

VILLAGE OF BELMONT AMENDED ZONING LAW

ARTICLE 1: ZONING DISTRICTS

Section 100.00: Establishment of Districts

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

- A. R-1 One-Family Residence District
- B. R-2 Two-Family Residence District
- C. R-3 Multi-Family Residence District
- D. B-1 Central Business District
- E. B-2 Business District
- F. T-1 Mobile Home District

Section 101.00: Adoption of Zoning Map

Said districts are bounded as shown on an annotated map entitled "Zoning Map of the Village of Belmont," adopted by resolution of the Village Board of Trustees and certified by the Village Clerk on the annotated map is hereby made a part of this local law.

Section 102.00: Interpretation of District Boundaries

- A. Boundaries indicated as following the center lines of streets, or alleys shall be construed as following such center lines.
- B. Boundaries indicated as following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following village limits shall be construed as following such village limits.
- D. Boundaries indicated as following the center line of a creek or a river shall be construed as following such center line.
- E. In situations other than those listed in Subsections 102.00 A - D above, the Zoning Board of Appeals shall interpret district boundaries, which interpretation shall be final and binding.

Section 103.00: Application of Regulations

The regulations set by this local law within each district shall apply uniformly to each class or kind of structure or land, except as herein provided:

- A. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations which apply to the district in which it is located.

- B. No part of a yard or off-street parking space required for or in connection with any building for the purpose of complying with this local law shall be included as part of a yard or off-street parking space for any other building.

- C. No yard or lot existing as of the effective date of this local law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this local law shall meet or exceed the minimum requirements established by this local law.

ARTICLE 2: DISTRICT REGULATIONS

Contains lot and building requirements for all districts. Requirements for any particular use extend to all districts in which the use is permitted.

Section 200.00: R-1 One-Family Residence District

A. Permitted Uses

- 1. One-Family dwellings, occupied by one (1) family and not more than two (2) unrelated persons.
- 2. Churches or similar places of worship, and parish houses.
- 3. Public parks, playgrounds and recreational areas.

B. Permitted Accessory Uses

- 1. Private garages.
- 2. Domestic pet shelters, not to include kennels.
- 3. Residential storage structures.
- 4. Sale of farm, garden or wood lot produce raised by the seller on the premises.
- 5. Signs subject to the provisions of Section 305.

C. Special Permit Uses

1. Private swimming pools. (See section 302 B)
2. Nonprofit public or private schools.
3. Home occupations.
4. Cluster residential development.

D. Prohibited Uses

1. Boarding or rooming houses.
2. Mobile homes.
3. Contractor's yard.

Section 201.00: R-2 Two-Family Residence District

A. Permitted Uses

1. Any use permitted in the R-1 District.
2. Two-family dwellings, each dwelling unit occupied by one (1) family and not more than two (2) unrelated persons.
3. Tourist homes and Bed and Breakfast accommodations, not exceeding (4) units.

B. Permitted Accessory Uses

Any accessory use permitted in the R-1 District.

C. Special Permit Uses

1. Any special permit use permitted in the R-1 District
2. Any change from a one-family dwelling unit to a two-family dwelling shall require a zoning compliance permit.

D. Prohibited Uses

1. Mobile homes.
2. Contractor's yard.

Section 202.00: R-3 Multi-family Residence District

A. Permitted Uses

1. Any use permitted in the R-2 District.
2. Multi-family dwellings, each dwelling unit of which is occupied by one (1) family and not more than three (3) unrelated persons, which comply with the provisions of Section 303.00.
3. Boarding houses and rooming houses which comply with the provisions of Section 303.00.
4. Home occupations.

B. Permitted Accessory Uses

Any accessory use permitted in the R-2 District.

C. Special Permit Uses

1. Any special permit use permitted in the R-2 District.
2. Any change from a one or two-family dwelling to a multi-family dwelling shall require a zoning compliance permit.

D. Prohibited Uses

1. Mobile homes.
2. Contractor's yard.

Section 203.00: B-1 Central Business District

Off-street parking regulations described in Section 304.00 do not apply to business within this district.

A. Permitted Uses

1. Any use permitted in the R-3 District.
2. Establishments for retail business and personal service.
3. Banks and other financial institutions.
4. Professional and business offices.
5. Restaurants.
6. Private social clubs and lodges.
7. Bus passenger stations.

8. Bars and taverns, and further that the principle building shall be located more than fifty (50) feet from any other district, and more than two hundred (200) feet from any other licensed premises, subject to the approval of the Alcoholic Beverages Commission.

9. Public parking lots.

B. Permitted Accessory Uses

Any accessory use permitted in the R-3 District.

C. Special Permit Uses

1. Any special permit use permitted in the R-3 District
2. Any change from a residential use to a business use shall require a variance and a zoning compliance permit.

D. Prohibited Uses

1. Drive-in or drive-through eating and drinking establishments.
2. Mobile homes.
3. Establishments for automobile sales or repair.
4. Service stations.

Section 204.00: B-2 Business District

A. Permitted Uses

1. Any use permitted in the B-1 District.
2. Bars and taverns, and further provided that the principal building shall be located more than fifty (50) feet from any lot in any District, and more than 200 feet from any licensed premises, subject to the approval of the Alcoholic Beverages Commission.

B. Permitted Accessory Uses

Any accessory use permitted in the B-1 District.

C. Special Permit Uses

1. Any special permit use permitted in the B-1 District
2. Any change from a residential use to a business use shall require a zoning compliance permit.

D. Prohibited Uses

1. Drive-in or drive-through eating and drinking establishments.
2. Mobile homes.

Section 205.00: T-1 Mobile Home District

A. Permitted Uses

1. One-family dwellings, occupied by one (1) family and not more than two (2) unrelated persons.
2. Public parks, playgrounds and recreational areas.
3. Mobile home parks.

B. Permitted Accessory Uses

1. Home occupations.
2. Private garages.
3. Residential storage structures.

C. Special Permit Uses

1. Private swimming pools. (See Section 302 B)

D. Prohibited Uses

1. Boarding or rooming houses.

Section 206.00: Table of District Dimensional Regulations

LOT (FT.) FROM LOT LINE	WIDTH OF PRINCIPAL BLDG. FROM LOT LINE	DISTANCE OF DISTANCE OF ACCES. BLDG. PRIN. BLDG. ACC. BLDG.	*(1) HEIGHT (FT.) YARD %			MAXIMUM BLDG. COVERAGE OF BLDG. (%) LOT BLDG. DEM. REQU.		MAXIMUM LOT COVERAGE OF SIDE		MAXIMUM IN THE FOLLOWING DISTRICTS WITH SAME	ALSO ALLOWED
			Front	Side	Rear	Side	Rear	Prin.	Accs.		
			12,000	100	25	10	30	10	10		
200	200	25	20	30	20	10	40	12	40	25	R-2, R-3, B-1, B-2
100	NA	NA	NA	NA	NA	NA	12	NA	10 of total		R-2, R-3, B-1, B-2
200	25	20	30	20	10	35	12	40	25		R-2, R-3, B-1, B-2
100	25 Offices *(2)	10	30	10	10	35	12	35	25		R-2, R-3, B-1, B-2
12,000	100 Dwellings	25	10	30	10	10	35	12	35	25	R-3, B-1, B-2
100	25 B & B	10	30	10	10	35	12	35	25		R-3, B-1, B-2
20,000 *(3)	100 Dwellings	25	25	30	10	10	35	12	30	25	B-1, B-2
100	25 Offices	10	30	10	10	35	12	30	25		B-1, B-2
NA	100 Business, *(4) Personal Service, Social Clubs & Lodges, Bus Stations, Restaraunts, Banks, Offices.	25	10	30	10	10	35	12	80	25	B-2
8,000	100 and Taverns	25	10	30	10	10	35	12	35	25	
12,000	100	25	10	30	10	10	35	12	35	25	

All requirements are minimum unless otherwise specified. *(1) No accessory building. *(2) Special use permit required. *(3) See Sec. 303 for exact requirements. *(4) Plans must be approved by Planning Board.

ARTICLE 3: SUPPLEMENTARY REGULATIONS

Section 300.00: Non-Conformance

A. Continuance

1. The lawful use of land or buildings existing at the date of adoption of this local law which does not conform to the regulations specified by this local law for the district in which the land or building is located may continue provided that:
 - a. No non-conforming lot shall be further reduced in size.
 - b. No non-conforming building or use shall be enlarged, extended, or increased unless such enlargement reduces the degree of non-conformance.
2. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification or whenever the text of this local law shall be changed with respect to the uses permitted in a district, the foregoing provisions shall apply to any non-conforming use therein.

B. Discontinuance

In any district, whenever a non-conforming use of land, premises, building or structure, or any part of portion thereof, has been discontinued for a period of one (1) year, the non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this local law. Discontinuance of a non-conforming use for a period of one (1) year is construed to be an abandonment of the non-conforming use, regardless of any intent not to abandon or to resume active operation. If abandonment is evident by the removal of buildings, structures, machinery, equipment or other evidences of the non-conforming use of the land and premises, the abandonment shall be considered to be completed and all rights to reestablish such non-conforming use shall terminate.

C. Non-Conforming Buildings

1. No building damaged by fire or other cause to the extent of more than seventy-five (75) percent of its true value shall be repaired or rebuilt except in conformity with the regulations of this local law.
2. A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the true value of the building unless the building is changed to conform to the requirements of this local law.

3. Unsafe structures, or any structure or portion of that structure declared unsafe by a proper authority, but not ordered to be demolished may be restored to a safe condition.

4. Any building which is non-conforming according to the regulations in the Schedule of this local law may be altered or changed within the existing frame of said building, but any additions shall conform to the regulations in the Schedule of this local law and the Fire Prevention and Building Code.

D. Non-Conforming Uses

1. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this local law shall not be deemed the extension of such non-conforming use.

2. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to a use of more restrictive classification; if changed, such use may not revert to a less restrictive classification.

Section 301.00: Prohibited Uses

The following uses are prohibited within the Village of Belmont:

A. All uses of land, buildings and structures and all industrial processes that may be injurious to health by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar conditions or substances, except where they are permitted subject to the securing of a permit which insures conditions, restrictions and safeguards deemed necessary to protect the health, safety or general welfare of the community.

B. Manufacture of explosives.

C. Manufacture of poisonous gases or storage thereof.

D. All types of illumination which interfere with the vision of motor vehicle operators or which shine directly on residential property in any R district.

E. Illumination which flashes, moves or simulates movement or obstructs sight or vision of motor vehicle operation.

F. Any temporary building or structure in any R District except those structures incidental to permitted construction projects. Any temporary building so used must be removed within thirty (30) days after the construction project is completed.

G. Access to or from any R-3 District through any private land in any R-1 or R-2 District, or to or from any B District through any R District.

H. Dumps and junk yards.

I. Dead storage of objects or vehicles (land, water or air) in the front yard or on the front porch of a property for a period of more than thirty (30) days in any calendar year, beyond which a special use permit shall be obtained specifying a time period for continued storage.

J. Motor vehicles, except as provided for in statute or other regulations, machinery or inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

K. All billboards, signboards or off-premise advertising signs or devices not expressly related to the business conducted on the premises unless otherwise specifically permitted by this local law.

L. No wind towers, communications towers, or energy creating devices attached to a tower are permitted.

M. Kennels.

N. Agricultural uses.

O. Boarding stables.

P. Farm animals. No chickens, ducks, poultry, rabbits, pigeons, reptiles, rodents, livestock or farm animals, shall be maintained in the village.

Q. It shall be unlawful for any person to leave standing in any public street or place or allow to run at large any dog unless safely tied or secured and in the charge of some suitable person.

R. Large dish antennas.

S. Parking in any area other than the driveway or permitted parking area in *ALL* residential districts.

T. Bulk plant or terminals.

- U. YARD SALES, GARAGE SALES, BASEMENT SALES and PORCH SALES: No more than two (2) such sales shall be conducted by the same person or persons upon the same premises within one (1) calendar year, and each sale shall not exceed three (3) consecutive days.

Section 302.00: Uses Requiring Special Permits

A. Fencing Requirements

1. Before any fence greater than four (4) feet in height, whether temporary or permanent in nature, shall be erected within the Village, both a zoning compliance permit and a special use permit shall be obtained. The request for the special permit shall be accompanied by a site plan which shows the height and location of the proposed fence in relation to all other structures and buildings on the adjoining properties, and in relation to all adjoining streets, lot lines and yards. All fences will be set back two feet from sidewalks.
2. Fences or walls (other than walls of buildings), shrubs, plants or signs shall not be located so as to obstruct the vision of motor vehicle operation.

B. Swimming Pool Requirements

1. Private swimming pools other than wading pools may be installed in residential districts for the private use of the owners or occupants of a dwelling and their families and guests. Both a Zoning Compliance Permit and a Swimming Pool Permit shall be obtained prior to installation, as provided in Subsections 401.00 A and G.
2. For the required permits to be issued, the swimming pool must meet the following conditions and requirements in addition to the requirements of *PROPERTY MAINTENANCE CODE of NEW YORK STATE* Chapter 3, *BUILDING CODE of NEW YORK STATE* Chapter 31, *RESIDENTIAL CODE of NEW YORK STATE* Chapter 41 and Appendix G.
 - a. The pool is installed in the rear yard of the premises; and is not located closer than ten (10) feet to any lot line of the property.
 - b. When enclosed within a structure attached to the principal structure, the swimming pool shall be a part of the principal structure and shall comply with the requirements for a principal structure.
 - c. The swimming pool, open or enclosed and not attached to the principal structure, shall be considered an accessory structure and shall comply with the requirements for an accessory structure. All facilities and fencing serving the swimming pool shall be considered a part of it.

- d. A fence at least four (4) feet in height from the ground but not over ten (10) feet in height shall be erected and maintained enclosing the entire portion of the premises upon which the pool shall be installed and entirely surrounding the area in which the pool is located. No fences for the pool area may extend beyond the rear building lines or the setback lines of the subject property or of the adjoining property. An above ground pool may include the height of the pool itself within the four (4) feet. (See Section 302 A).
- e. Every gate swinging or up steps or other opening in the fence enclosing the pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at the pool.
- f. If the water for the pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
- g. If the water for the pool is supplied from the public water supply system, the inlet shall be above the overflow level of the pool.
- h. There shall be sufficient source of water supply to accommodate the pool without detriment to normal water consumption requirements and there shall be proper and adequate water supply connections, in concurrence with the Village Water Department.
- i. The proposed drainage of the pool shall be adequate and shall not interfere with the existing sewage and drainage facilities or with the property of others or with public streets.
- j. If the pool is abandoned, it must be dismantled and removed within thirty (30) days of abandonment, the owner shall arrange to remove the depression and return the surface of the ground to the original grade and to approximately the same condition as before the pool was constructed.

C. Cluster Residential Development Requirements

Cluster residential developments of one-family dwellings are permitted with a Special Use Permit in any R District provided that:

1. The lot area difference between the minimum lot size shown on the Schedule and the minimum lot size permitted in a Cluster Development shall be set aside as open space.
2. The developer shall show all lands not subdivided as permanent open space. In no case shall such lands be less than twenty-five (25) percent of the total project area. All such lands shall be suitable, in the opinion of the Planning Board for the intended use.

3. The developer shall have received from the Planning Board prior to application for a Special Use Permit, conditional approval of the proposed design and arrangement of streets, lots, open Spaces and other project elements.

4. The requirements of this local law, including those pertaining to density, minimum lot areas and widths, minimum side and rear side yard areas, and maximum lot coverage areas as specified in the Schedule of this local law, shall apply to all Cluster Developments.

Section 303.00: Multi-Family Dwelling, Boarding House and Rooming House Requirements

Multi-Family dwellings, boarding houses and rooming houses shall meet the following requirements:

- A. Each lot shall have at least twenty thousand (20,000) square feet of land area plus two thousand five hundred (2,500) square feet for each additional unit over three (3). Boarding Houses shall have twenty thousand (20,000) square feet.
- B. Each lot shall have at least one hundred (100) feet of frontage on a public road plus ten (10) feet of additional frontage for each additional unit in excess of three (3) up to a maximum frontage of one hundred fifty (150) feet.
- C. The building area on any lot shall not exceed thirty (30) percent of the lot area.
- D. Home occupations.
- E. Each dwelling unit shall be provided with two (2) off-street parking spaces according to the requirements of Section 304.00.
- F. If individual units do not have provisions for laundry machines, each building shall be equipped with at least one washer and one dryer.
- G. Internal driveways shall have at least twenty (20) feet of hard surface passageway exclusive of parking.
- H. No internal dead-end driveway shall be more than two hundred (200) feet long and shall be provided at the end with a cul-de-sac of at least forty (40) foot radius.
- I. Each side of all internal driveways faced by buildings shall be paralleled by a sidewalk at least three (3) feet wide which shall provide a continuous pedestrian access to the right-of-way.
- J. All yard areas shall be grass seeded or sodded.

K. Each apartment building shall be provided with trees and shrubs in such locations as will make an attractive development.

Section 304.00: Off Street Parking and Loading

General Requirements for Off-street Parking Spaces:

A. The size of off-street parking spaces shall be not less than ten (10) feet wide by twenty (20) feet long for all side-by-side parking or not less than eight (8) feet wide by twenty-three (23) feet long for all parallel parking.

B. Each off-street parking facility shall be located as hereinafter specified with respect to the building or use which such facility is required to serve. Where distance is specified, such distance shall be measured along public thoroughfares from the nearest point of the parking facility to the nearest point of the building or use which such facility is required to serve. Off-street parking spaces shall be allowed in required back or side yards except where specifically prohibited by this local law.

C. For multi-family dwellings, not more than one hundred (100) feet from the building they are required to serve.

D. For hospitals, sanitarium, convalescent homes, nursing and rest homes, homes for the aged, retirement homes, private clubs, lodges and offices, not more than one hundred (100) feet from the building they are required to serve.

E. For uses other than those specified above, not more than three hundred (300) feet from the building they are required to serve.

F. All B1, B2 and R3 parking areas and appurtenant passageways and driveways serving uses shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided to protect adjacent residential areas from the glare of such illumination and from that of automobile headlights.

Section 305.00: Signs and Outdoor Advertising

A. General Provisions

1. The provisions of this Section shall govern outdoor signs and display structures with respect to location, size and maintenance.

2. No sign shall be erected or structurally altered except in conformance with this local law.
3. No sign shall be erected without a Zoning Compliance Permit.
4. No sign shall project closer than two (2) feet from any highway right-of-way.
5. No sign shall be erected which causes a traffic hazard due to its location.
6. No person shall erect or maintain a sign which obstructs free ingress from a required door, window, fire escape or other required exit way.
7. No sign shall have the shape or characteristic of any traffic control device or highway sign.
8. No sign illumination shall be permitted with direct lighting which shines on any other property or is visible from any right-of-way.
9. Any sign which no longer advertises a bona fide business conducted or a product sold must be taken down and removed within thirty (30) days by the owner, agent or person having control of the building or structure upon which said sign is located.
10. No more than one (1) permanent, stand alone sign per property.
11. Signs must be kept in good repair.
12. A Zoning Compliance Permit is required for any temporary sign. Temporary signs may not be in place more than thirty (30) days, at which time another Zoning Compliance Permit must be obtained. No more than two (2) Zoning Compliance Permits may be issued in any calender year.

B. Signs Exempted

1. Legal notices.
2. House numbers.
3. Traffic control signs and devices.
4. Christmas displays for the duration of the season.

C. Signs for Non-Conforming Uses

Directional or name signs pertaining to or advertising products sold on the premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue. Any such signs shall not be permitted to be increased in sign area, height, illumination or number.

D. Prohibited Uses

1. All billboards, signboards, or off-premises advertising signs or devices not expressly related to the business conducted on the premises or otherwise specifically permitted by this local law.
2. Illumination which flashes, moves or simulates movement or obstructs sight or vision of motor vehicle operators.
3. Where the source of illumination is visible from any right-of-way.

E. Special Provisions

The following signs are permitted in each use district:

1. R-1 and R-2 Districts:

- a. For any home occupation and professional identification, one (1) unlighted sign not larger in area than two (2) square feet.
- b. For any school, or public or semi-public use, one (1) lighted identification sign or bulletin board not larger in area than forty (40) square feet.
- c. For any sale or rental of land or structures, or for construction, and referring only to the premises on which it is maintained, one (1) unlighted sign not larger in area than twelve (12) square feet. The sign shall be removed upon completion of the transaction or of the project, or within ninety (90) days from the day of its erection, whichever shall occur first.
- d. For any real estate development containing twenty five (25) or more dwelling units, one (1) unlighted sign not larger in area than thirty-five (35) square feet. The sign shall be removed within three (3) years from the day of its erection.

2. R-3 District

- a. Any sign permitted in any R-1 or R-2 District.
- b. Any unlighted sign not larger in area than six (6) square feet.

3. B-1 District

Any lighted or unlighted sign approved by the Planning Board and not larger in area than thirty (30) square feet when parallel to the front of the building, or not larger in area than twelve (12) square feet per side when perpendicular to the front of the building.

4. B-2 District

Any lighted or unlighted sign approved by the Planning Board and not larger in area than forty (40) square feet.

ARTICLE 4: ADMINISTRATION AND ENFORCEMENT

Section 400.00: Zoning Enforcement Officer

A. Purpose

The duty of administrating and enforcing the provisions of this Local Law is hereby conferred upon the Zoning Enforcement Officer, who shall have such powers as are conferred upon him by this Local Law, and as may be reasonably be implied. The Zoning Enforcement Officer shall be appointed by the Village Board of Trustees and shall receive such compensation as the Village Board of Trustees shall determine.

B. Duties

- 1. It shall be the duty of the Zoning Enforcement Officer to review all applications for permits and certificates and to inspect any buildings or premises under consideration for permits and certificates. The Zoning Enforcement Officer, in accordance with the provisions of Section 400.00 is hereby authorized to grant or deny the permits and certificates established by this local law.
- 2. The Zoning Enforcement Officer shall adopt rules of procedure, consistent with this Local Law, for the purpose of assuring efficient and uniform administration of its provisions. The records of the Zoning shall be kept in the office of the Village Clerk.

C. Enforcement

If the Zoning Enforcement Officer finds that any of the regulations established by this local law are being violated, he shall notify in writing both the person responsible for such violations and the Mayor, indicating both the nature of the violation and the necessary corrective action which the person responsible is required to take. The Zoning Enforcement Officer is hereby empowered to order discontinuance of illegal use of land, buildings or structures: removal of illegal buildings, structures or additions; alterations or structural changes thereto; discontinuance of any illegal construction; or to take any other action authorized by this local law to insure compliance with or to prevent violation of the regulations herein established.

Section 401.00: Certificates and Permits

A. ZONING COMPLIANCE PERMITS-GENERAL PROCEDURE

1. All procedures with respect to applications for and issuance of Zoning Compliance Permits shall be in conformity with the provisions of the New York State Building Code. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of this Local Law.
2. No building permit shall be issued for the erection, construction, reconstruction, structural alteration, restoration, repair, or moving of any building or structure or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this Local Law. In addition, no such permit shall be issued unless the proposed building or structure conforms with all pertinent health laws.
3. Where a lot is formed from part of an existing lot, whether already improved or not, the separation must be effected in such a manner that neither of the lots, nor any existing or proposed improvements thereon, contravene the provisions or intent of this Local Law.
4. After completion of footing and establishing of the forms on the first course of the foundation walls, or equivalent structure, the owner shall notify the Zoning Enforcement Officer. If required by the Zoning Enforcement Officer, the owner shall cause a survey to be made by a licensed land surveyor, showing the true location of such foundation walls with respect to the lot lines of the lot, and a copy of such survey shall be filed with the Zoning Enforcement Officer before construction is continued.

B. ZONING COMPLIANCE PERMITS-SITE PLAN PROCEDURE AND STANDARDS

1. The following site plan provisions are intended to secure compliance with the requirements and standards set forth in this Local Law, and with accepted professional design practice for such site improvements as grading, drainage, sidewalks, curbs, parking, landscaping, fences and driveways.

2. Building permit applications for any building or structure or use, other than a single or two family dwelling or their accessory buildings, or structures, shall include three (3) copies of a site plan drawn to scale and showing the following items, as required:
 - a. Property lines and related street, right-of-way and easement lines as determined by a licensed land surveyor.
 - b. Location of existing and/or proposed buildings and structures.
 - c. Layout of existing and proposed off-street parking areas showing the details of aisles, driveways and each parking space.
 - d. Existing topography of the site and immediately adjacent property, as revealed by contours or key elevations as may be required by the municipality, and any proposed re-grading of the site.
 - e. Existing and proposed storm-water drainage facilities, sidewalks, curbs and curb cuts and similar structures.
 - f. Existing and proposed street trees, landscaping and fences.
 - g. Existing and proposed outdoor lighting and sign locations.
3. Requirements for improvements shown on the site plan shall be those set forth in this Local Law and in other Local Laws, rules and regulations, or in construction specifications of the municipality.
4. The Zoning Enforcement Officer shall forward one copy each of the site plan to the Chairman of the Planning Board and to the Director of Public Works for their recommendations before issuance of a building permit, if necessary.
5. In the case of special exception use or variance applications, the site plan shall be the subject of a preliminary review in accordance with the above procedure, before action is taken by the Planning Board or Zoning Board of Appeals, respectively.
6. Zoning Compliance Permits for special exception uses or variances shall be in accordance with the conditions established by the Planning Board or Zoning Board of Appeals, respectively.
7. When an applicant for such a building permit for a special exception use questions the interpretation of the site plan requirements, he may appeal the decisions to the Zoning Board of Appeals.

C. CERTIFICATE OF OCCUPANCY

1. It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land, or part thereof, hereafter erected or altered, enlarged or moved, or put into use, in whole or in part, after the effective date of this Local Law, or any building or structure, premises, lot or land, or part thereof of which the use is changed, until a certificate of occupancy has been obtained by the owner.

2. No certificate of occupancy shall be issued for any building, structure, premises, lot or land unless the erection, construction, reconstruction, structural alteration, restoration, repair, or moving of such building or structure or part thereof and the intended use thereof are in conformity in all respects with the provisions of this Local Law. Where the approval of New York State and/or the Allegany County Departments of Health is required, no certificate of occupancy shall be issued until such approval has been granted in writing.
3. The Building Inspector shall obtain a written order from the Zoning Board of Appeals before issuing a certificate of occupancy in a case involving a special exception permit pursuant to Section 7 of Village Law, or before issuing a certificate of occupancy involving a variance from the provisions of this Local Law pursuant to Section 10 of Village Law.
4. No Certificate of Occupancy will be issued unless the Village Water Department has certified that the proper Cross Connection Control requirements, put forth by the Village of Belmont and referenced in the New York State Sanitary Code as pertains to drinking water supplies, have been met.

D. SPECIAL USE PERMIT

1. All applications for Special Use Permits shall be made to the Zoning Enforcement Officer who shall cause copies to be sent to the Allegany County Planning Board and to the Village Planning Board for site plan review and evaluation of the proposed use.

2. The Planning Board shall review the application and, within thirty (30) days after its receipt of such application, shall make a written report to the Zoning Enforcement Officer, setting forth its findings and recommendations concerning the disposition of the application. Failure of the Planning Board to return a recommendation to the Zoning Enforcement Officer within thirty (30) days shall be construed as approval.

3. If an application is approved by the Planning Board, the Zoning Enforcement officer shall issue the permit applied for in accordance with conditions imposed by the Planning Board. If any Application is disapproved by the Planning Board, the reasons for such denial shall be set forth in the Planning Board's reply to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall deny the application and shall provide the applicant with a copy of the Planning Board's reasons for disapproval.

E. Sign permit

Any sign greater in size than four (4) square feet requires a Zoning Compliance Permit, and must be in complete compliance with the regulations established by this local law. All applications for signs shall be reviewed by the Planning Board and approved before the Zoning Enforcement Officer can give final approval.

F. Demolition permit

1. No existing building or structure or portion thereof may be demolished without a Demolition Permit signed by the Zoning Enforcement Officer. All applications for Demolition Permits shall be reviewed by the Planning Board and approved in writing before the Zoning Enforcement Officer may give final approval.
2. Failure to obtain a Demolition Permit prior to the destruction of a building shall be in violation of this local law and subject to penalties described herein.

G. Swimming pool permit

No permanent swimming pool may be constructed without a swimming pool permit signed by the Zoning Enforcement Officer and in complete compliance with the provisions of Section 302.00 (B).

Section 402.00: Schedule of Fees

The Village Board of Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for all permits required in this Local Law. The schedule of fees shall be on file in the office of the Village Clerk, and may be altered or amended only by the Village Board.

Section 403.00: Complaints

Whenever a violation of this local law occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the basis and causes thereof, shall be filed with the Village Clerk. The Village Clerk shall deliver it to the Zoning Enforcement Officer, who shall record the complaint, immediately investigate and report to the Mayor on the alleged violation within two (2) weeks.

Section 404.00: Violations and Penalties

- A. Any person, whether agent, architect, builder, contractor, owner, tenant or otherwise, who violates any provision of this local law in any way shall for each and every day that said violation continues be subject to a fine of not more than two-hundred-fifty (\$250.00) a day and/or 15 days imprisonment.
- B. Whenever the Zoning Enforcement Officer shall certify that any building or any part thereof or any lands are being erected or used in violation of the regulations established by this local law, the Village Attorney is authorized to institute all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of this local law.

C. Service of the notice of violation shall be sufficient if directed to the owner, agent of the owner or the contractor and left at the last known place of business or residence, if within the Village. If no place of business or residence can be found, then the notice shall be served by posting in a conspicuous place on the premises which are the subject of the violation.

Section 405.00: Zoning Board of Appeals.

A. Creation, Appointment and Organization

The Village Board shall appoint a Zoning Board of Appeals consisting of five (5) members. The term of office of all members of the Zoning Board of Appeals shall be three (3) years. Vacancies shall be filled by appointment by the Village Board. The Zoning Board of Appeals shall elect a chairman from its members, shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

B. Zoning Board of Appeals Office

The office of the Village Clerk shall be the office of the Zoning Board of Appeals and every rule, regulation, amendment or repeal thereof and every order, requirement, or decision of any other record of the Zoning Board of Appeals shall immediately be filed in said office.

C. Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed by the Village Law of the State of New York and by this local law which are more particularly specified as follows:

Section 406.00: Actions of the Board of Appeals

A. Interpretation

When the Zoning Enforcement Officer or other administrative official makes a decision that a person feels is unfair, arbitrary, or a misinterpretation of this local law or an erroneous application of zoning restriction, the aggrieved individual may apply to the Zoning Board of Appeals for an interpretation of this local law. The Zoning Board of Appeals is without authority to initiate the rendering of an interpretation. A review and decision can take place only if the following conditions are met:

1. The Zoning Enforcement Officer or other administrative official has performed an official action such as an order, requirement, decision, etc.
2. The appeal to the Zoning Board of Appeals has been made following the procedures outlined in Section 406.00 D.

B. Variances

The Zoning Board of Appeals may authorize a departure from the text of this local law and grant a variance when, owing to special conditions, a literal enforcement of the regulations established by this local law would result in unnecessary hardship.

There are two types of variance:

1. Area Variance

Any authorized departure from the regulations governing size or shape of lot, yard, building coverage, parking or other area requirements established by this local law.

2. Use Variance

C. A Variance from the regulations established by this local law shall not be granted by the Zoning Board of Appeals unless and until a written application for a variance is submitted which demonstrates all of the following:

1. That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the same district.
2. That literal interpretation of the regulations established by this local law would deprive the applicant of rights commonly enjoyed by other properties in the same district under the regulations established by this local law.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That the variance granted will not be detrimental to the public welfare, injurious to the property of others or change the character of the neighborhood in which it is located.

D. The variance granted by the Zoning Board of Appeals shall be the minimum variance that will accomplish the purpose.

E. The procedures of a request for an interpretation or a variance shall be as follows:

1. The aggrieved individual shall obtain an appeals form from the Village Clerk. Every appeal or application shall refer to the specific provision of this local law involved in the request for an interpretation or a variance. The aggrieved individual must explain in writing why the official interpretation is questionable or wrong or why a variance should be granted.
2. The Village Clerk will transmit the form to the Zoning Board of Appeals within Fourteen (14) days of receipt of the application.
3. The Zoning Board of Appeals will set the date for the hearing.
4. At least thirty (30) days before the date of the hearing, the secretary of the Zoning Board of Appeals shall submit to the Planning Board a copy of the Appeals Form under discussion. One (1) week prior to the hearing, the Planning Board will transmit to the Zoning Board of Appeals its opinion on the application or appeal. Failure to submit such a report will constitute approval of said application or appeal by the Planning Board.
5. Final action by the Zoning Board of Appeals on the requested interpretation or variance shall take place within thirty (30) days of the public hearing.

F. The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals and shall give due notice of time set for the hearing to the applicant. Public notice shall be by the publication of a notice in the official newspaper of the Village and shall briefly describe the nature of the appeal and the time and place of the hearing. The applicant shall, at least seven (7) days prior to the date of the hearing, give notice in writing by certified mail or by service in person, with adequate proof of contact thereof to all property owners within two hundred (200) feet of the property to be considered in said appeal or to all property owners of contiguous land or properties adjoining said property to be considered, and to other interested property owners as may be designated by the Zoning Board of Appeals. The applicant shall furnish proof of services in writing and properly notarized.

Section 407.00: Interpretation

The interpretation and the application of the regulations established by this local law shall be held to be the minimum requirements for the promotion of the health, safety and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this local law imposes greater restrictions upon the use of buildings or premises or land or upon the height or bulk of buildings, or required larger open spaces the regulations established by this local law shall govern.

Section 408.00: Conflict with Other Laws

A. From and after the date when this local law takes effect, any and every existing ordinance or local law of the Village of Belmont, inconsistent herewith is hereby repealed.

B. Whenever the regulations established by this local law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or those which impose the higher standards shall govern.

Section 409.00: Separability

Should any section or provision of this local law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole nor any part thereof other than the part so declared to be unconstitutional or invalid.

Section 410.00: Amendments

The Board of Trustees may from time to time on its own motion or on petition or on recommendation from the Planning Board amend, supplement or repeal any of the regulations, provisions or sections of this local law after proper and legal requirements have been met. Every proposed amendment shall be referred to the Planning Board for review before a public hearing is held. The Village Board, by resolution adopted at a stated meeting, shall fix the time and place of the public hearing on the proposed amendments and cause notice to be given according to law.

ARTICLE 5: DEFINITIONS

The following words and terms have the following special meanings when used in this local law. Any word or term not expressly defined in this Article shall have the meaning defined in a standard dictionary.

___ **ABANDONMENT.** To cease from maintaining or using for a period of one (1) year.

___ **ACCESSORY USE, BUILDING OR STRUCTURE.** A structure subordinate to a principal structure on the same lot or on an adjoining lot under the same ownership, and used for purposes customarily incidental to those of the principal structure. Accessory structures include, but not limited to, portable de-mountable or permanent enclosures, shade structures, carports, garages, and storage sheds.

___ **ACCESSORY USE.** A use, occupancy or tenancy customarily incidental to the principal use or occupancy of a building. In a multiple dwelling, such accessory use may include, among others, the following;:

a) offices for the building management; or

b) dining rooms, banquet rooms, public kitchens, and ballrooms; or

c) recreation and play rooms; or

d) laundries for the use of the tenants and occupants, and in connection with the management and operation of the multiple dwelling;

e) maintenance and work shops, storage rooms for linen, bedding, furniture, supplies, and tenants' equipment and effects; or

f) rooms or space for the incidental sale or display of merchandise to occupants and tenants, such as newspapers, candy, or soft drinks: or

g) garages within the multiple dwelling or on the premises thereof used primarily for the storage of passenger-type motor vehicles.

___ **ALTERATION.** When applied to a building, means any change or rearrangement in the structural parts or of the existing facilities or an enlargement, other than repairs, whether by extending on a side or by increasing in height, or in the moving from one location to another.

___ **APARTMENT.** A Dwelling unit.

___ **APPROPRIATE.** Especially suitable or compatible under conditions of use.

___ **AREA OF PUBLIC ASSEMBLY.** An area of public assembly is a building or a portion of a building used for gathering together fifty (50) or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social or similar purposes, the entire floor area of which it is a part, and the means of egress therefrom.

___ **AREA, BUILDING.** The total of areas taken on a horizontal plane at the main level of the principal building and all accessory buildings exclusive of terraces and steps. All dimensions shall be measured between the exterior faces of walls.

___ **ASSEMBLY SPACE.** A room or space for the purpose of assembly of people per the New York State Building Code regulations.

___ **BED AND BREAKFAST.** A building containing a single dwelling unit in which one, but not more than four (4), sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests with or without meals.

___ **BILLBOARD.** A sign or structure which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally sold, offered or existing upon such lot.

___ **BOARDING HOUSE.** A building, other than a hotel, motel, club, fraternity house or sorority house which may contain a general kitchen and a general dining room in which at least three (3) sleeping rooms are offered for rent, with or without meals limited to fifteen or less transient occupants, for compensation. A lodging house, tourist house or rooming house shall be considered a boarding house.

___ **BUILDING.** Any structure having the roof supported by columns or walls, intended for the shelter, housing or enclosure of persons, animals or property.

___ **BUILDING LINE.** A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered section of a building or a projected roof or porch, the vertical plane coincides with the farthest projecting surface. All yard requirements are measured to the building line.

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

___ **BUILDING AREA.** See **AREA, BUILDING.**

___ **BULK PLANT OR TERMINAL.** That portion of a property where liquids, gases or solids are received by tank vessel, pipelines, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids, gases or solids by tank vessel, pipeline, tank car, tank vehicle portable tank or container.

___ **CARPORT.** Roofed structure intended to offer weather protection to motor vehicles with a minimum of two (2) sides open at all times, one side being length and the other being width and with no more than four (4) vertical supports per twenty-four (24) linear feet. Any carport over twenty-four feet (24 ft.) by twenty-four feet (24ft.) is not allowed.

___ **CERTIFICATE OF OCCUPANCY.** A certificate issued by the Zoning Code Enforcement Officer upon completion of construction, alteration or change in occupancy or use of building. Said certificate shall acknowledge compliance with all the requirements of this Local Law and such variances thereto granted by the Zoning Board of Appeals.

___ **CONTRACTOR'S YARD.** Any space, whether inside or outside a building, used for storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.

___ **CURB LEVEL.** The officially established grade of the curb in front of the midpoint of the lot.

___ **DECK.** An open porch without a permanent roof. A deck may be a patio or terrace.

___ **DEAD STORAGE.** An object out of context with its surroundings which is stored for a period of more than thirty (30) days in any calendar year; or a vehicle (land, water or air) which is stored for a period of more than thirty (30) days in any one calendar year and which is not properly registered, and/or does not have a valid inspection certificate or would be in violation of the New York State Vehicle and Traffic Law if it were to be driven upon a public street.

___ **DUMP.** Land used for the disposal by abandonment, dumping, burning or any other means, and for whatever purpose, of garbage, trash, refuse, discarded machinery, vehicles or parts thereof, or waste materials of any kind.

___ **DWELLING UNIT.** One or more rooms designed for occupancy by one (1) family for cooking, living, sanitary and sleeping purposes.

___ **DWELLING, MULTIPLE-FAMILY.** A building or portion thereof containing three(3) or more dwelling units and used for occupancy by three (3) or more families living independently of each other, with shared or individual entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

___ **EQUIPMENT.** Plumbing, heating, electrical, ventilating, air conditioning, refrigeration, elevators, dumbwaiters, escalators, or other mechanical additions or installations.

___ **EXIT.** That portion of the way of departure from the interior of a building or structure to the exterior at street, or grade level accessible to street, consisting of a door to the exterior at grade, corridors, stairways, and lobbies including the door opening thereto from a habitable, assembly or occupied space;

___ **FAMILY.** A household constituting a single housekeeping unit occupied by one or more persons.

___ **FARM ANIMALS/FOWL/LIVESTOCK.** Poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the Environmental Conservation Law, which are raised for commercial, subsistence, companion or personal belief purposes. Fur-bearing animals shall not include dogs or cats.

___ **FENCE.** A barrier constructed of wood, masonry, stone, wire or any other permitted material or combination of materials, bounding an area of land and designed to limit access to the area, to confine and/or protect children and others, to screen such area from view, or for decorative or aesthetic purposes.

___ **FLOOR AREA, TOTAL.** The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said area shall be measured from the inside faces of exterior walls, or from the center lines of walls separating differing uses.

___ **GARAGE, PRIVATE,** Any building used for the parking of not more than three private vehicles for the use of the residents of the house to which the garage is accessory. No occupations, businesses or services for profit may be carried on in this structure.

___ **GRADE, FINISHED.** The completed surface of lawns, walks, and roads brought to grade, as shown on official plans or designs relating thereto.

___ **HOME OCCUPATION/HOME OFFICE.** A home occupation/home office is a nonresidential activity taking place in a dwelling unit or an accessory building on a residential lot. It is operated by a resident of the dwelling unit as an accessory activity, which meets all of the following requirements:

- (a) it is clearly secondary to the residential use of the dwelling, and does not change the residential character of the building or lot in any manner visible from off the lot;
- (b) it creates no objectionable noise (above ambient), vibration, or odor detectable at the lot lines;
- (c) it creates no waste or unsightly conditions visible from off the lot;
- (d) it creates no interference with radio or television reception in the vicinity;
- (e) it has no more than one (1) full-time equivalent employee on site who is not a resident of the dwelling unit;

(f) it has signs visible from off of the lot only if permitted in the Village of Belmont sign law regulations;

(g) it has sufficient parking space for both the residential and nonresidential use of the lot as provided in these regulations;

(h) it does not create a volume of traffic inconsistent with the level of traffic on the street which it is located;

(i) it does not create a volume of commercial or off-the-road vehicle traffic inconsistent with the level of this type of traffic on the street which it is located.

In particular, a **HOME OCCUPATION/HOME OFFICE**, includes but not limited to the following; professional office of a physician, dentist, lawyer, civil engineer, architect, certified public accountant, musician, teacher, artist, funeral director, or real estate broker, within the dwelling unit occupied by the same. However, commercial stables and kennels or restaurants shall not be permitted.

___ **HOTEL**. Any building of two (2) or more stories containing rooms which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where a general kitchen and dining room may be provided within the building or in an accessory building.

___ **KENNEL**, Any place at which there are kept three (3) or more domestic animals more than four (4) months of age or any number of dogs that are kept for the primarily commercial purposes of sale or for boarding, care, or breeding for which a fee is charged.

___ **LOT**. A parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. A lot within the meaning of this Local Law may or may not be a lot as shown on a subdivision plot, assessment record, or filed deed.

___ **LOT AREA**. The total horizontal area included within the lot lines.

___ **LOT, CORNER**. A lot at the junction of and fronting on two (2) or more intersecting streets.

___ **LOT COVERAGE**. The percentage of the horizontal area of the lot covered by a building or buildings, measured to the outside of the wall.

___ **LOT LINE**. Line dividing one premises from another.

___ **LOT LINE, FRONT.** The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

___ **LOT LINE, REAR.** The lot line most distant from the front lot line.

___ **LOT OF RECORD.** Any lot or parcel of land the description of which has been so recorded.

___ **MOBILE HOME.** A dwelling unit bearing a seal issued by the Federal Department of Housing and Urban Development that is manufactured as a relocatable living unit, which is designed to be transported on a single permanent chassis and to be installed on a site with or without permanent foundation when connected to utilities. This does not include Department of Motor Vehicles registered recreation vehicles, travel trailers, or dwelling units that are pre-built in one or more parts and transported to and assembled on a permanent foundation.

___ **MOTEL.** A multiple dwelling, whether detached or in connected units and providing the necessary off-street parking, intended primarily for transient motorists. (Includes, but not limited to, motor courts, motor hotels, tourist courts).

___ **MUNICIPALITY.** A city, town, or village.

___ **NON-COMBUSTIBLE.** Material or combination of materials which will not ignite, support combustion or liberate gas when subjected to fire when tested in accordance with generally accepted standards.

___ **OCCUPANCY.** Use of a building, structure, or premises.

___ **OCCUPANT.** The person in occupancy, in possession or in control of premises, or using premises.

___ **OWNER.** Owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.

___ **PATIO.** See definition of **DECK.**

___ **PERMITTED USE.** A specific principal use of a building, structure, lot or land, or part thereof, which the Local Law provides for in a particular District as a matter of right.

___ **PLANNING BOARD.** The Village of Belmont Planning Board appointed by the Village Board of Trustees and empowered by them to perform the duties of a Planning Board as specified in Article 7 of the State of New York Village Law.

___ **PREMISES.** A lot, plot or parcel of land including all the buildings, structures and uses thereon.

___ **PRINCIPAL USE.** The main use for which a building or lot is to be used.

___ **PRINCIPAL STRUCTURE.** The main structure on any parcel or property.

___ **PROFESSIONAL OFFICE.** An office principally occupied by a licensed professional such as a physician, dentist, lawyer, engineer, architect, accountant, insurance or real estate agent, or similar occupation.

___ **RESIDENCES, RESIDENTIAL.** A building, or any part of a building, which contains dwelling units for permanent occupancy. Residence, therefore, includes all one-family, and multi-family, boarding, fraternity and sorority houses. Residences shall not include the following transient accommodations, such as hotels, motels, and hospitals.

___ **RESIDENCE.** A dwelling.

___ **RIGHT-OF-WAY.** The property under public ownership or easement normally used for movement of vehicles, and/or persons, including, but not restricted to, any pavement area.

___ **ROOF.** A horizontal or inclined structural element of a building which serves as the top enclosure.

___ **ROOMING HOUSE.** See Boarding House.

___ **SETBACK.** The horizontal distance from a particular lot line to the nearest part of any building or any story thereof shall be deemed to be the distance that such building or story thereof is "set back" or that it "sets back."

___ **SIGN.** Any kind of billboard, sign-board, pennant, or other shaped device or display, used as an advertisement, announcement, or direction, including any symbol, lights, marks, letters, or figures painted thereon or painted on or incorporated in the composition of an exterior surface of a building or structure.

___ **SIGN AREA.** The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by the projected rectangular shape which most clearly outlines the sign.

___ **SIGN, BILLBOARD, OFF-PREMISE ADVERTISING.** See **BILLBOARD.**

___ **SIGN, TEMPORARY.** A temporary sign which directs attention to a special activity or entertainment.

___ **SITE PLAN.** Any plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, and all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

___ **SPECIAL PERMIT USE.** Designated special use in a district, subject to review by the Village Planning Board.

___ **STREET.** Any public thoroughfare which affords the principal means of access to abutting properties.

___ **STREET LINE.** That line determining the limit of the street rights of the public, either existing or contemplated.

___ **STREET, PUBLIC.** A road or street that is built to Village specifications and is dedicated to the Village for maintenance.

___ **STRUCTURE.** Anything constructed or erected on or under the ground or upon another structure or building.

___ **SWIMMING POOL,** Is hereby defined as a receptacle for water or an artificial pool of water, having a depth at any point of more than twenty four (24) inches, designed or intended for the purpose of immersion therein of human beings, and including all appurtenant equipment.

___ **TERRACE.** See **DECK.**

___ **USE.** This term is employed in referring to:

- (a) The purpose for which any buildings, other structures, or land may be arranged, designed, intended, maintained, or occupied.
- (b) Any occupation, business activity, or operation conducted in a building or other structure, or on land.

___ **USE, PRINCIPAL.** The main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which they may be used occupied or maintained under this Local Law.

___ **VARIANCE.** Any relief granted by the Zoning Board of Appeals from the regulations established by this Local Law, where such relief is granted because of practical difficulties or unnecessary hardship, not self-imposed, and will not be contrary to the public interest.

___ **VILLAGE BOARD.** The Village of Belmont Board of Trustees.

___ **WALL.** A structure of wood, stone, or other materials or combination thereof intended for support, defense, security, screening, or enclosure, or for the retention of earth, stone, fill or other material as in the case of retaining walls or bulkheads.

___ **WAY.** A thoroughfare, however designated, permanently established for passage of persons or vehicles.

___ **YARD.** Any space which surrounds or is surrounded by a building or group of buildings.

___ **YARD, FRONT.** That space within and extending the full width of the lot line from the front lot line to that part of the principal building which is nearest such lot line.

___ **YARD, REAR.** That space within and extending the full width of the rear lot line to that part of the principal building which is nearest to such lot line.

___ **YARD SALE, (GARAGE SALE, PORCH SALE, BASEMENT SALE)** and other such events at which a person desires to sell or trade his personal used items, household goods, furniture or equipment upon his premises.

___ **YARD, SIDE.** That space within the lot and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the principal building which is nearest to such side lot line.

___ **ZONING BOARD OF APPEALS.** The Village of Belmont Zoning Board of Appeals appointed by the Village of Belmont Village Board and empowered by them to perform the duties of a Zoning Board of Appeals as specified in Article 7 of the Village Law of the State of New York.