

Summary Zoning Law of the Village of Allegany

On July 7, 2003 the Village of Allegany Board of Trustees adopted a new zoning law. The new zoning law includes changes to both the text and the zoning map. The major provisions of this law are as follows:

Article I, Intent and Purpose, describes the intent of the Village in enacting the zoning law and outlines the purposes that will be accomplished. Article II, Enacting Clause, cites New York State enabling legislation. Article III, Short Title, establishes the title of the zoning law. Article IV, Rules and Definitions, contains definitions of terms used in the zoning law, including definitions of permitted and special permitted uses.

Article V, General Provisions, establishes some general rules for interpreting and enforcing the zoning law. The most important of these provisions is the one that provides that any use not specifically allowed in the zoning law is prohibited. Article VI, Establishment of Districts, establishes eight zoning districts for the Village. This article also incorporates the zoning map into the zoning law and provides guidance on how to interpret the zoning map.

The regulations for each of the zoning districts are contained in Article VII, District Use Regulations. There are three residential zoning districts. The R-1 Single Family Residential District allows single family residences as an allowed use and allows a small number of other uses that are compatible with residential uses as special permitted uses.

The R-2 Two-family Residential District allows single family homes as a permitted use. Two-family homes are also allowed as a permitted use, provided that the two-family home is located on a lot that is a minimum of 8,000 square feet in area and has a minimum lot depth of 110 feet and a minimum lot frontage of 70 feet. Special Permitted Uses in the R-2 Two-family Residential District include bed and breakfast residences and professional offices.

The R-3 General Residential District allows single family homes and two-family homes on lots with the same dimensional requirements of the R-2 District. Land uses that are allowed with a special use permit include multiple family dwellings, cemeteries, and professional offices.

Three commercial districts are established for the village. The B-1 Village Business District encompasses the traditional commercial core of the Village. A wide range of retail and service land uses, including restaurants, laundromats, offices, and retail businesses are allowed. Land uses that are allowed with a special use permit include hotels, motels and bars. The emphasis is on uses that are pedestrian-oriented.

The B-2 Commercial-Residential District is located to the east and west of the B-1 District. The permitted uses in the B-2 District are similar to the retail and service uses allowed in the B-1 District. In addition, single family and two family residences are

allowed in the B-2 District. The allowed uses in this district are also pedestrian-oriented in nature. Uses that are permitted with a special use permit include restricted manufacturing, hotels and motels, and commercial schools.

The B-3 General Business District is located at the west end of the village. It allows uses that are automobile-dependent in nature. The permitted uses include offices, restaurants, and retail businesses. Uses that are permitted with a special use permit include automobile repair shops, automobile sales establishments, and gasoline stations.

In the I-1 Industrial District a range of office, warehousing and retail uses are allowed. Manufacturing and commercial recreation are among the uses that are allowed with a special use permit.

The F-O Floodplain Overlay District applies to all areas identified as an area of special flood hazard by the Federal Emergency Management Agency (FEMA). This district overlays the Village's existing regulations for these areas onto the underlying regulations of the zoning district.

Article VII also contains dimensional regulations for each zoning district, including minimum lot size, minimum frontage, minimum lot depth, building height limitations, minimum open area requirements and minimum front, side, and rear setbacks.

Article VIII, Non-conforming Buildings, Structures and Uses, establishes criteria under which legally pre-existing land uses, which may not conform to the new regulations, are permitted to continue. Article IX, Supplementary Regulations, contains specific regulations for some types of uses, including signs, parking, manufactured homes, telecommunications facilities and home based businesses.

The remaining articles of the zoning law are administrative. Article X, Administration and Enforcement, lays out the procedure for administering and enforcing the zoning law. Article XI, Zoning Board of Appeals, contains the procedures and criteria for the board of appeals to use in reviewing applications for variances. Article XII, Special Use Permits, contains the procedure and criteria that the Planning Board must use when reviewing an application for a special use permit. Article XIII, Site Plan Review, contains the procedure and criteria to be used by the Planning Board in reviewing applications for site plan approval.

Article XIV, Referral, contains the procedure to be followed when an application must be referred to the Cattaraugus County Planning Board. Article XV, Amendments, lays out the procedure for amending the zoning law. Article XVI, Separability, is a required legal provision and Article XVII, Effective Date, states that the zoning law will take effect upon filing in the Secretary of State's Office.

The full text of the zoning law and the zoning map are available for review in the Village Clerk's Office during normal business hours. Prior to adopting the zoning law, the Village Board of Trustees conducted an environmental assessment, pursuant to the New

York State Environmental Quality Review Act (SEQRA), of the potential effects of adopting this law. This project was classified as a Type I action and the Village Board determined that the project will not have a significant impact on the environment. The full Environmental Assessment Form and Negative Declaration are also available for review in the Village Clerk's Office.