennels, musical and dancing instruction to groups exceeding four pupils, convalescent homes, funeral homes and businesses of a similar nature.

**§ 119-38. Corner lots.**

On corner lots, the sides facing both streets shall be considered front yards. Of the other sides, one shall be considered a rear yard and the other a side yard, at the owner's option.

**§ 119-39. Nonconforming uses, lots and buildings.**

- A. It is the intent of this section to allow nonconforming uses to continue until they are removed but not to encourage their survival.
- B. Lots, structures and uses of land or structures which lawfully existed at the time these regulations were enacted and which would be prohibited or restricted by these regulations may be continued subject to the following conditions:
  - (1) **Enlargement.** No building containing a nonconforming use shall be enlarged or increased by an amount exceeding 1/3 the size of the building. If only a portion of a building contains a nonconforming use, then that square footage may be increased by 1/3, either by using additional area within the structure or by building an addition. The area of the lot shall not be expanded. Any enlargement must conform in all respects to all provisions applicable to the district in which it is located. The Zoning Enforcement Officer may issue permits for enlargements or restorations under this section if these conditions are met.
  - (2) **Unsafe structures.** Any structure or portion thereof declared unsafe by proper authority may be restored to a safe condition.
  - (3) **Restoration.** If a building is destroyed by fire, then it may be rebuilt or restored to house the specific use that existed at the time of the fire, but it shall not be rebuilt for any other nonconforming use. It may be enlarged by the amount permitted in Subsection B(1) above.
  - (4) **Discontinuance.** Whenever a nonconforming use has been discontinued for a period of one year, the use shall not thereafter be reestablished, and all future uses shall be in conformity with these regulations.
  - (5) **Changes.** Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a nonconforming use.

- (6) Moving. Should any structure be moved for any reason, unless the move is caused by public condemnation, it shall thereafter conform to the district regulations in which it is located after it is moved.
  - (7) The Zoning Enforcement Officer may issue permits for enlargements or restorations under this section if all other requirements of the law are met.
- C. No building permit will be issued for any purpose on a lot which was created, by subdivision, after the time these regulations were enacted if such subdivision changed a preexisting conforming lot to a nonconforming lot or a preexisting nonconforming lot to a lot which is in greater violation of the provisions of the law.

**§ 119-40. Lots in more than one district.**

If a lot lies in two or more zoning districts, each portion of the lot shall be governed by the regulations of the district in which it lies. The Board of Appeals shall have the authority to waive this requirement in order for an entire lot to be contained in a single zoning district.

**§ 119-41. Limit on number of buildings per lot.**

For lots used for residential purposes, there shall be only one principal building per lot. A "principal building" means the building used as dwelling quarters and does not include accessory structures.

**§ 119-42. Fences.**

This section shall apply to fences constructed of solid material such that they might obstruct one's vision. That portion of such fence which is constructed forward of the front setback requirement of § 119-30 shall be no higher than 3.5 feet. In any event, a fence shall not block the view of a street from the front of a neighboring residence or create a traffic hazard.

**§ 119-42.1. Off-season storage of recreation vehicles.**

Off-season storage of recreational vehicles shall be behind the front yard setback that is applicable to the zone in which they are located.

**§ 119-42.2. Storage of trailers.**

There shall be no placement on any lot in any district of any trailer, except a trailer which is licensed and accessory to a commercial or industrial use. Construction trailers shall be permitted only on a lot with a valid building permit and shall be removed prior to issuance of a certificate of conformity.

**§ 119-42.3. Petroleum and hazardous materials bulk storage tanks and facilities.**

A special permit shall be required to install and operate facilities for the bulk storage and handling of petroleum products and hazardous materials, including liquefied petroleum gases.

In addition to any building permits and requirements of the Zoning Board of Appeals, after review of the application, the current editions and changes to the following shall apply:

- A. The New York State Uniform Fire Prevention and Building Code.
- B. NFPA No. 30, Flammable and Combustible Liquids Code.
- C. NFPA No. 58, Liquefied Petroleum Gases.
- D. 6 NYCRR, Parts 612, 613 and 614, Petroleum Bulk Storage.
- E. 6 NYCRR, Parts 595, 596, 597, 598 and 599, Chemical Bulk Storage.

**§ 119-42.4. Adult use and entertainment establishments. [Added 12-14-2004 by L.L. No. 3-2004]**

- A. No adult use and entertainment establishment shall be located within 200 feet of any of the following: church, synagogue or other place of worship; school; day-care facility; park; playground; boundary of any residential zoning district; or preexisting residential structure.
- B. The adult use shall be conducted entirely within an enclosed building. No specified anatomical area or specified sexual activity (see definitions) shall be visible at any time from outside the building. This requirement shall also apply to any signs or displays.
- C. No outside displays or advertising other than an approved sign shall be permitted.
- D. The serving of alcoholic beverages shall be prohibited unless specifically permitted by the Zoning Board of Appeals in its review of the special use application.

**§ 119-42.5. Day-care centers. [Added 12-14-2004 by L.L. No. 3-2004]**

- A. Outdoor play areas must be appropriately fenced in or otherwise protected from roads or nearby properties.
- B. No outdoor play equipment may be placed within five feet of any property line, fence or structure.
- C. Minimum parking shall be one space per employee; plus one space per each 10 children or fraction thereof. (Ten children require one space, 11 children require two spaces.)
- D. All state codes and regulations must be complied with.

**§ 119-42.6. Kennels and animal hospitals. [Added 12-14-2004 by L.L. No. 3-2004]**

- A. All buildings, structures or other accessory uses shall be at least 50 feet from any property line.
- B. No animals shall be kept within 50 feet of any neighboring lot line.

- C. No animals shall be kept, either indoors or outdoors, within 500 feet of any neighboring residential structure that was in existence at the time that the kennel became a legally established use.
- D. All animals, except livestock, shall be kept within a totally enclosed building between 9:00 p.m. and 6:00 a.m.

**§ 119-42.7. Condominiums. [Added 12-14-2004 by L.L. No. 3-2004]**

- A. Requirements of this code, including use restrictions and dimensional requirements, shall be determined by the physical form and proposed use of the development, not by the form of ownership.
- B. A multiple-family dwelling which is also a condominium development shall meet the standards for a multiple-family dwelling.
- C. A single-family housing development which is also a condominium development shall meet the lot size and setback requirements for single-family dwellings, and its design and layout shall be approved by the Planning Board in accordance with Chapter 103, Subdivision of Land, of the Code of the Village of Champlain.
- D. A cluster development which is also a condominium development shall comply with the regulations for cluster development as provided herein.
- E. All state regulations pertaining to the creation of a condominium declaration and offering plan, and the formation of a Board of Managers for commonly owned property, shall be complied with.

**§ 119-42.8. Cluster development. [Added 12-14-2004 by L.L. No. 3-2004]**

The use of cluster development, whereby buildings are grouped together on smaller than normal lots and portions of the site are set aside as permanent open space, is permitted subject to the following standards:

- A. Minimum lot size, minimum lot width, and minimum building setbacks as specified in Article VI of this chapter may be reduced, provided that:
  - (1) Three or more dwellings or principal structures are proposed to be placed on a single lot, or a subdivision of three or more lots in single ownership or in ownership by a group of three or more owners acting in concert, is involved.
  - (2) For residential developments, the total number of dwellings permitted on the site does not exceed the number which would otherwise be permitted by application of the required minimum lot size for single-family dwellings to the site. Wetlands shall be excluded in determining the number of dwellings permitted on the site.
  - (3) The number of principal structures proposed to front on existing public streets does not exceed the number which could otherwise front upon such streets in a conventional subdivision layout designed in compliance with minimum lot width requirements.

- (4) All proposed land uses within the cluster development are listed as either permitted uses or as special uses in the land use district where the development is located.
  - (5) Open areas within the site are chosen so as to facilitate one or more of the following objectives: to preserve views, to provide recreation areas, to serve as a buffer between neighboring properties or streets, to preserve wooded areas and hedgerows, and to preserve other areas which add to the quality of the residential environment, or to protect environmentally sensitive features such as providing green space buffers for streams.
  - (6) Provision, whether by deed restriction, covenant, or other legal arrangement, is made to ensure that the undeveloped portion of the parcel remain as permanent open space or recreation area:
    - (a) Designated open space areas may be owned privately by individuals. Adequate provision shall be made by covenant, deed restriction or other legal means to insure that future owners are aware of the development restrictions upon such areas.
    - (b) Open space or recreation areas may be owned in common by individuals within the subdivision. In such case, covenants or other legal arrangements shall specify ownership of the cluster open space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions, and any other specifications deemed necessary by the Board of Appeals.
    - (c) Open space or recreation areas may be deeded to the Village upon approval by the Village Board.
- B. Cluster development review and approval shall be undertaken simultaneously with subdivision plat review and approval. All provisions of New York State Village Law § 7-738 shall apply.
- C. In its approval of site plans for cluster development the Planning Board shall maintain accurate records and maps showing the location of permanent open spaces. No further development upon the designated open spaces shall be permitted.

**§ 119-42.9. Telecommunications towers. [Added 12-14-2004 by L.L. No. 3-2004]**

- A. Application. All applications for a telecommunications tower shall include the following:
- (1) A site plan, signed by a New York State licensed professional engineer, that shall include a description of any lighting on the proposed tower.
  - (2) Justification for:
    - (a) The height of any tower or antennas; or
    - (b) Any land or vegetation clearance; and

- (c) Any lighting.
- (3) A completed full environmental assessment form (EAF).
- (4) A completed visual environmental assessment form (visual EAF addendum), including consideration of nighttime visibility if lighting on the tower is proposed.
- (5) The Planning Board may require a more detailed visual impact assessment, which may include:
  - (a) A "zone of visibility" map showing locations from which the tower may be seen, including nighttime visibility if lighting on the tower is proposed.
  - (b) Pictorial representations of "before" and "after" views from key viewpoints both inside and outside of Village, including but not limited to state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Board shall determine the appropriate key sites at a presubmission conference with the applicant.
  - (c) Assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting properties and streets.

B. Shared use.

- (1) At all times, shared use of existing towers shall be preferred by the Village to the proposed construction of new towers. Additionally, where such shared use is unavailable, location of antennas on preexisting structures shall be considered. An applicant shall be required to submit a detailed report inventorying existing towers within reasonable distance (two to four miles) of the proposed new tower site and outlining opportunities for shared use of existing facilities and use of other preexisting structures as an alternative to new construction.
- (2) An applicant intending to share use of an existing tower or structure shall be required to document, in writing, the intent from an existing tower or structure owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening and other changes, including real property acquisition or lease required to accommodate shared use.
- (3) In the case of proposing construction of new communications towers or structures, the applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use of existing towers or structures. Copies of written requests and responses for shared use inquires shall be provided.
- (4) The applicant shall examine the feasibility of designing a proposed communications tower to accommodate future demand for two additional commercial applications (the tower must be structurally designed to accommodate two additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference) and for



personal communications systems or commercial broadcasting and reception facilities as requested by the Village. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived, provided that the applicant demonstrates that the provision of future shared usage of the facility is not feasible and is an unnecessary burden, based upon:

- (a) The number of FCC licenses foreseeable available for the area;
  - (b) The kind of tower site and structure proposed;
  - (c) The number of existing and potential licenses without tower spaces/sites;
  - (d) Available spaces on existing and approved towers; and
  - (e) Potential significant adverse visual impact by a tower designed for shared use.
- C. Setbacks. Towers and antennas shall comply with all existing setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain on-site substantially all ice-fall or debris from tower failure and/or to preserve privacy of adjoining residential and public property. Setbacks shall apply to all tower parts, including guy wire anchors, and to any accessory facilities.
- D. Minimum distance from residential buildings. No new telecommunications tower, or accessory structure or guy wire thereto, shall be constructed within 500 feet of any existing residential building.
- E. Visibility. Communications towers shall not be artificially lighted or marked except to assure human safety as required by the Federal Aviation Administration (FAA). Communications towers shall be a galvanized finish or painted gray above the surrounding tree line, and painted an appropriate color to harmonize with the surroundings below the treeline unless other standards are required by the FAA. Structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to freestanding structures except where such freestanding structures offer capacity for future shared use. Towers should be designated and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
- F. Height. The maximum height of a new telecommunications tower shall be 100 feet. The Planning Board in its special use review shall have the authority to modify this height requirement without the issuance of a variance, provided that the increased height is justified by the applicant.
- G. Screening. At its discretion, the Planning Board may require the planting of vegetation screening sufficient to provide a continuous hedge 10 feet high within two years of planting in order to effectively screen the tower base and accessory structures from view of surrounding properties.
- H. Security. Communications towers and antenna(s) shall be located, fenced or otherwise secured in a manner which prevents unauthorized access by the general public. Specifically:
- (1) All antenna communications towers, antenna towers, monopoles, and other supporting structures, including guy wires, shall be made inaccessible to children

and constructed or shielded in such a manner that they cannot be climbed or run into by recreational vehicles or bicycles.

- (2) Transmitters and communications control points shall be installed such that they are accessible only to persons authorized by the licensee to operate or service them.
  - (3) Transmitters and communications control points shall be designed and installed such that any adjustments or controls that could cause the transmitter or communications device to deviate from its authorized operating parameters are accessible only to persons authorized by the licensee to make such adjustments.
  - (4) Transmitters and communications control points shall be designed such that in the event an unauthorized person does gain access, that person cannot cause the transmitter or communications device to deviate from its authorized operating parameters in such a way as to cause interference to other authorized communications services.
- I. Signage. Telecommunications towers shall be permitted one sign no larger than two square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from access point to site. No other signage shall be permitted on any antenna(s), antenna(s) supporting structure, monopole, or communications tower structure unless required by federal or state regulation.
- J. Removal upon abandonment. In the event a telecommunications tower and/or accessory facility is no longer used for the purpose specified in the application or the telecommunications tower and/or accessory facility ceases operations for a period of 180 days, the applicant, its successors or assigns, shall dismantle and remove such tower structures and facilities from the site and restore the site to its original condition within 90 days of receipt of written notice from the Village Board. If the owner of the property upon which the telecommunications tower is located wishes to retain any access roadway to the telecommunications tower, the owner may do so with the approval of the Planning Board.

## ARTICLE VIII

### Special Permits

#### § 119-43. Purpose.

The intent of this article is to ensure that certain uses are compatible with surrounding properties and community character, do not harm the health or safety of community residents or the environment and do not place an undue burden upon community facilities and services.

**§ 119-44. Applicability.**

All uses listed in Article V as requiring a special permit shall have a special permit approved by the Zoning Board of Appeals before a zoning permit may be issued by the Zoning Enforcement Officer.

**§ 119-45. Authority of Board of Appeals.**

The Board of Appeals is empowered to approve, approve with modifications or disapprove special permits.

**§ 119-46. Conditional approval.**

In situations where it is impossible to approve an application due to failure to obtain endorsements, certifications or required approvals at the proper time, or other circumstances, the Board of Appeals may conditionally approve the application. Such conditions shall be in writing. Upon completion of the conditions to the satisfaction of the Zoning Enforcement Officer, a zoning permit shall be issued.

**§ 119-47. Review procedure.**

- A. As soon as practical, but no later than 45 calendar days after the receipt of a complete application, the Board of Appeals shall approve, approve with modifications or disapprove the application or hold a public hearing on the application. If a public hearing is held, the Board of Appeals shall render a decision within 45 days after the hearing, the aforementioned forty-five-day periods may be extended by mutual consent of the applicant and the Board of Appeals.
- B. In reviewing special permits, the Board of Appeals shall apply the standards of § 119-52.
- C. The Board of Appeals shall make an environmental assessment and, acting in accordance with the State Environmental Quality Review Act (SEQR), shall either determine that no further action is necessary to fulfill the requirements of said Act, issue a negative declaration or require that the applicant submit an environmental assessment form (EAF) to the Board of Appeals for its review. If an EAF is required, the Board of Appeals shall review the EAF and may require the submission of an environmental impact statement prior to acting on the application.
- D. Board of Appeals decisions shall be in writing and may include conditions as described in § 119-54 herein. Reasons for disapproval shall be stated.
- E. The decisions of the Board of Appeals shall be filed with the Village Clerk and a copy thereof provided to the applicant.

**§ 119-48. Presubmission conference.**

- A. In many situations, it is advisable for the Board of Appeals to hold a presubmission conference with the applicant prior to formal submission of a site plan in order to save time and expense in preparing the application.
- B. If requested by the applicant, a presubmission conference shall be scheduled at the next regular meeting of the Board of Appeals. The Board of Appeals shall review any preliminary site plans for compliance with this chapter and shall indicate to the applicant what information should be included with the complete application.

**§ 119-49. Public hearings.**

- A. The Board of Appeals may, at its discretion, hold a public hearing prior to rendering a decision on an application. In determining whether or not to conduct a public hearing, the Board of Appeals shall consider the size and complexity of the project and the level of public interest or controversy concerning the application.
- B. Any public hearing held pursuant to this Article shall be advertised by a notice of public hearing to be published once in the official newspaper of the village at least five days prior to the date of the hearing.
- C. Any hearing may be recessed by the Board of Appeals in order to obtain additional information or to serve further notice upon other property owners or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.
- D. Conduct of public hearings shall be within the respective discretion of the Board of Appeals and in conformance with any rules and regulations which may be adopted by the Board. Conduct of hearings shall conform to generally accepted standards and principles for the conduct of administrative hearings.

**§ 119-50. Application for special permit.**

All applications for special permits shall consist of the following:

- A. Two copies of a site plan map [one to be retained for village records, the other to be returned to the applicant], to include, as applicable:
  - (1) The title of the 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 and bodies of water.
  - (5) The location of any slopes of 5% or greater.
  - (6) Proposed grading and drainage.

- (7) The location, proposed use and height of all buildings and site improvements, including culverts, drains, retaining walls and fences.
  - (8) The location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the sites.
  - (9) The location of outdoor storage, if any.
  - (10) A description of the method of sewage disposal and location of the facilities.
  - (11) Identification of the water source; if a well, the location.
  - (12) The location, size and design and construction materials of all proposed signs.
  - (13) The location and proposed development of all buffer areas, including existing vegetative cover.
  - (14) The location and design of outdoor lighting facilities.
  - (15) A general landscaping plan.
- B. Accompanying data shall include the following, as applicable:
- (1) The application form and fee.
  - (2) The name and address of the applicant and any professional advisors.
  - (3) The authorization of the owner if the applicant is not the owner of the property in question.
  - (4) An environmental assessment form.
  - (5) Any additional endorsements, certifications or approvals required by the Board of Appeals.
  - (6) Other information as the Board of Appeals may reasonably require to assess the proposed project such as the location of fire lanes and hydrants, provision of pedestrian access or designation of the amount of building area proposed for use for retail sales or other commercial activities.

**§ 119-51. Waivers. [Amended 9-11-1989 by L.L. No. 3-1989]**

The Board of Appeals may waive certain submission requirements in the case of minor projects of an uncomplicated nature, provided that the requirements waived do not prevent a full understanding of the action requested by the Board.

**§ 119-52. Standards for approval.**

In order to approve any special permit, the Board of Appeals must find that:

- A. The use complies with all requirements of this chapter for the zoning district in which it is proposed to be located. [Amended 9-11-1989 by L.L. No. 3-1989]

- B. If approved, the use would be in harmony with the general purpose and intent of this chapter, taking into account the location, character and size of the proposed use, the description and purpose of the district in which such use is proposed, the nature and intensity of the activities involved and the availability of public services and facilities.
- C. The establishment, maintenance or operation of the proposed use would not create public hazards from traffic, traffic congestion or the parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the village.
- D. The following criteria must be addressed and found adequate by the Board of Appeals: **[Amended 10-8-1990 by L.L. No. 1-1990]**
- (1) The arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
  - (2) The arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
  - (3) The location, arrangement, appearance and quantity of off-street parking and loading. All off-street parking and loading and access thereto shall be paved.
  - (4) The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - (5) Stormwater and drainage facilities.
  - (6) Water supply and sewage disposal facilities.
  - (7) The 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 feasible retention of existing vegetation.
  - (8) In the case of an apartment complex or other multiple dwelling, usable open space for play areas and informal recreation.
  - (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
  - (10) Protection of solar access on adjacent or neighboring properties.
  - (11) Fire lanes and other emergency zones and the provision of fire hydrants.
  - (12) Special problems of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

**§ 119-53. Consultation with other agencies.**

The Board of Appeals may consult with the Village Building Inspector, Fire Commissioners, Highway Department, County Planning Department and other local county officials, 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.

**§ 119-54. Additional conditions.**

In approving a site plan, the Board of Appeals may impose, in addition to those standards and requirements stated elsewhere in this chapter, any other conditions it considers necessary to protect the health, safety and general welfare of the community. Examples include:

- A. Requiring landscaping, planting or screening.
- B. Increasing dimensional or lot size requirements.
- C. Specifying the location and design of vehicle entrances and exits or off-street parking spaces.
- D. Requiring the construction of service roads which would provide shared access to an existing highway from several adjacent land uses.
- E. In the case of certain businesses, limiting the hours of operation to prevent noise pollution or traffic hazards.

ARTICLE IX

**Administration and Enforcement**

**§ 119-55. Zoning Enforcement Officer.**

- A. The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Enforcement Officer. He shall be appointed by the Village Board and shall receive compensation as the Village Board shall determine.
- B. Duties and procedures of the Zoning Enforcement Officer shall be to:
  - (1) Administer the Zoning Law.
    - (a) The Zoning Enforcement Officer shall review all applications for zoning permits, and, if the minimum requirements of this chapter are met, he shall issue a permit. [Amended 9-11-1989 by L.L. No. 3-1989]
    - (b) If the applicant's plans do not meet the zoning requirements, he must deny the permit. The Zoning Enforcement Officer may not use descretionary judgement. He must enforce the letter of the law.
  - (2) Make referrals to the Zoning Board of Appeals.
    - (a) If a zoning permit is denied by the Enforcement Officer, the applicant may have the application referred to the Zoning Board of Appeals for an appeal or a variance.
    - (b) Any application for a special permit shall be forwarded by the Zoning Enforcement Officer to the Secretary of the Zoning Board of Appeals, together with all supporting information.

- C. Cite zoning violations. For any plans, constructions, building or use of premises found in violation of this chapter, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy the conditions. He shall have the authority to secure a stop order to constrain the continuance of the violation.
- D. Report to Village Board. A monthly report to the Village Board describing and enumerating actions taken and permits issued shall be given.
- E. Maintain public record. The Zoning Enforcement Officer shall file all permits and actions with the Village Clerk.

#### **§ 119-56. Board of Appeals.**

- A. Appointment. Pursuant to § 7-712 of the Village Law, there shall be a Board of Appeals consisting of five members holding staggered, five-year terms appointed by the Village Board. The Village Board shall appoint the Board of Appeals Chairman and a Deputy Chairman.
- B. Officers, rules and expenses.
  - (1) The Board of Appeals may adopt rules or bylaws for its operation.
  - (2) The Village Board shall provide an appropriation to the Board of Appeals to cover necessary expenses, including the means for the Board of Appeals to maintain a written record of its meetings and public hearings.
  - (3) All decisions shall be by a majority vote of the membership [three] except in those cases of a County Planning Board disapproval referral recommendation. In such cases, a majority plus one vote [four] shall be required for any decision.
- C. Duties.
  - (1) Appeals. Upon appeal from a decision by the Enforcement Officer, the Board of Appeals shall decide any question involving the interpretation of any provision of this chapter.
  - (2) Requests for variances. Upon denial of a zoning permit by the Enforcement Officer, the Board of Appeals shall hear requests for variances.
  - (3) Special permit. The Board of Appeals is empowered to review and approve, approve with modifications or disapprove special permit applications.
  - (4) Zoning amendments. Before acting on any proposed amendment to this chapter, the Village Board shall receive a written recommendation from the Zoning Board of Appeals.
- D. Meetings.
  - (1) The Board of Appeals shall hold meetings at the call of the Chairperson or at the request of three or more members.
  - (2) The presence of three members shall constitute a quorum for the conduct of business before the Board.



- (3) A concurring vote of three members of the Board shall be necessary to act on the application for any variance or to decide upon any other matter brought before the Board, unless otherwise stipulated in this chapter.
- (4) All votes of the Board of Appeals shall be taken by roll call.
- (5) In accordance with § 809 of the General Municipal Law, a member of the Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.
- (6) The Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the Village Attorney, planning consultant or other experts.
- (7) The Board of Appeals may require the Village Clerk or Zoning Enforcement Officer to attend its meetings to present any facts relating to any matter before the Board.
- (8) All meetings of the Board of Appeals shall be open to the public.
- (9) The Board of Appeals shall keep minutes of all its meetings. The Village Board shall provide a Secretary for the Board of Appeals.
- (10) The Board of Appeals shall make factual record of all its proceedings, including the reading of the case, public hearing, deliberation, voting and decisions of the Board. These factual records shall be accurate but not necessarily a verbatim transcript and may be in narrative form. The factual record shall be taken by the Secretary to the Board.

#### § 119-57. Variances.

- A. Policy. The granting of area variances shall be principally for those seeking a modification of lot size, frontage or yard requirements. Applications for a use variance, which would allow a use not permitted in a district, should be carefully reviewed and granted only if the provisions of Subsection C are met. **[Amended 10-8-1990 by L.L. No. 1-1990]**
- B. Requirements for area variances. **[Amended 12-14-2004 by L.L. No. 3-2004]**
  - (1) Area variances may be granted where the dimensional or physical requirements of this chapter cannot be reasonably met, including but not limited to minimum lot size, minimum lot width, minimum road frontage, minimum side and rear yards, minimum green space buffer, maximum lot coverage by buildings, maximum height of buildings, size or height of signs, and screening requirements.
  - (2) In making its determination the ZBA 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. In making such determination the Board shall consider:

- (a) Whether an undesirable change in the character of the neighborhood will be produced 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 impact on the physical or environmental conditions in the neighborhood.
  - (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (3) Any area variance granted shall be the minimum necessary for the applicant to make reasonable use of the property.

C. Requirements for use variances. [Amended 12-14-2004 by L.L. No. 3-2004]

- (1) A use variance may be granted to allow land to be used for a purpose which is otherwise not permitted by this chapter.
- (2) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals all of the following:
  - (a) For each and every permitted use or special permitted use within the zone where the property is located the applicant cannot realize a reasonable return, provided that lack of return is substantial and is established by competent financial evidence.
  - (b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
  - (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood.
  - (d) That the alleged hardship has not been self-created.
- (3) Any use variance granted shall be the minimum necessary to address the unnecessary hardship proven by the applicant.

D. Approval of variances with conditions. In the granting of variances the Board of Appeals shall have the authority to impose such reasonable conditions as are related to the use of the property and/or the period of time the variance shall be in effect. Such conditions shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. [Added 12-14-2004 by L.L. No. 3-2004']

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7. Editor's Note: This local law also repealed former Subsection D, Procedures for granting a variance, and Subsection E, Public hearing, as amended.

**§ 119-57.1. Appeals of decision by Zoning Enforcement Officer (ZEO). [Added 12-14-2004 by L.L. No. 3-2004]**

- A. Any appeal from a decision of the ZEO shall be made within 60 days after the ZEO files said decision.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Appeals that, by reason in the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings may not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record.

**§ 119-57.2. Review and approval procedure. [Added 12-14-2004 by L.L. No. 3-2004]**

Upon receipt of a complete application the ZBA shall:

- A. Schedule a public hearing within 62 days and provide notice of such hearing by publication in a newspaper of general circulation in the Village at least five days prior to the date thereof.
- B. Refer the application to the Clinton County Planning Board, if required, at least five days prior to the hearing.
- C. The Board of Appeals shall conduct a public hearing on the matter.
- D. Within 62 days of the final public hearing, the ZBA shall render a decision. Said time period may be extended by mutual consent of the applicant and the Board.
- E. All decisions shall be in writing and shall be filed with the Village Clerk within five business days of the decision, and a copy thereof shall be provided to the applicant.

**§ 119-58. Referral to County Planning Board. [Amended 12-14-2004 by L.L. No. 3-2004]**

- A. Prior to taking final action, the Board shall refer all applications that fall within those areas specified under General Municipal Law, Article 12-B, § 239-m, to the County Planning Board for its recommendation. Such areas include any land within 500 feet of:
  - (1) A state or county highway.
  - (2) State or county land where a public building or institution is located.
  - (3) A state- or county-owned park or recreation area.
  - (4) The Village boundary.
- B. If the County Planning Board does not respond within 30 days from the time it receives a complete application, the Planning Board or Zoning Board of Appeals may act without such report. In the event that the county disapproves the application or approves it subject to modification, the local Board may override the county's opinion only by a vote of majority plus one of its members and with adoption of a resolution fully stating the reasons for its contrary action. The Village must report to the County

Planning Board on its final action within seven days of that event, and the resolution must be submitted with final report of action. For further information refer to the Clinton County General Municipal Law Manual.

**§ 119-59. Amendments.**

The Village Board may change, supplement or repeal any provision of this chapter in accordance with procedures specified in the Village Law pertaining to the amendment of local laws. In addition, before acting upon any proposed amendment, the Village Board shall receive a written recommendation from the Board of Appeals.

**§ 119-60. Appeals on decisions of Board of Appeals.**

Any person aggrieved by any decision of the Board of Appeals may apply to the State Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

**§ 119-61. Severability. [Added 9-11-1989 by L.L. No. 3-1989]**

Should any section of or provisions of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE X

**Site Plan Review**

**[Added 10-8-1990 by L.L. No. 1-1990]**

**§ 119-62. Approval required.**

Prior to the issuance of a building permit, the codes enforcement officer shall require site plan approval by the Planning Board pursuant to this article. The codes enforcement officer shall notify an applicant for a building permit where site plan approval is required of the provisions of this article.

**§ 119-63. Applicability of requirements.**

- A. All land use activities within the Village shall require site plan approval before being undertaken, except the following:
- (1) Construction of one- or two-family dwellings and ordinary accessory structures, and related land use activities.
  - (2) Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this article.

- (3) Ordinary repair or maintenance or interior alterations to existing structures or uses.
  - (4) Exterior alteration(s) or addition(s) constructed within a twelve-month consecutive period to existing structures or buildings, which existing structure(s) or building(s) would ordinarily be regulated by this section of this article, provided that said alteration(s) or addition(s) would not increase the square footage of the existing structure by more than 25%; and having a square footage of less than 1,000 square feet.
- B. Any person uncertain of the applicability of this article to a given land use activity may apply, in writing, to the Planning Board for a written jurisdictional determination.

#### **§ 119-64. Existing uses.**

This Article does not apply to uses and structures which are lawfully in existence as of the date this Article becomes effective. Any use which would otherwise be subject to this Article that has been discontinued for a period of one year or more shall be subject to review pursuant to the terms of this Article before such use is resumed. Any use or structure shall be considered to be in existence, provided that the same has been substantially commenced as of the effective date of this Article and fully constructed and completed within one year from the effective date of this Article.

#### **§ 119-65. Effect on and conflict with other regulations.**

This Article in no way affects the provisions or requirements of any other federal, state or local law or regulations. Where this Article is in conflict with any other such law or regulation, the more restrictive shall apply.

#### **§ 119-66. Sketch plan.**

A sketch plan conference (SPC) may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of his proposal prior to the submittal of a detailed site plan; said detailed site plan shall be drawn to scale with metes and bound information and shall be prepared by a licensed land surveyor or professional engineer; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information required on the site plan. In order to accomplish these objectives, the applicant should provide the following information to the village prior to the SPC:

- A. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.

- B. An area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 200 feet of the boundaries of the parcel.
- C. A topographic or contour map of adequate scale and detail to show site topography.

**§ 119-67. Detailed site plan; application.**

An application for detailed site plan approval shall be made, in writing, to the Chairman of the Planning Board and shall be accompanied by a detailed site plan prepared by a licensed land surveyor or professional engineer. Said detailed site plan shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.

- A. The detailed site plan checklist shall include the following:
  - (1) The title of the drawing, including the name and address of the applicant and the person responsible for the preparation of such drawing.
  - (2) A North arrow, scale and date.
  - (3) The boundaries of the property, buildings (new or existing) and all other plotted features, to scale.
  - (4) Existing watercourses.
  - (5) A grading and drainage plan, showing the existing and proposed contours, United States Geological Survey grid system.
  - (6) The location, design, type of construction, proposed use and exterior dimensions of all buildings, with the distance between all buildings properly dimensioned.
  - (7) The location, design and type of construction of all parking and truck loading areas, showing access and egress.
  - (8) Provision for pedestrian access.
  - (9) The location of outdoor storage, including refuse containers, if any.
  - (10) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
  - (11) A description of the method of sewage disposal and the location, design and construction materials of such facilities.
  - (12) A description of the method of securing public water and the location, design and construction materials of such facilities.
  - (13) The location of fire and other emergency zones, including the location of fire hydrants.
  - (14) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.

- (15) The location, size and design and type of construction of all proposed signs.
  - (16) The location and proposed development of all buffer areas, including existing vegetative cover.
  - (17) The location and design of outdoor lighting facilities.
  - (18) Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
  - (19) The general landscaping plan and planting schedule.
  - (20) An estimated project construction cost and project schedule.
  - (21) Record of application for and approval status of all necessary permits from state and county officials.
  - (22) Identification of any state or county permits required for the project's execution.
  - (23) Other elements integral to the proposed development as considered necessary by the Planning Board.
- B. A detailed site plan shall be submitted to the Secretary of the Planning Board a minimum of 14 consecutive days before the scheduled Planning Board meeting at which the detailed site plan is to be reviewed.

**§ 119-68. Review of detailed site plan.**

The Planning Board's review of the detailed site plan shall include, as appropriate, but is not limited to the following general considerations:

- A. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- B. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- C. The location, arrangement, appearance and sufficiency of off-street parking and loading.
- D. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, controls of intersections with vehicular traffic and overall pedestrian convenience.
- E. The adequacy of stormwater and drainage facilities.
- F. The adequacy of water supply and sewage disposal facilities.
- G. The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's adjoining lands, including the maximum retention of existing vegetation.
- H. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

- I. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

**§ 119-69. Planning Board action. [Amended 12-14-2004 by L.L. No. 3-2004]**

- A. Upon receipt of a complete application the ZBA shall:
- (1) Determine whether or not to hold a public hearing on the matter.
  - (2) Refer the application to the Clinton County Planning Board, if required, at least five days prior to the hearing.
  - (3) In the event a public hearing is required, the hearing shall be scheduled within 62 days, and notice of such hearing shall be published in a newspaper of general circulation in the Village at least five days prior to the date thereof.
  - (4) The Planning Board shall render a decision within 62 days of the public hearing or, in the event of no public hearing, shall render its decision within 62 days of the receipt of a complete application. Said time periods may be extended by mutual consent of the applicant and the Board.
  - (5) All decisions shall be in writing and shall be filed with the Village Clerk within five business days of the decision, and a copy thereof shall be provided to the applicant.
- B. 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 final site plan and shall forward a copy to the applicant and Code Enforcement Officer and file the same with the Village Clerk.
- C. 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. Such disapproval shall be filed with the Village Clerk.

**§ 119-70. Costs.**

Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant.

**§ 119-71. Performance guaranty.**

No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guaranty has been posted for improvements not yet completed. The sufficiency of such performance guaranty shall be determined by the Village Board after consultations with the Planning Board, codes enforcement officer, Village Attorney and other appropriate parties.



**§ 119-72. Inspection of improvements.**

The codes enforcement officer shall be responsible for the overall inspection of the approved detailed site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate. In order to assist the codes enforcement officer, the applicant shall cause an as-built plan to show to scale all proposed site plan improvement(s) as they were built, as compared to the way they were submitted and approved on the detailed site plan. All costs associated with the preparation and submittal of the as-built plan shall be the responsibility of the applicant.

**§ 119-73. Integration of procedures.**

Whenever the particular circumstances of proposed development require compliance with either the special use procedure in this article or other requirements of the Village, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this article with the procedural and submission requirements for such other compliance.



# ZONING

## 119 Attachment 1

### Village of Champlain Schedule of Permitted Uses

[Note: This table is provided for convenience purposes only.  
The text of the chapter shall be controlling.]

[Amended 9-11-1989 by L.L. No. 3-1989; 10-8-1990 by L.L. No. 1-1990; 12-14-2004 by L.L. No. 3-2004]

Use	District									
	R1	R1-M	R2	R3	CC	COM	IC	I	PIP	
Single- and two-family dwellings	X	X	X	X	X					
Multifamily dwellings		SP	SP	SP	SP					
Individual mobile homes			X	X						
Mobile home parks				SP						
Single- and two-family dwellings within the same structure as another use	X	X	X	X	X					
Adult-care facility	SP	SP	SP	SP	SP					
Nursing home	SP	SP	SP	SP	SP					
Cluster development	SP	SP	SP	SP	SP					
Day-care center	SP	SP	SP	SP	SP					
Accessory uses	X	X	X	X	X					
Home occupations	SP	SP	SP	SP	SP					
Shopping centers						SP				
Telecommunications towers							SP			
Adult use or entertainment establishment								SP		
Kennels; animal hospitals								SP		
Other commercial uses (not listed elsewhere in this table)					SP(1)					
Public and semi-public buildings and grounds	SP	SP	SP	SP	SP					
Clubs	SP	SP	SP	SP	SP					
Essential services										
Industrial										
Warehousing and distribution										
Trucking										
Installation or operation of petroleum and hazardous materials bulk storage tanks and facilities					SP(2)					
Waste disposal										
Junkyard										
Vehicular racetrack										
Slaughterhouse										

**Key:**

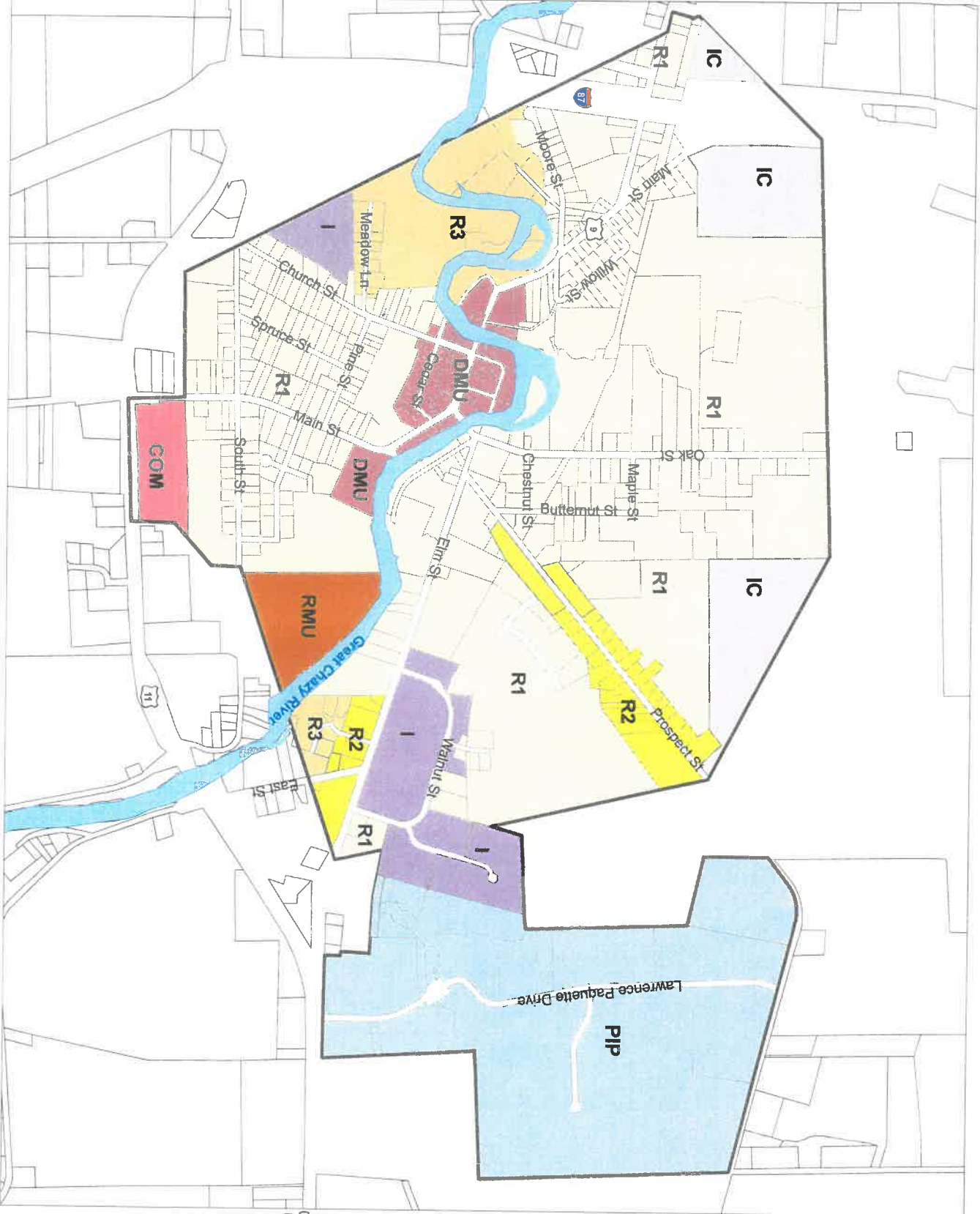
- X = Permitted (after meeting all standards specified in the Zoning Law)
- SP = Permitted only after issuance of a special permit by the Board of Appeals
- Blank = Not permitted

**Notes:**

- (1) Commercial uses are allowed on the condition that they don't generate substantial amounts of truck traffic or truck parking.
- (2) Permitted within preexisting structures only. No new buildings allowed.
- (3) All animals are to be kept indoors during all hours of the day.
- (4) Provided that such use meets the conditions set forth in § 119-27C.



# Zoning Map of the Village of Champlain 2017



- Residential 1 (R1)
- Residential 2 (R2)
- Residential 3 (R3)
- Residential Multi-Family (RMU)
- Commercial (COM)
- Downtown Mixed Use (DMU)
- Industrial Commercial (IC)
- Industrial (I)
- Planned Industrial Park (PIP)
- Village Boundary
- Parcel Boundary
- Waterbodies



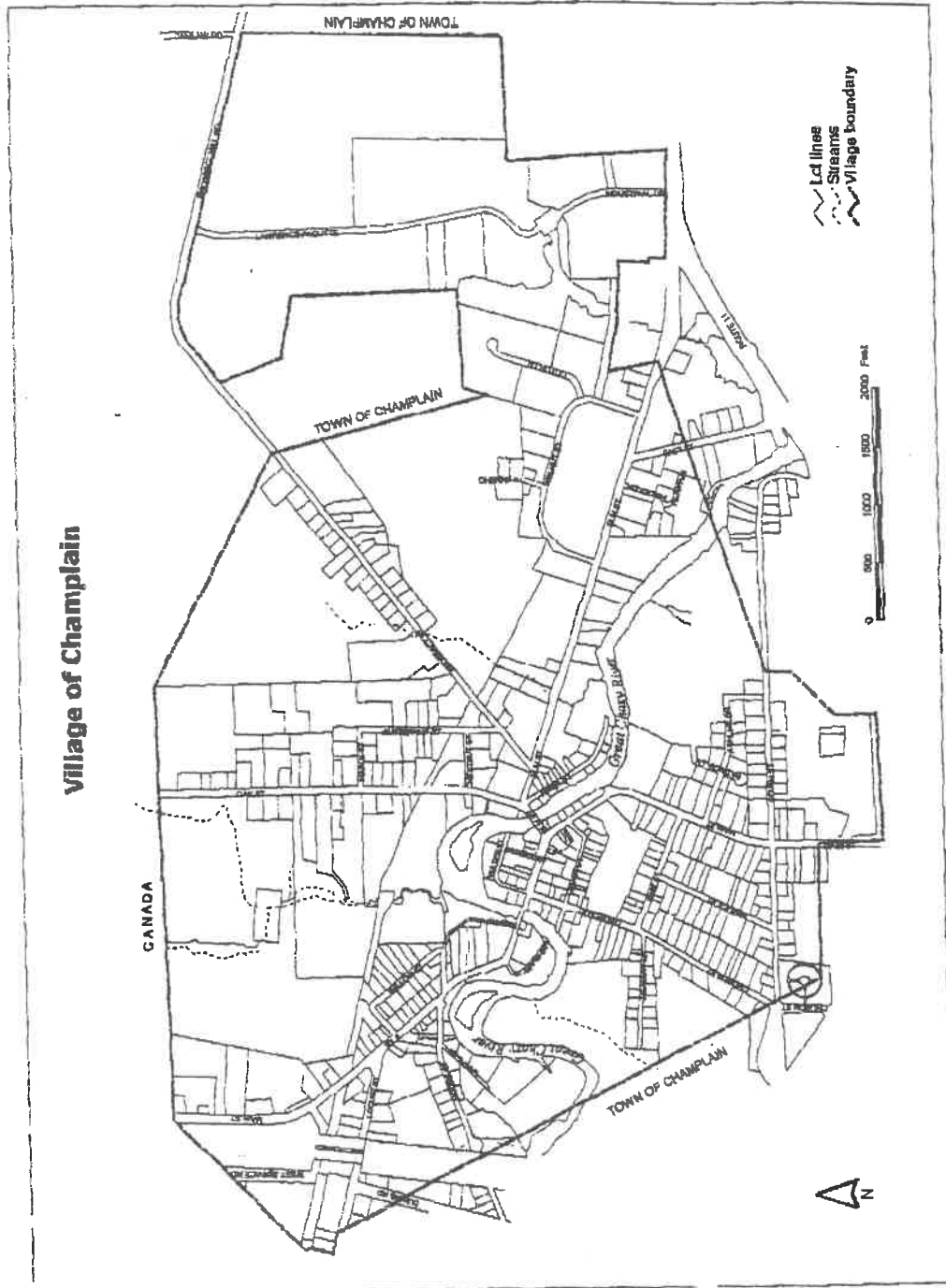
Source: Clinton County  
2015 Real Property



# ZONING

119 Attachment 2

## Village of Champlain



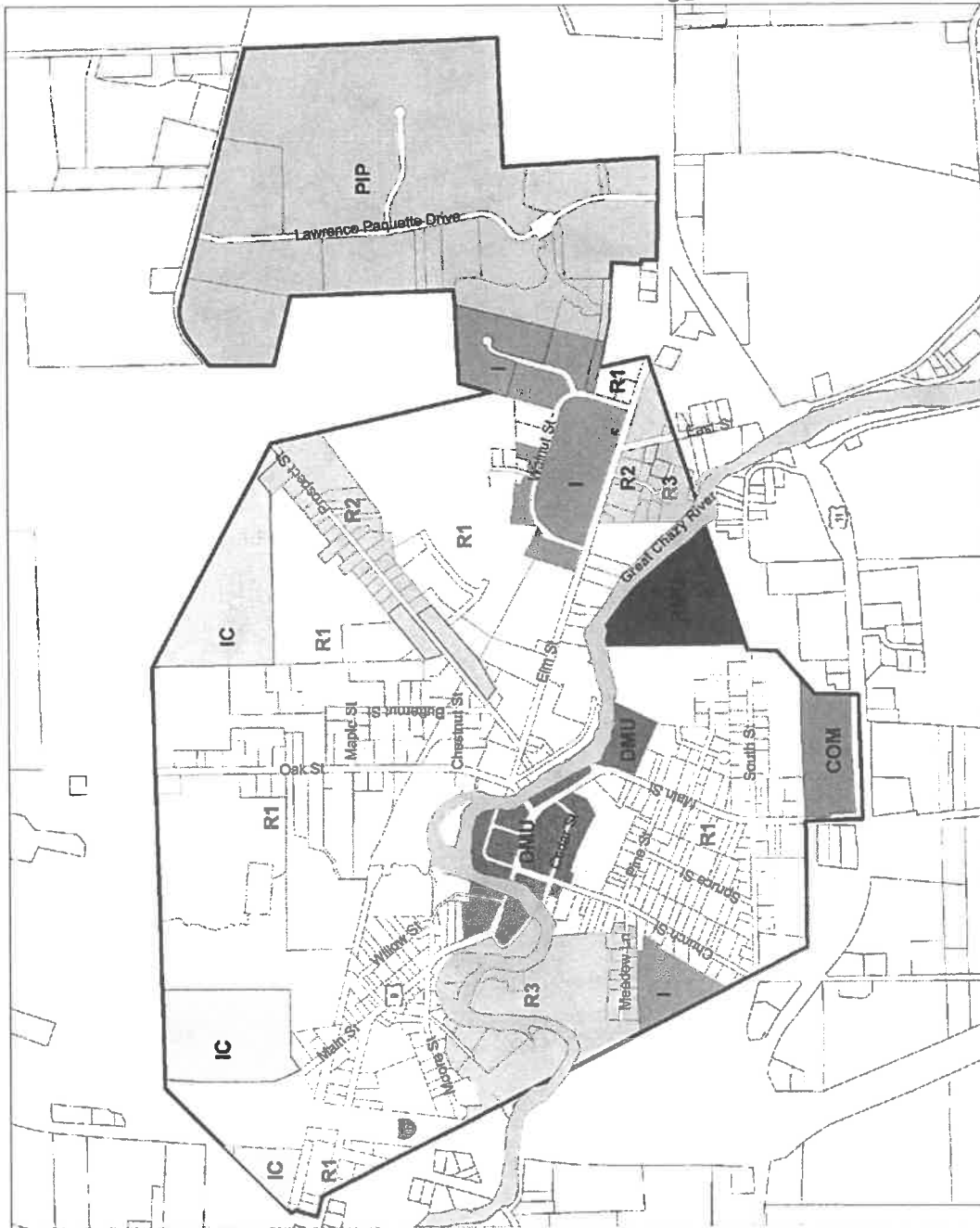
# CHAMPLAIN CODE

## Zoning Map of the Village of Champlain 2017

- Residential 1 (R1)
- Residential 2 (R2)
- Residential 3 (R3)
- Residential Multi Family (RMU)
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- Industrial Commercial (IC)
- Industrial (I)
- Planned Industrial Park (PIP)
- Village Boundary
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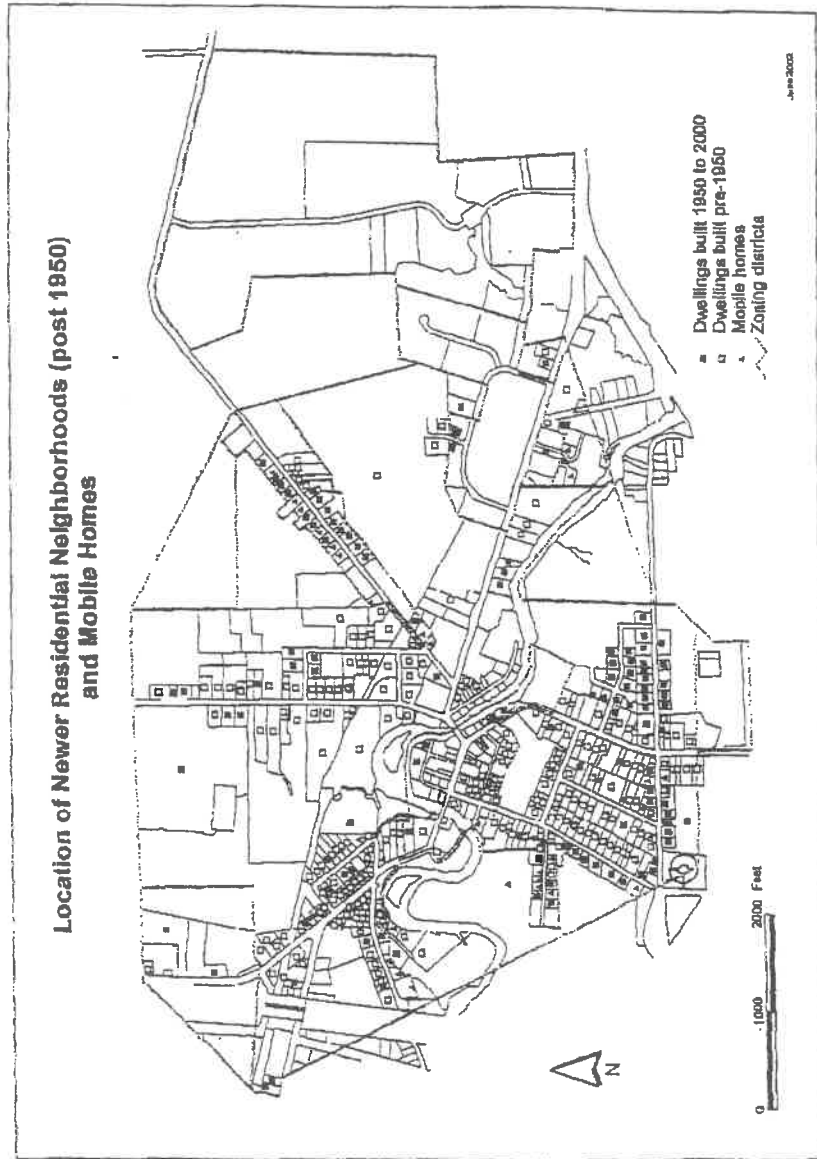


Source: Clinton County  
2015 Real Property

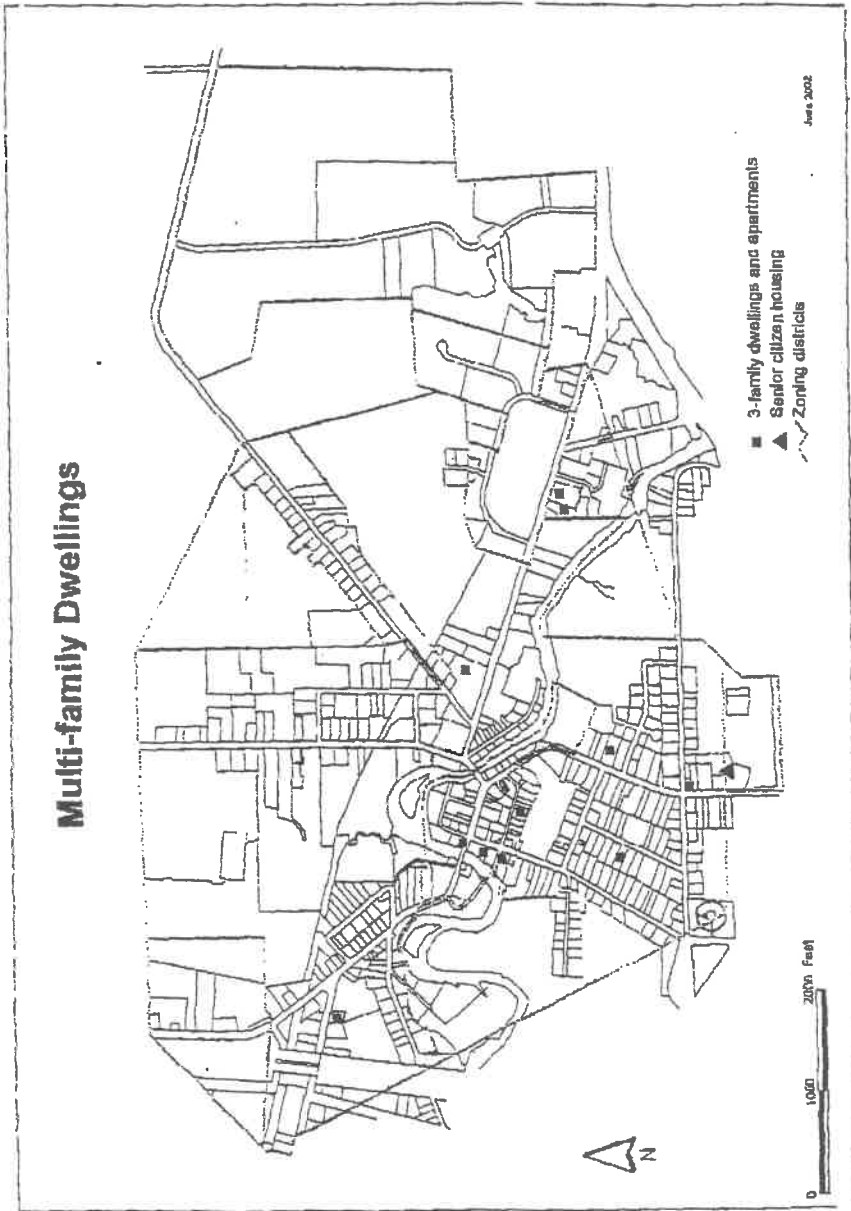




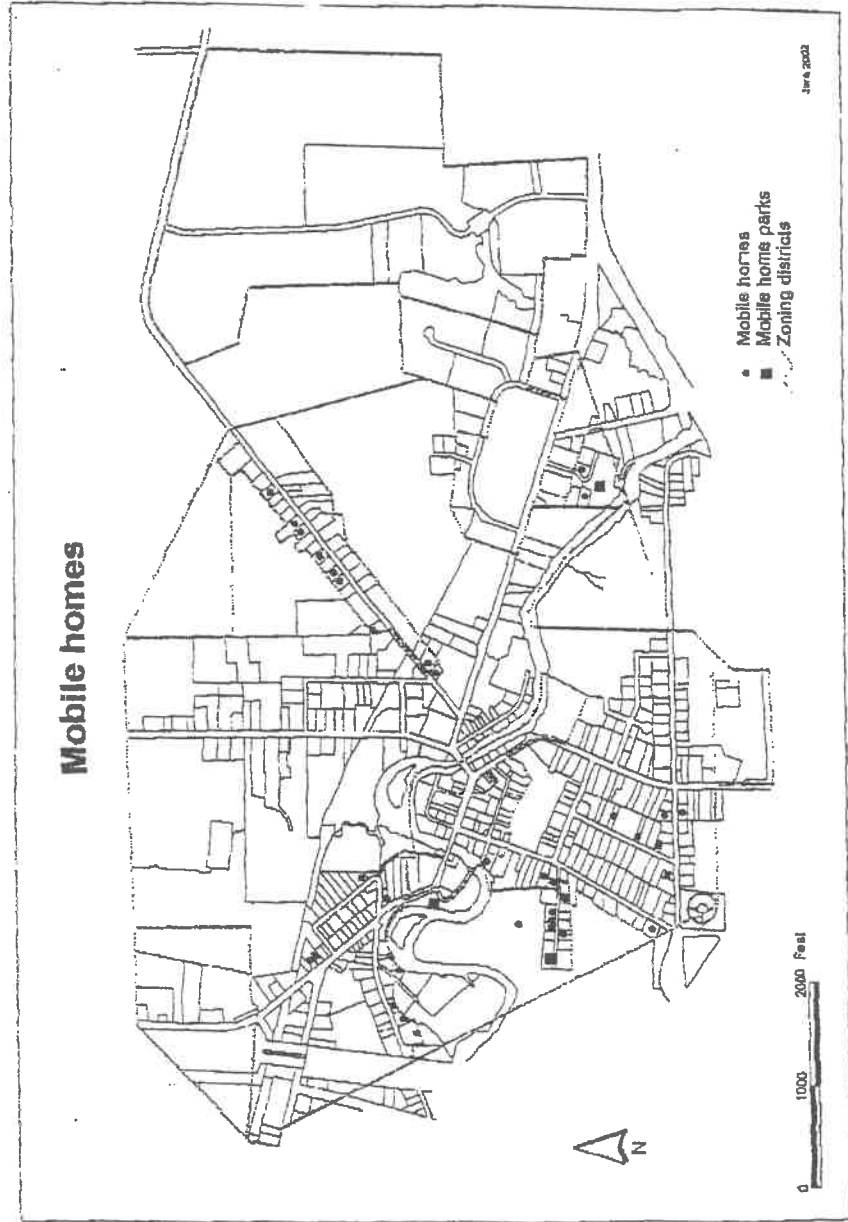
# ZONING



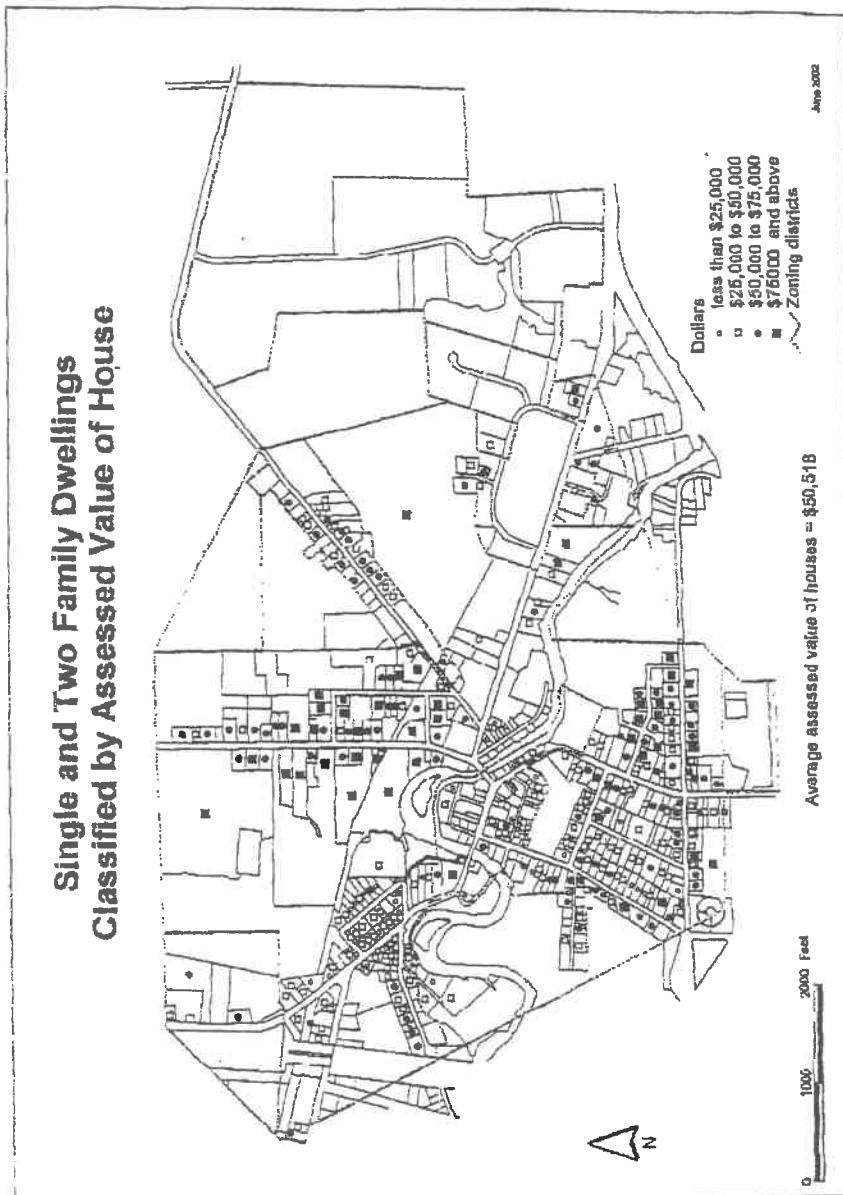
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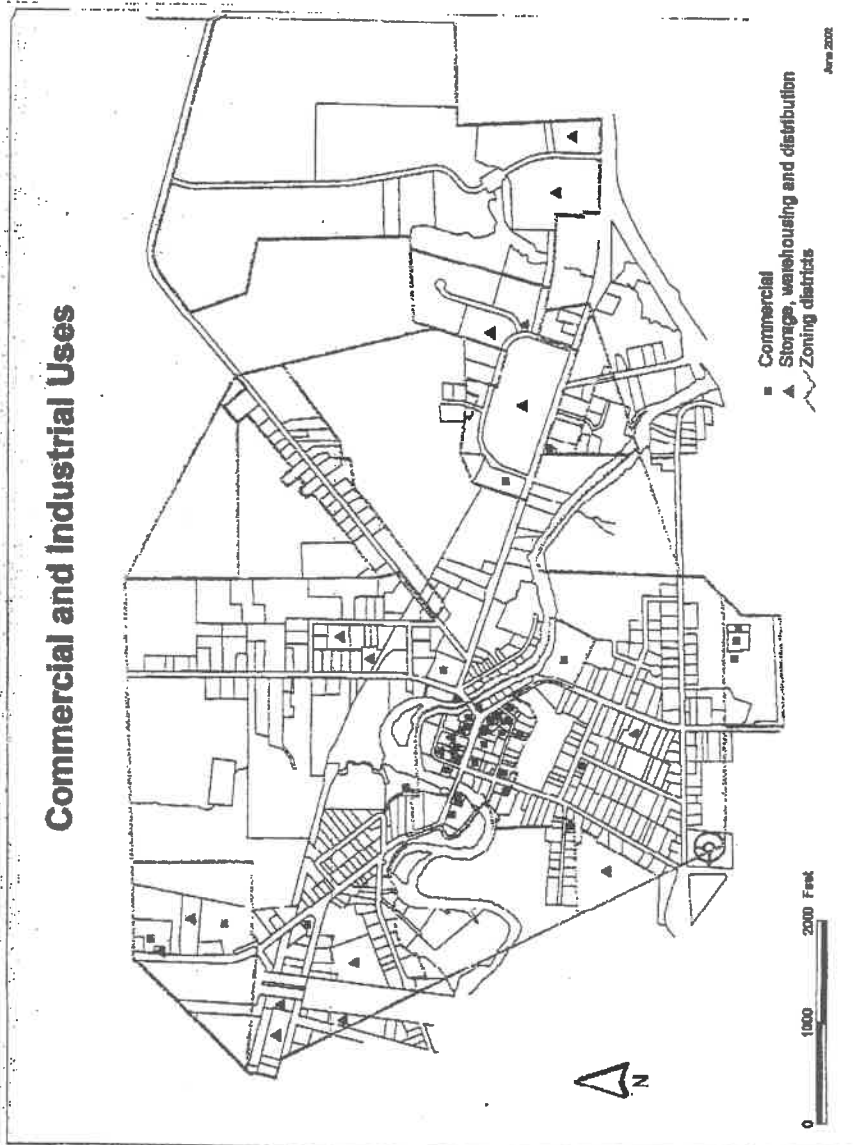
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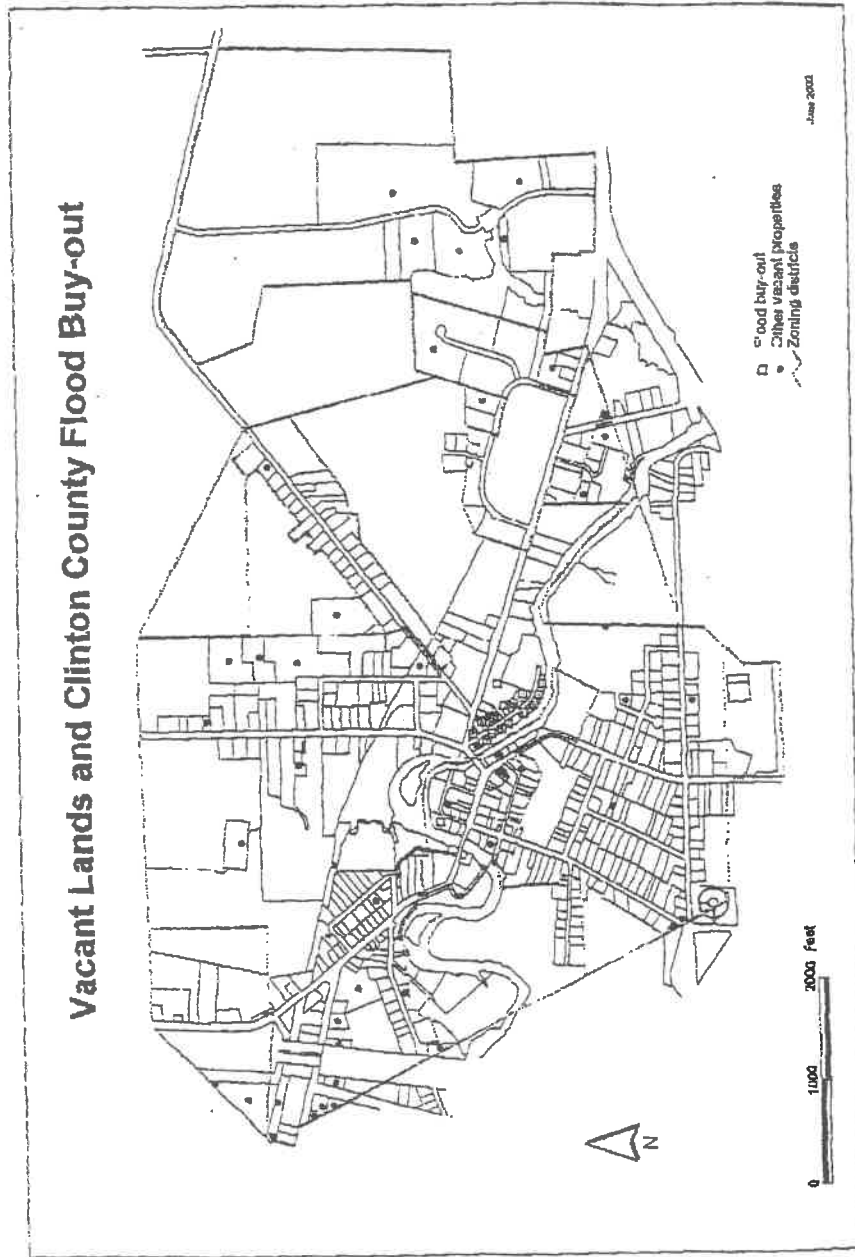
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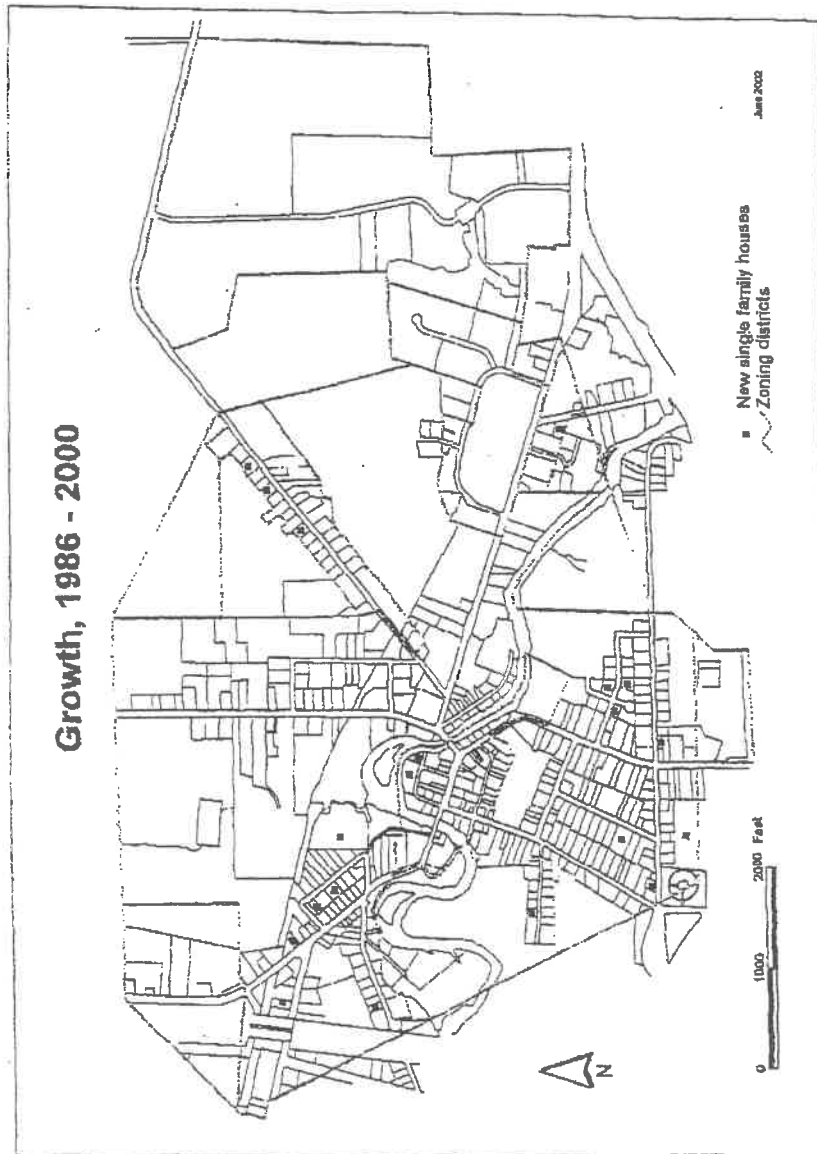
# ZONING



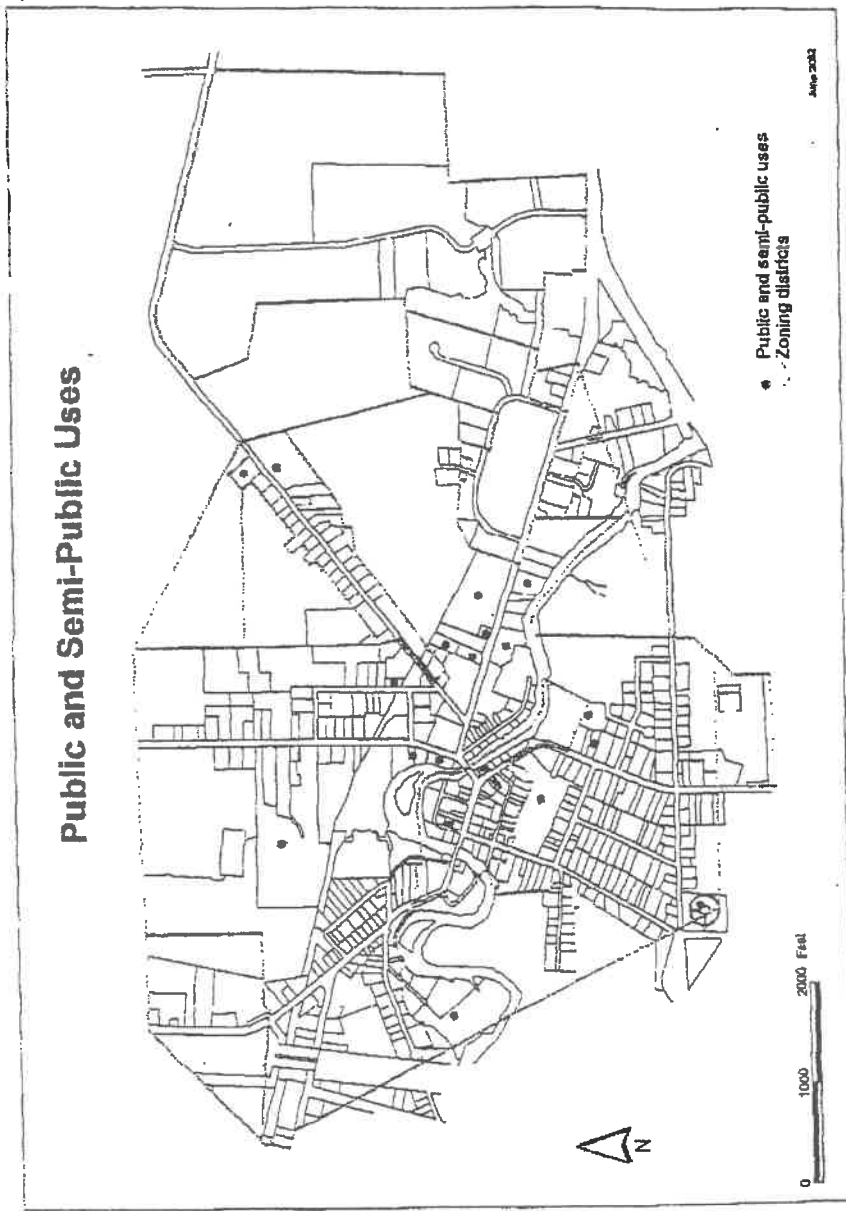
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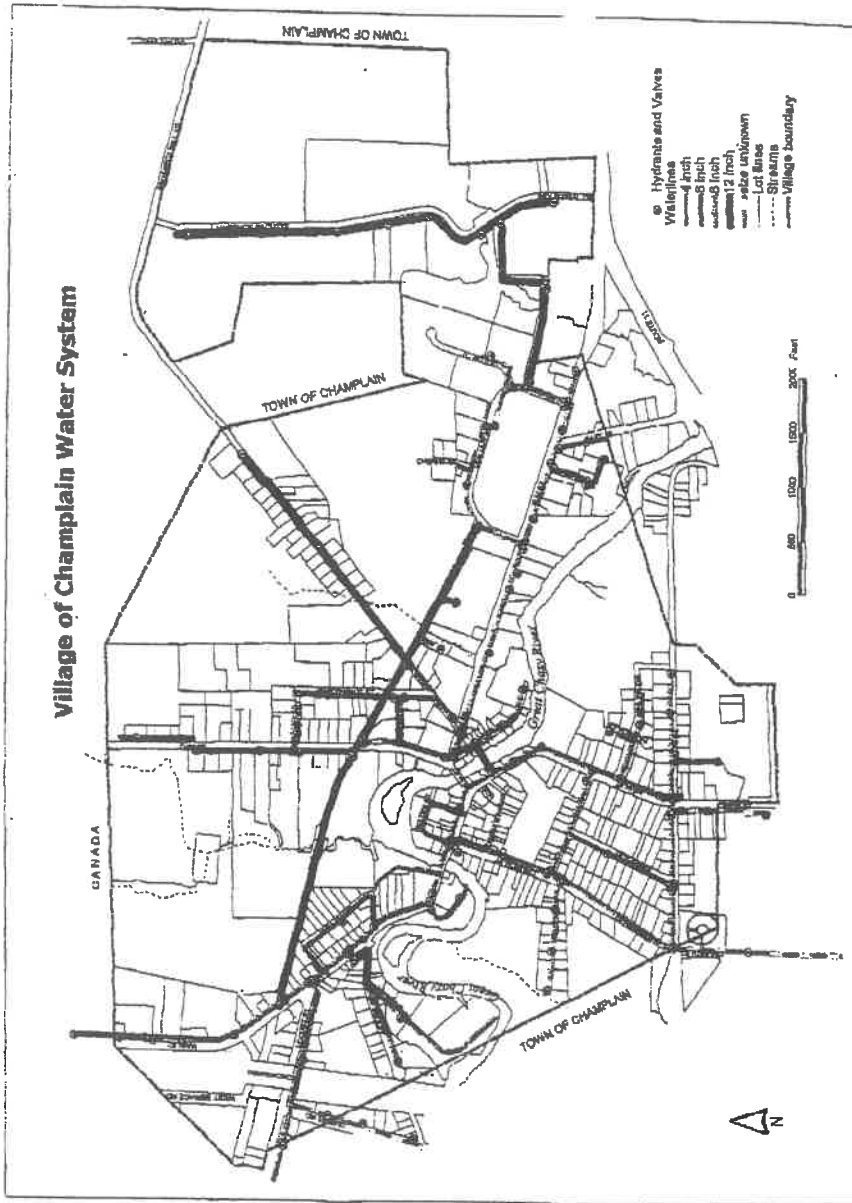


CHAMPLAIN CODE





ZONING





# APPENDIX



**Chapter A124**  
**ANNEXATIONS**

**ARTICLE I**  
**1974 Annexation**

- § A124-1. Description of land annexed.
- § A124-2. Copies on file.
- § A124-3. Survey; marking boundary; maps.

**ARTICLE II**  
**1989 Annexation**

- § A124-4. Description of land annexed.
- § A124-5. Legislative authority.
- § A124-6. When effective.

**ARTICLE III**  
**1994 Annexation**

- § A124-7. Description of land annexed.
- § A124-8. Copies on file.

- § A124-9. Survey; marking boundary; maps.

**ARTICLE IV**  
**1996 Annexation**

- § A124-10. Description of land annexed.
- § A124-11. Copies on file.
- § A124-12. Survey; marking boundary; maps.

**ARTICLE V**  
**1997 Annexation**

- § A124-13. Description of two parcels of land annexed.
- § A124-14. Copies on file.
- § A124-15. Survey; marking boundary; maps.

**[HISTORY: Adopted by the Board of Trustees of the Village of Champlain as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Monuments — See Ch. 78.**

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**ARTICLE I**  
**1974 Annexation**  
**[Adopted 5-13-1974 by L.L. No. 1-1974]**

**§ A124-1. Description of land annexed.**

The territory described in Schedule A attached hereto<sup>1</sup> is hereby annexed to the Village of Champlain.

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1. Editor's Note: Schedule A is on file in the Village Clerk's office.

**§ A124-2. Copies on file.**

Copies hereof are to be duly recorded in the office of the Secretary of State and the Comptroller within five days of enactment.

**§ A124-3. Survey; marking boundary; maps.**

Within a reasonable time after the enactment thereof:

- A. A survey shall be made of the annexed territory.
- B. The boundaries of the same shall be marked with monuments.
- C. A map shall be made of the Village of Champlain, including the annexed territory.
- D. In cooperation with the Town of Champlain, a partial map shall be made of the Town of Champlain, showing the territory excluded from said town by the annexation. Copies of said map shall be filed in accordance with § 717 of the General Municipal Law.

**ARTICLE II****1989 Annexation**

[Adopted 11-13-1989 by L.L. No. 7-1989]

**§ A124-4. Description of land annexed.**

The Village of Champlain, Town of Champlain, Clinton County, New York, shall contain, on and after the effective date of this section, in addition to the territory presently contained within its boundaries, the following described property:

All that certain piece or parcel of land, together with any improvements thereon, situate in the Village and Town of Champlain, County of Clinton and State of New York, more particularly described as follows:

Beginning at an iron pipe found in the northerly bounds of Walnut Street, which point is also the southeast corner of lands of Lockwood L. Clark (Vol. 505, Page 392); thence N 37°-16'-00" E, along the easterly bounds of said Clark and along the easterly bounds of Peter M. & Helen M. Racine and Allen J. & Susan M. Racine (Vol. 601, Page 949), 884.26 feet to an iron pin set; thence S 71°-07'-05" E, along the southerly bounds of said Racine and partially along a wire fence, 712.50 feet to an iron pin set; thence S 36°-23'-52" W, 1308.38 feet to an iron pin set in the northerly bounds of Richard H. Deso (Vol. 525, Page 233), which point is also in the former northerly bounds of the Rutland Railroad Company; thence N 58°-29'-47" W, along the northerly bounds of said Deso, 463.63 feet to an iron pin set in the easterly bounds of Walnut Street; thence N 34°-36'-55" E, along the easterly bounds of Walnut Street, 25.74 feet to the beginning of a curve concave to the southwest, said curve having a radius of 230.78 feet; thence northerly along said curve, passing through an angle of 88°-05'-05", 354.79 feet to the point or place of beginning and containing 18.30 acres.

Excepting any portion of the above parcel now located within the corporate limits of the Village of Champlain.

**§ A124-5. Legislative authority.**

The territory described in § A124-4 of this local law is hereby annexed to the Village of Champlain pursuant to provisions of § 714 of the General Municipal Law.

**§ A124-6. When effective.**

Annexation of the territory described in § A124-4 of this local law shall become effective immediately upon filing of this local law with the Secretary of State.

## ARTICLE III

**1994 Annexation**

[Adopted 11-28-1994 by L.L. No. 7-1994]

**§ A124-7. Description of land annexed.**

The territory described in Schedule A attached hereto<sup>2</sup> is hereby annexed to the Village of Champlain.

**§ A124-8. Copies on file.**

Copies hereof are to be duly recorded in the office of the Secretary of State and the Comptroller within five days of enactment.

**§ A124-9. Survey; marking boundary; maps.**

Within a reasonable time after the enactment thereof:

- A. A survey shall be made of the annexed territory.
- B. The boundaries of the same shall be marked with monuments.
- C. A map shall be made of the Village of Champlain, including the annexed territory.
- D. In cooperation with the Town of Champlain, a partial map shall be made of the Town of Champlain, showing the territory excluded from said town by the annexation. Copies of said map shall be filed in accordance with § 717 of the General Municipal Law.

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2. Editor's Note: Schedule A is on file in the Village Clerk's office.

## ARTICLE IV

**1996 Annexation****[Adopted 9-23-1996 by L.L. No. 3-1996]****§ A124-10. Description of land annexed.**

The territory described in Schedule A attached hereto is hereby annexed to the Village of Champlain.<sup>3</sup>

**§ A124-11. Copies on file.**

Copies hereof are to be duly recorded in the office of the Secretary of State and the Comptroller within five days of enactment.

**§ A124-12. Survey; marking boundary; maps.**

Within a reasonable time after the enactment thereof:

- A. A survey shall be made of the annexed territory.
- B. The boundaries of the same shall be marked with monuments.
- C. A map shall be made of the Village of Champlain, including the annexed territory.
- D. In cooperation with the Town of Champlain, a partial map shall be made of the Town of Champlain, showing the territory excluded from said town by the annexation. Copies of said map shall be filed in accordance with § 717 of the General Municipal Law.

## ARTICLE V

**1997 Annexation****[Adopted 1-27-1997 by L.L. No. 2-1997]****§ A124-13. Description of two parcels of land annexed.**

The territory described in Schedule A attached hereto is hereby annexed to the Village of Champlain.<sup>4</sup>

**§ A124-14. Copies on file.**

Copies hereof are to be duly recorded in the office of the Secretary of State and the Comptroller within five days of enactment.

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3. Editor's Note: Schedule A is on file in the Village Clerk's office.

4. Editor's Note: Schedule A is on file in the Village Clerk's office.



**§ A124-15. Survey; marking boundary; maps.**

Within a reasonable time after the enactment thereof:

- A. A survey shall be made of the annexed territory.
- B. The boundaries of the same shall be marked with monuments.
- C. A map shall be made of the Village of Champlain, including the annexed territory.
- D. In cooperation with the Town of Champlain, a partial map shall be made of the Town of Champlain, showing the territory excluded from said town by the annexation. Copies of said map shall be filed in accordance with § 717 of the General Municipal Law.



## **Chapter A125**

**(RESERVED)**

**[Former Ch. A125, Development Procedures, adopted 1-8-1979, as amended, was repealed 2-24-1997. See now Ch. 103, Subdivision of Land, and Ch. 119, Zoning.]**



## **Chapter A126**

### **Police Department Rules and Regulations**

**[Former Ch. A126, Police Department Rules and Regulations, was repealed 5-8-2006 by L.L. No. 2-2006. This local law also provided that the Village Police Department be dissolved.]**

