

**A LOCAL LAW AMENDING THE VILLAGE OF HOLLEY OFFICIAL CODE AS TO
THE DESIGNATION OF ZONING DISTRICTS**

Be it enacted by the Board of Trustees of the Village of Holley as follows:

WHEREAS, it is in the public interest for the Village of Holley to regulate zoning within the confines of the Village of Holley; and

WHEREAS, this proposed amendment modifies the current text of section 265-9 of the Official Code of the Village of Holley as more particularly set forth below; and,

NOW, THEREFORE be it resolved that the following proposed local law be published for public review in accordance with the Municipal Home Rule Law and the Village Law, and that a public hearing be held thereupon on the 14th day of May, 2019, for the purposes of consideration of adoption of the proposed local law which reads as follows:

Local Law No. 2 of the Laws of 2019 of the Village of Holley

I. AMENDMENT: The current section 265-9 in the Village of Holley Code is replaced with the following text:

Single-Family Residential District (R-1).

A. *Purpose: The purpose of the Single-Family Residential District (R-1) is to provide for neighborhoods of predominantly single-family dwellings, protected from incompatible uses and development.*

B. *Permitted uses: Permitted uses shall be as follows:*

- (1) One-family dwellings.*
- (2) Churches and similar places of worship.*
- (3) Public elementary and high schools, public parks and playgrounds.*
- (4) Libraries, museums.*

C. *Permitted accessory uses: Permitted accessory uses shall be as follows:*

- (1) Home occupations, subject to the provisions in ordinance 265-48.*
- (2) One private garage or carport on the premises with a maximum capacity of 720 square feet for the parking of automobiles of residents. The use of a private garage for the repair of automobiles or other vehicles for a profit shall be prohibited.*
- (3) Customary accessory structures serving residential uses, including but not limited to private swimming pools, fences, storage buildings, tool houses, greenhouses, tennis courts, pet shelters and fireplaces.*
- (4) Private swimming pools, subject to the provisions in ordinance section 265.50.*
- (5) Off-street parking.*
- (6) Signs subject to the provisions of the regulations in ordinance 265-49 and Local Law No. 4 (2013)*

D. *Special use permits: Essential services and utilities require a special use permit issued by the Zoning and Planning shall be as follows:*

- (1) *Essential services and utilities.*
- (2) *Public and semipublic uses and buildings.*
- (3) *Large-scale residential development.*
- (4) *Golf courses and public swimming pools.*
- (5) *Or similar uses as determined by the Zoning and Planning Board*

E. *Specifications: Specifications shall be as follows:*

- (1) *Setback requirements:*
 - (a) *Front: 30 feet.*
 - (b) *Side: 15 feet.*
 - (c) *Rear: 30 feet.*
- (2) *Lot width: 100 feet.*
- (3) *Lot depth: 100 feet*
- (4) *Minimum lot size: 10,000 square feet.*
- (5) *Height: 35 feet.*
- (6) *Maximum lot coverage: 30% (including accessory structures).*

Multifamily Residential District (R-2).

A. *Purpose: The purpose of the Multifamily Residential District (R-2) is to delineate those areas where predominately residential development has occurred or will likely to occur at multifamily densities.*

B. *Permitted uses: Permitted uses shall be as follows:*

- (1) *One-family dwellings.*
- (2) *Two-family dwellings.*
- (3) *Churches and similar places of worship.*
- (4) *Public elementary and high schools, public parks and playgrounds.*
- (5) *Libraries, museums.*

C. *Permitted accessory uses: Permitted accessory uses shall be as follows:*

- (1) *Home occupations, subject to the provisions in ordinance§265.48.*
- (2) *One private garage or carport on the premises with a maximum capacity of 720 square feet for the parking of automobiles of residents. The use of a private garage for the repair of automobiles or other vehicles for a profit shall be prohibited.*
- (3) *Customary accessory structures serving residential uses, including but not limited to private swimming pools, fences, storage buildings, tool houses, greenhouses, tennis courts, pet shelters and fireplaces.*
- (4) *Private swimming pools subject to the provisions in ordinance 265.50.*

- (5) *Off-street parking.*
- (6) *Signs subject to the provisions in ordinance 265.29 and Local Law No. 4 (2013).*

D. Special use permits: Uses requiring a special use permit issued by the Zoning and Planning Board (subject to special permit regulations, Article VII) shall be as follows:

- (1) *Essential services and utilities.*
- (2) *Bed-and-breakfast establishments.*
- (3) *Attached/detached residential development.*
- (4) *Multifamily attached/detached dwellings.*
- (5) *Or similar uses as determined by the Zoning and Planning Board*

E. Specifications: Specifications shall be as follows:

- (1) *Setback requirements:*
 - (a) *Front: 30 feet.*
 - (b) *Side: 10 feet.*
 - (c) *Rear: 30 feet.*
- (2) *Minimum lot width: 100 feet.*
- (3) *Minimum lot depth: 100 feet.*
- (4) *Maximum height: 30 feet, unless a higher height is permitted for a particular use.*
- (5) *Minimum lot size: 10,000 square feet for single family/multifamily.*
- (6) *Minimum lot size per dwelling unit: 5000 square feet.*
- (7) *Maximum building coverage: 30% (including accessory structures).*

Commercial District (C-1).

A. Purpose: The purpose of the Commercial District (C-1) is to delineate a centralized area where shopping, recreation, and cultural facilities are provided for the Village as a whole.

B. Permitted uses: Permitted uses shall be as follows: Any retail or personal service establishment such as eating and drinking establishments, hardware stores, food stores, clothing stores, drug stores, business and professional offices, hotels and motels, essential services.

C. Permitted accessory use: Permitted accessory uses shall be as follows:

- (1) *Signs subject to provisions in ordinance 265.49 and Local Law No. 4 (2013).*
- (2) *Off-street parking, loading and unloading facilities.*
- (3) *Other customary accessory structures and uses similar in nature and scale to those listed above.*

D. Special use permits: Uses requiring a special use permit issued by the Zoning and Planning Board shall be as follows:

- (1) *Motor vehicle service stations, including filling stations and auto repair shops.*
- (2) *Motor vehicle sales.*
- (3) *Multi-family attached dwellings.*
- (4) *Or similar uses as determined by the Zoning and Planning Board*

E. Specification: Specifications shall be as follows:

- (1) *Setback requirements:*
 - (a) *Minimum front: 10 feet.*
 - (b) *Minimum side: 10 feet.*
 - (c) *Minimum rear: 25 feet.*
- (2) *Lot width: Minimum 40 feet.*
- (3) *Maximum height: 25 feet.*
- (4) *Minimum lot size: 4000 square feet.*
- (5) *Maximum building coverage: 85%.*

Light Industrial District (L-1).

A. Purpose: The purpose of the Light Industrial District (L-1) is to delineate areas best suited for industrial development because of location, topography, existing facilities, and relation to other land uses. Uses incompatible with industry are not to be permitted.

B. Permitted uses: Permitted uses shall be as follows (also see Article V of the Village code):

- (1) *Any manufacturing, assembly, or other industrial or research operation meeting the requirements of the performance standards of this chapter.*
- (2) *Farm, farm uses, and customary farm occupations.*
- (3) *Warehouses for enclosed storage of goods and materials, distribution plants, and wholesale businesses.*

C. Permitted accessory uses: Permitted accessory uses shall be as follows (also see Article V of the Village code):

- (1) *Signs subject to the provisions in ordinance 265.49 and Local Law No. 4 (2013).*
- (2) *Customary accessory uses incidental to a permitted use.*

D. Special use permits: Uses requiring a special use permit issued by the Zoning and Planning Board shall be as follows (also see Article V of the Village code):

- (1) *Large scale industrial park development.*
- (2) *Extraction of stone, sand, and/or gravel.*

- (3) *Motor vehicle service and repair station.*
- (4) *Any use of a similar nature but not included in this section and which is inconsistent with the stated purpose of the Light Industrial District. Uses of a similar nature shall be determined by the Village Board of Trustees with the prior approval of a written application by the Zoning and Planning Board. A written application for determination shall be submitted to the Zoning and Planning Board. The Zoning and Planning Board shall issue its determination after a public hearing within 60 days of receipt of said application.*

E. Setback requirements: Specifications shall be as follows:

- (1) *Minimum district size: five (5) acres.*
- (2) *Minimum lot area: 40,000 square feet.*
- (3) *Minimum lot width: 200 feet.*
- (4) *Minimum lot depth: 200 feet.*
- (5) *Front yard minimum setback: 50 feet from the center line of the district road upon which the main entrance of the building fronts (not the main highway.)*
- (6) *Side yard minimum setback: 30 feet exclusive of and in addition to any required buffer areas.*
- (7) *Rear yard minimum setback: 70 feet exclusive of and in addition to any required buffer areas.*

Land Conservation District L-C

- A. *Purpose: The purpose of the Land Conservation District L-C) is to delineate those areas where substantial development of the land in the form of buildings or structures is prohibited due to:*
 - (1) *Special or unusual conditions of topography, drainage, flood plain or other natural conditions, whereby considerable damage to buildings or structures and possible loss life may occur due to the processed of nature.*
 - (2) *The lack of proper facilities or improvements resulting in the land not being suitable for development at the present time and where such facilities or improvements must be taken on an area-wide rather than individual parcel basis in order to serve adequately the area at a reasonable cost to the village.*
 - (3) *Land set aside for recreation.*
- B. *There are no permitted uses in L-C.*
- C. *There are no permitted accessory uses in L-C.*
- D. *There are no special use permits in L-C.*

Downtown District D-1

(A) *Purpose: The purpose of the Downtown District (D-1) is to delineate a centralized area with a pedestrian oriented and business oriented environment for shopping, recreation, and cultural facilities. The Downtown District is multifunctional, and pedestrian friendly. It encourages people to linger and creates a high level of community ownership. It is the intent of the Village, through the establishment of the Downtown District, to recognize the special significance of the 'Square' as 1) the physical center of the Village of Holley Community, 2) the historic center of retail business within the Village, and 3) the location of architecturally and historically important commercial structures. Additionally, the designation of a Downtown District shall aid in:*

- (1) Maintaining and enhancing the District as a location for retail business, services, and other uses.*
- (2) Fostering civic pride and providing economic benefits through the continued utilization, preservation, and restoration of structures within the District.*
- (3) Working cooperatively with the businesses, civic groups, and other interested organizations to maintain the District's viability by addressing potential problems such as parking and traffic.*

(B) The Downtown District in the Village of Holley shall consist of these addresses:

- (1) Numbers within the Public Square.*
- (2) Numbers 1 through 12 Thomas Street.*
- (3) Number 3 Geddes Street Extension.*

(C) The Downtown District will conform to the C-1 provisions of the Village Code except for the following: Within the Downtown District, the following provisions shall apply:

- (1) No sign shall be internally illuminated nor shall it consist of flashing, intermittent rotating or moving light.*
- (2) Bare bulb signs shall not be permitted.*
- (3) Awning, band, and projecting signs externally illuminated are allowed. Size is limited to 1 square foot per linear foot of building frontage on the side facing either the Square or Thomas Street.*
- (4) Sandwich Board signs are allowed during hours of operation. The size must be of no more than 4.5 square feet per side*

(D) No apartments or residential uses shall be permitted on the first floor of any building in the Downtown District.

II. **AMENDMENT** – Removal of the following sections from the Village of Holley Code: 265 Attachment 2 Schedule I, and also, 265 Attachment 3 and Schedule II.

III. **AUTHORITY:** The Legislative body of the State of New York has granted authority to local government units to adopt and amend local laws from time to time as necessary

in order to protect the health, safety and welfare of the persons and properties within such local municipality. In addition, the Legislative body of the State of New York has specifically deemed that the local government unit shall adopt a local law in certain situations. That, pursuant to such grant of authority, and pursuant to the provisions of Section 714 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Holley, being the local legislative body of such municipality, is empowered to adopt a local law creating and/or modifying territories into the zoning districts of the Village of Holley.

The Village of Holley Board of Trustees has authorized that these changes be made to the Village of Holley Code and that same be implemented into, and enforced as set forth in the Village of Holley Code.

IV. EFFECTIVE DATE OF AMENDMENT: The amendment as described above shall become effective upon the filing of this local law in the office of the Secretary of State.