

# DRAFT

## Chapter 245 Zoning

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### Article I

#### Title, Purpose and Definitions

##### § 245-1 Title.

This chapter shall be known and may be cited as the "Zoning Law of the Village of Angola, New York."

##### § 245-2 Purpose/Authority.

The purpose of this chapter is to promote the health, safety, morals and general welfare of the community by regulating and restricting the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes in accordance with § 7-700 of the Village Law.

##### § 245-3 Definitions.

As used in this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

##### ACCESSORY BUILDING

A subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

##### ACCESSORY USE

A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

##### ADULT BOOKSTORE

An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines, films for sale or viewing on the premises by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such materials.

#### ADULT ENTERTAINMENT CABARET

A public or private establishment, which is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators or similar entertainers.

#### ADULT MINI-MOTION-PICTURE THEATER

An enclosed building, with a capacity of fewer than 50 persons, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

#### ADULT MOTION-PICTURE THEATER

An enclosed building, with a capacity of 50 or more persons, used regularly and routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

#### ADULT USES

Any or all uses specified in the definitions of "adult bookstore," "adult entertainment cabaret," "adult mini-motion-picture theater," and "adult motion-picture theater," and any other similar uses.

#### ALLEY

A permanent service way providing a secondary means of access to abutting properties.

#### ALTERATIONS

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

#### AUTOMATIVE USES

All activities, services, or facilities primarily engaged in the operation, repair, sales, and storage of motor vehicles, including, but not limited to gasoline service stations, automotive repair shops, and car washes.

#### BASEMENT

A story partly underground and having more than 1/2 of its height above the average level of the finished grade at the front of the building.

#### BOARDING- OR ROOMING HOUSE

A dwelling, other than a hotel or lodging house, where five or more persons are housed or lodged for hire, with or without meals.

#### BUILDING

A structure, wholly or partially enclosed within exterior walls, or within exterior or party walls, and a roof, affording shelter to persons, animals or property.

## **BUILDING AREA**

The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

## **BUILDING HEIGHT**

The vertical dimension, measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof.

## **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 case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

## **BUILDING, PRINCIPAL**

A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

## **CELLAR**

A story partly underground and having more than 1/2 of its clear height below the average level of the finished grade at the front of the building.

## **CERTIFICATE OF OCCUPANCY**

A certificate issued by the Code Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this chapter and such adjustments thereto granted by the Board of Appeals.

## **CLUB, PRIVATE**

A nonprofit social organization whose premises are restricted to its members and their guests.

## **CLUSTER DEVELOPMENT**

A development of residential lots, each containing less area than the minimum lot area required for the zoning district within which such development occurs but maintaining the density limitation imposed by said minimum lot area through the provision of open space as a part of the subdivision plan.

## **CURB LEVEL**

The officially established grade of the curb in front of the midpoint of the lot.

## **DARK STORES**

A retail facility used exclusively for the purpose of distributing or producing online goods

or materials with no intended purpose for in-person customers and contains no active storefront.

#### DRIVE-THRU'S

A window accompanied by a driving lane or other such structure wherein the sale of goods or delivery of services is provided directly to patrons while seated in motor vehicles located on the premises.

#### DWELLING

A building or portion thereof used exclusively as the residence or sleeping place of one or more persons.

#### DWELLING, DETACHED

A dwelling having no party wall in common with another building.

#### DWELLING, MULTIFAMILY

A building or portion thereof containing three or more dwelling units and used for occupancy by three or more families living independently of each other.

#### DWELLING, ONE-FAMILY

A building or dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit.

#### DWELLING, ROW

A row of attached or semidetached one-family dwellings or two-family dwellings containing a total of three or more dwelling units, or a building in such a row.

#### DWELLING, SPECIAL-PLACEMENT

Any building or premises occupied by three or more persons not related to the owner, lessee or operator by blood, marriage or adoption, who, upon their release as patients from any recognized mental institution, treatment ward for alcoholism, treatment center for narcotic addicts or as an inmate of any correctional penal institution, use such building or premises as living facilities in order to secure noninstitutionalized care in their attempt to re-enter society as healthy, happy and useful human beings. The operator must reside at such premises.

#### DWELLING, TWO-FAMILY

A building containing two dwelling units and used exclusively for occupancy by two families living independently of each other, or two one-family dwellings having a party wall in common.

#### DWELLING UNIT

One or more rooms providing living facilities for one family, including equipment for cooking, living and sleeping purposes and provisions for the same.

#### ELECTRIC VEHICLE CHARGING STATION

Standalone infrastructure with a dedicated connection to an electrical meter box equipped with one or more devices for recharging electric vehicles, including associated infrastructure and equipment required for the safe and efficient delivery of electrical power to a vehicle's battery.

#### FAMILY

One or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

#### FARM

Any parcel containing 10 acres or more of land which is used for gain in the raising of agricultural products, including crops, livestock, poultry, or dairy products.

#### FARM BUILDING

Any building used for the housing of agricultural equipment, produce, livestock, or poultry or for the incidental or customary processing of farm products, provided that such building is located on, operated in conjunction with, and necessary to the operation of the farm, as defined by this section. The term "farm building" shall not include farm dwelling.

#### FENCE

An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected for the enclosure of yard areas.

#### FLAMMABLE LIQUIDS

Liquids having a flash point below 200° F., closed-cup tester. Class I flammable liquids (e.g., gasoline, ether, liquid petroleum gas) are those having a flash point below 25° F. Class II flammable liquids are those having a flash point below 70° F. but not below 25° F.

#### 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 areas shall be measured between the inside face of exterior walls or from the center line of walls separating two uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

#### GARAGE, PRIVATE

A secondary building used in conjunction with a primary building which provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

#### GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, servicing or equipping of automobiles or other motor vehicles.

#### GARDEN APARTMENT

A building, or more, usually a group of buildings, usually two to three stories in height, with its primary function being the containment of housing units surrounded by open or garden space and containing parking within the limits of the lot.

#### GASOLINE SERVICE STATION

A building or land, or any part thereof, used for the sale of motor fuel, oil, and motor vehicle accessories, and which may include facilities for lubricating, washing, or servicing vehicles, but not including paint or body repairs.

#### HOME OCCUPATION

Any occupation carried on as a subordinate use by a member of the family residing on the premises of a residential lot.

#### HOME PROFESSIONAL OCCUPATION

The office of a member of a recognized profession when conducted on residential property. Such occupations shall include but not be limited to those of doctors, lawyers, architects, engineers, artists, ministers and other recognized professional persons.

#### JUNKYARD

An area, lot or unenclosed shed where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including auto-wrecking or -dismantling yards, house-wrecking yards, used-lumber yards, and places or yards for use of salvaged house-wrecking and structural steel materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, for the processing of used, discarded or salvaged materials as part of manufacturing operations, or for the sale, purchase or storage of used motor vehicles or salvaged machinery to be reused for the purposes for which originally manufactured.

#### KENNEL

Any premises on which four or more dogs over four months of age are kept.

#### LOT

A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a 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 chapter, may or may not be a lot as shown on a subdivision plat or assessment record.

#### LOT AREA

An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

#### LOT, CORNER

A parcel of land at the junction of and fronting on two or more intersecting streets.

#### LOT DEPTH

The horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

#### LOT, INTERIOR

A lot other than a corner lot.

#### LOT LINES

The property lines bounding the lot. In the case of a lot abutting on more than one street, the owner may elect any street lot line the front lot line. The rear line shall be the lot line most distant from the front lot line.

#### LOT, THROUGH

An interior lot having frontage on two parallel or approximately parallel streets.

#### LOT WIDTH

The horizontal distance between the side lot lines, measured at right angles to its depth at the building line.

#### MANUFACTURED HOMES

A factory-built, single-family structure that meets the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

#### MIXED USE BUILDINGS

A structure that integrates two or more distinct uses within the same building or development site. This design aims to promote walkability, enhance community interaction, and support diverse activities. Each use within the building may operate independently while contributing to the overall character and function of the area.

#### NONCONFORMING BUILDING

A building which, in its design or location upon a lot, does not conform to the regulations of this chapter or any subsequent amendment for the zoning district in which it is located.

#### NONCONFORMING LOT

A lot of record, existing at the date of the passage of this chapter or any subsequent amendment, which does not have the minimum width or contain the minimum area for the zoning district in which it is located.

#### NONCONFORMING USE

Any use of any building, structure, or land existing at the time of enactment of this chapter which does not conform to the use regulations of the district in which it is situated.

#### PLANNED UNIT DEVELOPMENT

A cluster development consisting of a minimum of 250 homes, plus business uses as described herein.

## PLAT

A map, plan or layout of a section or subdivision of the Village, indicating the location and boundaries of individual properties.

## PRINCIPAL USE

The main use to which a building or lot is to be used.

## RESTAURANT

Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building or elsewhere on the premises. However, a snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park operated by the agency or group or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

## RIGHT-OF-WAY

The line determining the street or highway public limit or ownership.

## 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 a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

## SIGNBOARD, BILLBOARD, or OFF-PREMISES ADVERTISING SIGN

Any advertising display on which is shown any advertisement for products or businesses other than those which are sold or have occupancy on that lot or parcel of land.

## SIGN, ON-PREMISES ADVERTISING

A sign shall be deemed to be any advertising display on which is shown the products sold, the name of the enterprise located on that lot or parcel of land, or any other wording which reflects directly upon any on-site business or other usage thereof.

## SITE PLAN

A plan of a lot or subdivision on which is shown topography, the location of all buildings, structures, roads, and right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Zoning Board of Appeals.

## SITE PLAN PERMIT

A permit issued by the Planning Board, which is needed before applying for a Building Permit. It includes detailed drawings of the proposed layout, structures, landscaping, parking, and other features, ensuring that the project aligns with local land use policies and standards. (Procedures in Article VII of this chapter).

## SPECIAL-PLACEMENT RESIDENCE



See "dwelling, special placement."

#### SPECIFIED ANATOMICAL AREAS

1. Less than completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

#### STORY

That portion of a building between the surface of any floor and the surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a basement shall be counted, but a cellar shall not be counted.

#### STORY, HALF

A story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

#### STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

#### STREET LINE

That line determining the limit of the highway rights of the public, either existing or contemplated.

#### STRUCTURAL ALTERATIONS

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

#### STRUCTURE

Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

#### SWIMMING POOL, PRIVATE

A swimming pool operated as a secondary use to a residential dwelling unit or units and

located on an individual residential lot.

#### SWIMMING POOL, PUBLIC

A public or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

#### TEMPORARY USE

An activity, conducted for a specific limited period of time, which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

#### USE

The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

#### YARD, FRONT

An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of such main building.

#### YARD, REAR

An open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

#### YARD, SIDE

An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yards shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

#### ZONING BOARD OF APPEALS

The officially established Board of Appeals of the Village of Angola.

## Article II Zoning Districts and Map

### § 245-4 Establishment of districts.

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

R-1 District	One-Family Residential District
MU-R	Multi-use Residential District
MF-R District	Multiple-Family Residential District
MU-B District	Mixed Use Business District
B District	Business District
I District	Industrial District
R-OS	Recreation/ Open Space Overlay

### § 245-5 Zoning Map.

- A. The zoning districts are bounded as shown on a map entitled "Zoning Map of the Village of Angola," adopted and certified by the Village Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter.

### § 245-6 Interpretation of district boundaries.

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by using the scale shown on the Zoning Map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

- E. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village of Angola, unless otherwise indicated.

**§ 245-7 Compliance required.**

Except as herein provided:

- A. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- B. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, or inner or outer courts than are specified herein for the district in which such building is located.
- C. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building. [Amended 5-6-1996 by L.L. No. 1-1996]

**Article III  
Zoning District Regulations**

**§ 245-8 R-1 One-Family Residential District.**

A. Permitted principal uses:

- (1) Single-family dwellings.
- (2) Churches and other similar places of worship, parish houses, convents, and other such facilities of recognized religious groups.
- (3) Municipal parks, playgrounds and recreation areas deemed necessary and appropriate by the Village Board.
- (4) Professional offices and home occupation uses, provided that they are carried on in conjunction with a residential use on the property.
- (5) Farms and related farming activities, such as chicken coups, residential gardens, and beekeeping, provided that no storage of odor- or dust-producing substances shall be permitted within 100 feet of an adjoining lot line.
- (6) Public buildings, libraries, museums, and public and nonprofit private schools accredited by the State Education Department.

B. Permitted accessory uses:

- (1) Those supporting the permitted uses and those requiring special use permits.
- (2) Private garages.
- (3) Customary residential storage structures.
- (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts, and the like.
- (5) Noncommercial greenhouses and customary farm buildings for the storage of products or equipment located on the same parcel as the principal use.
- (6) Signs, in accordance with Article IV.

C. Permitted uses with a special use permit, subject to the requirements of Article VI:

- (1) Public utility uses.
- (2) Cluster residential developments.
- (3) Cemeteries, hospitals, sanitariums and convalescent homes.
- (4) Special-placement residences.
- (5) Auxiliary Housing Units.
- (6) Short term rental establishments (pursuant to the requirements in Article XV).

**§ 245-9 MF-R Multiple-Family Residential District.**

A. Permitted principal uses:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Boarding and rooming houses.
- (4) Multi-Family dwellings up to five units.
- (5) Churches and other similar places of worship, parish houses, convents, and other such facilities of recognized religious groups.
- (6) Municipal parks, playgrounds and recreation areas deemed necessary and appropriate by the Village Board.
- (7) Professional offices and home occupation uses, provided that they are carried on in conjunction with a residential use on the property.

- (8) Farms and related farming activities, such as chicken coups, residential gardens, and beekeeping provided that no storage of odor- or dust-producing substances shall be permitted within 100 feet of an adjoining lot line.
- (9) Public buildings, libraries, museums, and public and nonprofit private schools accredited by the State Education Department.

B. Permitted accessory uses:

- (1) Those customarily supporting the permitted uses or those with approved special use permits.
- (2) Private garages.
- (3) Customary residential storage structures.
- (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts, and the like.
- (5) Noncommercial greenhouses and customary farm buildings for the storage of products or equipment located on the same parcel as the principal use.
- (6) Signs, in accordance with Article IV.

C. Permitted uses with a special use permit, subject to the requirements of Article VI:

- (1) Public utility uses.
- (2) Residential garden apartments and multiple-dwelling developments (over five units).
- (3) Auxiliary Housing Units (pursuant to the requirements in Article XIII).
- (4) Short term rental establishments (pursuant to the requirements in Article XV).

D. Off-street parking requirements: off-street parking requirements as defined in Article VI.

**§ 245-10 MU-R Mixed-Use Residential District.**

- A. Purpose/ Intent: This zone will help to create a livelier residential community by integrating residential, small scale commercial, and recreational spaces, while retaining a classic neighborhood charm. Uses in this zone should add value to neighborhoods by creating cohesive communities with increased economic and cultural opportunities. Further, mixed-use neighborhoods should create vibrant, connected communities that improve residents' well-being and make better use of existing space. This zoning district

shall support, but not compete with the Mixed-Use Business District.

B. Permitted principal uses:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multi-family dwellings, up to five units in a structure that is residential in nature.
- (4) Boarding and rooming houses.
- (5) Churches and other similar places of worship, parish houses, convents, funeral homes (without crematories), and other such facilities of recognized religious groups
- (6) Municipal parks, playgrounds, and recreation areas.
- (7) Professional offices and home occupation uses such as, but not limited to, doctors, lawyers, barbers, personal trainers, or artisans, provided that they are carried on in conjunction with a residential use on the property.
- (8) Public buildings, libraries, museums, and public and nonprofit private schools accredited by the State Education Department.
- (9) Farms and related farming activities including, but not limited to, chicken coups, residential gardens, and bee keeping, provided that no storage of odor- or dust-producing substances shall be permitted within 100 feet of an adjoining lot line.

C. Permitted Accessory Uses:

- (1) Those supporting the permitted uses and those requiring special use permits.
- (2) Private garages.
- (3) Customary residential storage structures.
- (4) Other customary residential structures, such as private swimming pools, fireplaces, trellises, lampposts, and the like.
- (5) Noncommercial greenhouses and customary farm buildings for the storage of products r equipment located on the same parcel as the principal use.
- (6) Signs, in accordance with Article IV.

D. Uses Specifically Not Allowed:

- (1) Commercial Uses requiring more than 6 parking spaces.

E. Permitted uses by Special Use Permit subject to the requirements of Article VI:

- (1) Standalone professional offices in existing buildings.
- (2) Single practitioner doctor's office in existing buildings.
- (3) New construction of professional offices and single practitioner doctor's offices in a residential type structure.
- (4) Retail shops or dining facilities deemed appropriate by the Zoning Board of Appeals.
- (5) Public utility uses.
- (6) Cluster residential developments.
- (7) Cemeteries, hospitals, sanitariums and convalescent homes.
- (8) Special-placement residences.
- (9) Auxiliary Housing Units
- (10) Short term rental establishments (pursuant to the requirements in Article XV)
- (11) Other business uses which, in the opinion of the Board of Appeals, are similar in nature and scale to those permitted above.

F. Off-street parking requirements: off-street parking requirements as defined in Article VI.

G. Performance Standards: This section outlines the performance standards that developments must meet to ensure compatibility with the surrounding area and protect community health and safety.

- (1) Land Use Compatibility. Residential development must be compatible with surrounding land uses. New residential projects should consider existing agricultural, forestry, or open space uses and avoid conflicts and be harmonious in the existing neighborhood context. Commercial uses, where allowed, should be limited in scale to ensure they do not overwhelm the residential character or disrupt the natural setting.
- (2) Site Design and Landscaping. Site designs must incorporate native vegetation and green infrastructure to manage stormwater and support local wildlife. Landscaping should enhance the neighborhood character and provide visual buffers between residential and commercial areas.
- (3) Lighting and Visual Impact. Exterior lighting must be designed to minimize light pollution and utilize dark sky compliant lighting features. Shielded fixtures and low-intensity lighting are encouraged. However, consideration should be given to



safety lighting at entrances, walkways, exits, and other circulation points. The use of flashing or neon light is not permitted.

- (4) Noise Control. Developments must include noise mitigation measures to minimize disturbance from traffic, machinery, and other sources. The enjoyment and livability of the neighborhood must not be disrupted.

H. Design Standards: This section sets forth design standards for developments to ensure aesthetic consistency and enhance the character of the community.

- (1) Building Aesthetics: Buildings should reflect the historic architectural style consistent with the Village's neighborhood character. Homes should be of similar style and scale of those currently existing in neighborhood. Commercial buildings should be residential in character, by using design features such as peaked roofs, windowsill details, scale, and materials that would be commonly found on residential structures.

- (2) Building Materials: Use of textured materials, such as brick, wood, or natural stone, is encouraged (excluding single-family homes). Avoid reflective or highly industrial materials that may disrupt the visual harmony of the area.

- (3) Architectural Features: Architectural features such as pitched roofs, overhangs, and traditional detailing may be incorporated to adhere to the neighborhood character of these districts. Commercial signs should be modest in scale and placed in a manner that is integrated with the building's façade, and in adherence with the signage regulations in Article VI.

- (4) Landscaping. Landscaping should be used to soften building edges and provide buffers between different land uses. Incorporate native plant species and sustainable landscaping practices.

#### **§ 245-11 Mixed-Use Business District (MU-B).**

A. Purpose/Intent: This zone should foster economic vitality by supporting local businesses, while enhancing the convenience and accessibility for community members and visitors through reduced travel needs and increased walkability. This zone should serve as a social and cultural hub, strengthening community ties and preserving local charm and history. This zone promotes sustainable development through the efficient use of land, while revitalizing underdeveloped parcels. This district should contribute to the overall growth and vibrancy of the Village of Angola.

B. Permitted Uses:

- (1) Retail business establishments which are clearly of a community service characteristic, such as but not limited to:
  - i. Stores selling groceries, meats, baked goods, and other such food items.

- ii. Drugstores.
- iii. Stationary, tobacco, and newspaper stores, luncheonettes, and confectionery stores.
- iv. Hardware, radio and television stores.
- v. Clothing, accessory, and jewelry stores.
- vi. Restaurants and bar, tavern, or pub.
- vii. Department and general merchandise stores.
- viii. Hotels
- ix. Furniture and appliance stores.
- x. Paint stores.

(2) Personal service establishments which are clearly of community service in character, such as but not limited to the following:

- i. Hair salons and barbershops.
- ii. Tailor shops, dry-cleaning, and laundry service shops provided only items of customer supply shall be serviced on premises. Service of any product or item from collection points or pickup stations (other than retail customer route trucks) shall be prohibited.
- iii. Indoor theaters and assembly halls.
- iv. Commercial recreation areas.
- v. Shoe repair shops
- vi. Business and professional offices, banks, financial institutions.
- vii. Funeral homes with no crematories
- viii. Studios for dance, exercise, art, music, or the like.

C. Uses Specifically Not Allowed:

(1) Automotive uses.

(2) Dark stores.

D. Permitted uses by Special Use Permit subject to the requirements of Article VI:

- (1) Mixed use buildings (of permitted uses). Residential uses may not be facing the main road. Residential shall be on the second story or facing the back or side of building.
- (2) Two allowed uses on one lot.
- (3) Drive-through's associated with an allowed/permitted use.
- (4) Short term rental establishments provided the rental unit is not located in any street-level frontage of a building's first floor. (pursuant to the requirements in Article XV)

E. Permitted Accessory Uses:

- (1) Those supporting the permitted uses and those requiring special use permits.
- (2) On-site (in a parking lot) electric vehicle charging stations.
- (3) Signs to identify a permitted business use which are located on the same property as the permitted use, and which meet the requirements set in Article IV.

F. Off-street parking requirements: off-street parking requirements as defined in Article VI.

G. Performance Standards: This section outlines the performance standards that developments must meet to ensure compatibility with the surrounding area and protect community health and safety.

- (1) Compatibility with Surrounding Uses. New developments must demonstrate compatibility with existing land uses. Projects should minimize adverse impacts such as noise, odor, and traffic congestion on adjacent uses. Buffers, landscaping, and screening should be incorporated where necessary to reduce visual and noise impacts.
- (2) Traffic Impact. New developments and renovations to existing structures must include a traffic impact analysis to assess potential effects on local roads and intersections. Traffic management strategies should be implemented to mitigate congestion and ensure safe and efficient transportation flow both on and surrounding parcel.
- (3) Access and Parking. New developments and renovations to existing structures must provide safe and adequate vehicular access, including entry and exit points that do not compromise public safety. Parking areas should be designed to minimize visual impact and include green infrastructure elements, such as permeable paving and landscaping.
- (4) Noise Levels. Activities must include noise mitigation measures to minimize

disturbance from traffic, machinery, and other sources.

- (5) Odor and Emissions. Businesses must implement controls to manage and mitigate odors and emissions. This includes using air filtration systems and ensuring compliance with environmental regulations.

H. Design Standards: This section sets forth design standards for developments to ensure aesthetic consistency and enhance the character of the community.

- i. Building Aesthetics: New construction, building renovations, and building additions shall be complimentary of the historic nature of the Village. Consideration should be given to window finishes, trims, transitions between building materials, building base treatments, and other factors that create an aesthetic harmonious with the Village.
- ii. Historic Nature: Consideration should be given to the historic nature of buildings being redeveloped, and proposed new construction should be harmonious with existing structures. These standards do not require the precise re-creation of historic styles. Contemporary interpretations in correct proportion, character and style can be utilized to strengthen the identity of new buildings. Materials, details, and colors should be historically appropriate in this district.
- iii. Doors and entryways: It should be clear where the public entrance is located through the use of signage, design, and proper materials. Appropriate scale of entrance should be considered in designs, with more emphasis being placed on main entrances, and less emphasis on secondary or private entrances.
- iv. Refer to the Village of Angola – Downtown Redevelopment Feasibility Project for further design examples and guidelines.

#### **§ 245-11.1 B Business District.**

A. Permitted principal uses:

- (1) Retail business establishments which are clearly of a community service characteristic, such as but not limited to:

- i. Stores selling groceries, meats, baked goods, and other such food items.
- ii. Drugstores.
- iii. Stationary, tobacco, and newspaper stores, luncheonettes, and confectionery stores.

- iv. Hardware, radio and television stores.
- v. Clothing, accessory, and jewelry stores.
- vi. Restaurants and bar, tavern, or pub.
- vii. Department and general merchandise stores.
- viii. Hotels
- ix. Furniture and appliance stores.
- x. Paint Stores.

(2) Personal Service establishments which are clearly of community service in character, such as but not limited to the following:

- i. Hair salons and Barbershops.
- ii. Tailor shops, dry-cleaning, and laundry service shops provided only items of customer supply shall be serviced on premises. Service of any product or item from collection points or pickup stations (other than retail customer route trucks) shall be prohibited.
- iii. Indoor theaters and assembly halls.
- iv. Commercial recreation areas.
- v. Shoe repair shops
- vi. Business and professional offices, banks, financial institutions.
- vii. Funeral Homes with no crematories
- viii. Studios for dance, exercise, art, music, or the like.
- ix. Automobile body repair and painting.

(3) Warehousing or storage of goods which may be sold from the premises to the general public. The bulk storage of fuel for resale is specifically excluded from the intent of the above.

E. Permitted accessory uses:

(1) Signs as permitted in Article IV.

(2) Parking: parking as permitted in § 245-11C.

F. Permitted uses with special use permit subject to the requirements of Article VI:

(1) Public utilities.

(2) Automotive uses.

(3) Landscape facilities.

(4) Short term rental establishments (pursuant to the requirements in Article XV).

G. Off-street parking requirements: off-street parking requirements as defined in Article VI.

### **§ 245-12 I Industrial District.**

A. Permitted uses with special use permit subject to the requirements of Article VI:

(1) Any use of a light industrial nature is permitted which involves only the processing, assembly, packaging or storage of previously created or refined materials, provided that at no time will such use result in or cause:

- i. Dissemination of dust, smoke, smog, observable gas, fumes or odors, or other atmospheric pollution, objectionable noise, glare, or vibration.
- ii. Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use.

(2) The following uses are indicative of those which are intended to be permitted:

- i. Manufacture of machinery, such as but not limited to carburetor and small machine parts, cash registers, sewing machines, and typewriters, calculators and other office machines, etc.
- ii. Fabrication of metal products, such as baby carriages, bicycles, metal foil, tin, aluminum, gold, etc., metal furniture, musical instruments, sheet-metal products, and toys, etc.
- iii. Fabrication of paper products, such as bags, book bindings, boxes and packaging materials, office supplies, and toys, etc.
- iv. Fabrication of wood products, such as boats, boxes, cabinets and woodworking, furniture and, toys, etc.
- v. Food and associated industries, such as bakeries, bottling of food and beverages, food and cereal mixing and milling, food processing, canning, and freezing, food sundry manufacturing, and ice cream manufacturing, etc.

- vi. The warehousing or storage of goods and products, such as building materials, farm supplies, and the like, which may be sold from the premises to the general public. The bulk storage of fuel for resale is specifically excluded from the intent of the above.
- (3) Office buildings for executive, engineering and administrative purposes.
- (4) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.
- (5) The manufacturing and processing of pharmaceutical and cosmetic products.
- (6) Public utility uses.
- (7) Adult uses, subject to the conditions set forth in § 245-21. [Added by L.L. No. 6-1980]
- (8) Gasoline service stations, subject to the conditions set forth in § 245-22. B.
- (9) Short term rental establishments (pursuant to the requirements in Article XV)

B. Permitted Accessory Uses:

- (1) Signs shall be permitted, for advertising industrial activities on the premises, which shall not exceed, in aggregate, 15% of the area of the front facade of the building. Such signs may be illuminated but shall not be of the flashing type.
- (2) Private garage and storage buildings which are necessary to store any vehicles, equipment, or materials on the premises.
- (3) Off-street parking space for the use of employees and visitors.

C. Other provisions and requirements:

- (1) One off-street parking space shall be provided for each employee on the maximum shift or one space for every 300 square feet of total floor area, whichever is greater.
- (2) Parking areas may be located in any of the required yard areas, provided that they are not less than 50 feet from a street line or 20 feet from a property line.
- (3) Each use located in this district shall provide truck loading and unloading space on the same lot and in other than the required front yard so as to permit the transfer of goods in other than a public street.
- (4) Each use established in this district shall set aside 15% of the tract for seeding and landscaping and use this area for no other purpose.

(5) All industrial processes shall take place within an enclosed building. Incidental storage of materials out-of-doors shall be permitted. Industrial uses shall be located so as to be a minimum of 25 feet from any property line abutting a nonindustrial district. This twenty-five-foot buffer strip shall be perpetually maintained with plant material to provide a visual screen between the industrial use and the adjoining nonindustrial use.

D. Off-street parking requirements: off-street parking requirements as defined in Article VI.

E. Performance Standards: This section outlines the performance standards that developments must meet to ensure compatibility with the surrounding area and protect community health and safety.

(1) Compliance with Local, State, and Federal Regulations. All industrial activities must comply with applicable local, state, and federal regulations, including but not limited to environmental protection laws, safety codes, and labor standards.

(2) Environmental Protection.

i. Air Quality: Industrial operations must implement measures to minimize air pollutants and emissions. Air quality should be monitored and maintained within permissible levels as defined by local, state, and federal regulations.

ii. Water Management: Proper drainage and wastewater management systems must be in place to prevent contamination of stormwater and groundwater. Industrial discharges must meet regulatory standards.

iii. Waste Management: All waste, including hazardous materials, must be handled, stored, and disposed of in accordance with applicable regulations. Waste management plans should be developed and implemented to minimize environmental impact.

(3) Noise Control. Industrial operations must minimize noise to levels that do not adversely affect surrounding residential areas. Machinery and equipment must be maintained to reduce noise, and sound barriers or enclosures may be required where necessary.

(4) Odor Control. Measures must be implemented to control and minimize odors emanating from industrial activities. Any odor-producing processes should be contained and managed to prevent off-site nuisance.

(5) Visual Impact. Industrial facilities must be designed and maintained to be visually compatible with the character of the village. This includes landscaping, building materials, and architectural design. Screen planting or other visual buffering may be required to minimize visual impacts on neighboring properties.

(6) Traffic and Transportation. Access to industrial zones must be designed to handle



anticipated traffic volumes without adversely affecting local roadways. Traffic management plans should be implemented to mitigate congestion and ensure safe access, particularly to ensure access for emergency vehicles. Adequate parking and loading areas must be provided on-site to prevent spillover onto public roads.

(7) Safety and Health. Industrial operations must adhere to occupational health and safety standards to protect employees and the surrounding community. This includes regular safety inspections and emergency preparedness plans. Facilities must implement measures to address and mitigate potential hazards associated with industrial processes.

- i. Dust, dirt, fly ash, and other particulates shall be controlled so that no such emission will cause damage to human health, animals, vegetation, or other property, or which can cause any excessive soiling beyond the lot line of the source use.

F. Design Standards: This section sets forth design standards for developments to ensure aesthetic consistency and enhance the character of the community.

(1) Building Aesthetics: Industrial buildings should incorporate design elements that reflect the character of the Village. This includes using materials, colors, and architectural styles that blend with the surrounding landscape. Metal siding and large-scale, monotonous structures should be avoided or softened with appropriate façade treatments.

(2) Building Materials: Exterior materials should be durable and of high quality. Preferred materials include brick, stone, or textured masonry. Metal and concrete may be used but should be complemented by other materials to reduce visual monotony.

(3) Facade Treatments: Facades should include varied textures and colors to break up large expanses of building surfaces. Articulation such as pilasters, cornices, or windows should be used to add visual interest and scale.

(4) Building Orientation: Buildings should be oriented to enhance visual appeal and functionality. Main entrances should face public roads or access points, and loading docks should be positioned away from street view whenever possible.

(5) Landscaping: Landscaping shall enhance the visual appeal of the site. This includes planting trees, shrubs, and ground cover, particularly along street frontages and property boundaries. Landscaping should provide visual buffering and complement the village setting.

## **§ 245-13 Recreational Open Space Overlay District (R-OS).**

A. Intent and Purpose:

- (1) In accordance with the recommendations and policies of the Village of Angola Comprehensive Plan, the purpose of this overlay district is to provide a regulatory framework to preserve and protect important environmental and open space resources; create new opportunities for passive and active recreation, encourage bicycle and pedestrian access; and preserve the character of the Village. This area of the Village contains significant areas of floodplain, freshwater wetlands, and vegetation and is isolated from the rest of the Village by railroads and a creek corridor. This overlay is also intended to control development, protect these resources, and encourage recreational opportunities, without impacting the economic value of the land or hampering development altogether.
- (2) The overlay district regulations will supplement the underlying zoning restrictions and provide for harmonious, safe, and orderly development within the district.
- (3) Objectives. The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Recreational and Open Space Overlay District shall be founded upon the following objectives:
  - i. Land use decision making shall consider a wide variety of recreational uses and open space features through the implementation of impact criteria to prevent potential adverse effects to the environmental features on the site and allow for more flexibility and creativity in design.
  - ii. Land use controls shall encourage preserving open space and encouraging recreational uses and furthering the goals of the Comprehensive Plan.
  - iii. Conversions of lands to desired uses shall be encouraged.
  - iv. Suburban development shall be minimized to control/manage growth. Standard road frontage lots are highly discouraged to help preserve the character of this overlay area.

B. Guidelines and objectives for environmental preservation.

- (1) The amount of land clearing shall be minimized, and development shall be designed around significant resources on site, (i.e., wetlands, steep slopes, scenic vistas, floodplain boundaries, and wooded areas), to manage growth and achieve a more desirable environment than what would be possible through the strict application of the existing zoning.
- (2) Conservation easements, deed restrictions and other methodologies shall be utilized, to the greatest extent practicable, to preserve significant natural resources of developable lots.
- (3) More stringent environmental review shall be conducted for development of properties that contain important natural resources.
- (4) Important habitats on the site should be identified, and the relative value of these

areas for supporting wildlife should be determined.

- (5) Trees of a minimum size of eight-inch diameter at breast height (DBH), all important trees, and any significant stands of vegetation shall be preserved to the greatest extent possible. The Planning Board will provide direction to the applicant regarding areas to preserve.

C. Boundary Description: As indicated in the Evans-Angola Comprehensive Plan, the Recreational Open Space Overlay District shall encompass all that land area that is located along the eastern-most boarder of the Town of Evans spanning west until Main Street, then follows parcel boundaries along the northern border. See Zoning Map for details.

D. Permitted Uses:

- (1) Uses permitted in underlying zoning district.
- (2) Outdoor recreation (passive and active).
- (3) Outdoor education.

E. Permitted Accessory Uses:

- (1) The accessory uses permitted in the Recreational and Open Space Overlay District shall be the same accessory uses as permitted in the underlying zoning district, plus recreational uses that complement the site and the Village's goals.
- (2) The following additional accessory uses shall also be allowed:
  - i. Recreational uses (passive and active),
  - ii. Outdoor activity centers,
  - iii. Hiking trails and related infrastructure,
  - iv. Environmental Conservation features,

F. Uses Specifically Not Allowed

- (1) Automotive uses.

G. Performance Standards: This section outlines the performance standards that developments must meet to ensure compatibility with the surrounding area and protect community health and safety.

- (1) Resource Protection. These standards shall safeguard critical natural resources, such as wetlands, streams, and wildlife habitats, by setting clear guidelines on land use and development practices.

- (2) Sustainable Development. These standards shall promote development that balances growth with environmental protection, ensuring that any new projects are compatible with the surrounding natural landscape.
- (3) Open Space Preservation. These standards seek to preserve open spaces for parks, recreational areas, and green corridors, thus enhancing community well-being.
- (4) Mitigation of Impacts. New construction and development of current structures shall include measures to mitigate potential negative impacts of development, such as stormwater management and erosion control, protecting both natural resources and community infrastructure.
- (5) Public Health and Safety: By regulating land use, these standards shall protect the health and safety of residents, ensuring clean air and water, and reducing risks associated with environmental degradation.
- (6) Water Management:
  - i. Drainage Systems: The development shall, to the greatest extent possible, use natural drainage systems and low-impact, nonstructural stormwater management techniques. The stormwater system design shall be supported by an engineered stormwater management plan, shall address the quality of the stormwater runoff, and shall utilize best engineering practices and best management practices.
  - ii. All development shall, to the greatest extent possible, be designed to minimize the construction of impervious surfaces.
  - iii. The provisions for potable water, wastewater, stormwater and surface drainage systems, and other utilities shall not create a health or safety hazard to persons or property on or off the lot(s) proposed for development and shall be consistent with applicable local and state regulations.
- (7) Preservation:
  - i. Street locations and design shall be such as to maintain and preserve, to the greatest extent possible, the natural topography, natural drainageways, significant landmarks, and trees (greater than eight-inch diameter at breast height), minimize cut and fill, preserve and enhance views and vistas on or off the subject parcel, and shall not create a health or safety hazard within the site or on any existing public streets.
  - ii. The overall development shall be such as to preserve historic or archaeological features existing on the site or to enhance such features in the immediate vicinity of the site.
  - iii. All development shall preserve a minimum of 50% open space.

(8) Audible and Visual Impacts:

- i. Any new construction or redevelopment of current structures shall not introduce new noise levels to the environment beyond a reasonable amount. A reasonable amount shall be considered noises that are required for the function of said development, while not being perceived by surrounding parcels, and not disrupting the behaviors of wildlife.
- ii. To avoid light pollution, accent lighting shall be directed downward onto the illuminated object or area, and not upward into the sky, or onto adjacent properties. Direct accent light emissions shall not be visible above the roofline, building, or other associated structure.

(9) Access:

- i. All proposed applications shall illustrate how pedestrian and bicycle traffic will be accommodated on the property, and be tied into the downtown area where possible.
- ii. The applicant shall work with the Village to incorporate any trails systems and scenic overlooks included on the project site.
- iii. Parking areas should be minimal but used to ensure parked cars do not infringe on sensitive natural resources. Parking areas should be screened by greenery and made of permeable surfaces if possible.

H. Design Standards: This section sets forth design standards for developments to ensure aesthetic consistency and enhance the character of the community.

(1) Purpose/Intent: The following design standards are intended to guide the aesthetics of new construction and redevelopment of existing buildings to reduce site disturbance, preserve or enhance scenic vistas, increase the provision of open space areas, and to maintain the Village's character and visual appeal, ensuring that new developments harmonize with the existing environment.

(2) Building Materials:

- i. Where applicable, natural materials such as wood and stone should be used on structures in this zone. Avoid reflective or highly industrial materials that may disrupt the visual harmony of the area.

(3) Landscaping:

- i. The manner in which stone walls, rock outcroppings, watercourses and wetlands, large trees (greater than 24 inches' caliper), wooded areas by foliage lines, significant views and other special site attributes shall be incorporated into the landscape design of the site or proposed project.

- ii. Areas of significant trees must be identified and preserved to the greatest extent practicable.
- iii. Landscaping plans must include maintenance plans for long-term upkeep of vegetation and native plants.

**§ 245-14 Schedule of Area, Yard, Height and Coverage Regulations.**

- A. The attached schedule, entitled "Schedule A," sets forth in outline form the permitted principal uses, minimum lot sizes, minimum yard required, maximum building height, maximum lot coverage and minimum floor area. In case of conflict, the provisions of the various sections of this chapter shall supersede the provisions of this Schedule, which is included herein for quick reference.

**§ 245-15 Interpretational Powers**

- A. For projects proposed for site plan approval or a special use permit, the Zoning Board of Appeals is empowered to interpret and apply the provisions of this chapter to ensure that the intent and purpose of these provisions are achieved. Interpretations made by the Zoning Board of Appeals shall be consistent with the overall goals, objectives, and policies of the Evans-Angola Comprehensive Plan.
- B. The power of interpretation shall extend to any proposed uses that are not listed in this chapter and not prohibited that may arise in the future and were not anticipated by these zoning laws. These can be interpreted by the Zoning Board of Appeals as an allowed use or a use requiring a special use permit.
- C. The Zoning Board of Appeals may waive or modify any requirements in this chapter where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished. This action is not considered a variance, but a granted power to waive the requirements of said district. In granting this waiver, the Zoning Board of Appeals shall attach such conditions as are, in the Zoning Board of Appeal's judgment, necessary to secure substantially the objectives of said district. These waivers shall be used by the Planning Board in completing site plan reviews.

**Article IV  
General Regulations**

**§ 245-16 Applicability of regulations.**

- A. No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zoning district by this chapter and meeting the requirements set forth in the appended Schedule; nor shall any open space contiguous to any building be encroached upon or reduced in any manner except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations designated in the Schedule and this chapter for the

zoning district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this chapter, and the certificate of occupancy shall become void.

**§ 245-17 Preservation of natural features.**

- A. Streams. No structure shall be built within 50 feet of the bed of a stream carrying water on an average of six months of the year or on land subject to periodic overflow.
- B. Topsoil. No person shall strip, excavate, or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, except as hereinafter specified.
- C. Existing natural features. Existing natural features, such as trees, brooks, drainage channels, and views, shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required.

**§ 245-18 Regulations applicable to all zones.**

- A. Principal building. No lot shall have erected upon it more than one principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.
- B. Accessory building. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and, if located in a side yard area, shall conform to side yard requirements of this chapter.
- C. Frontage on street. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Village's requirements.
- D. Corner lot visibility. In any district, except the B District in the triangle formed by intersecting streets and a line joining points on such street lines 25 feet distant from their point of intersection, no structure may be erected, and no plant foliage may be permitted or maintained between heights of 1 1/2 feet and 10 feet above ground level.
- E. Street widening; setback. Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.
- F. Required spaces, etc. All yards, open space, off-street parking, and required landscaping must be contained within the zoning district in which the use is permitted.
- G. Corner or through lots. For the purpose of regulating the locations of accessory buildings on corner lots and on lots extending through between two parallel streets, all portions of a

corner lot or a through lot which front on a public street shall be subject to the front yard requirements of the zoning district in which said corner lot or through lot is located.

H. Subdividing existing lots. When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter either with respect to any existing structures or use or any proposed structures or use.

I. Signs.

(1) Directional. The limitations on signs as set forth for the various zoning districts by this chapter shall not apply to any sign or directional device erected by the Federal, State, County, or local government or agency thereof. In an Industrial or Business district, such signs shall not exceed two square feet in area on any one side and do not contain any advertising of the use on the premises.

(2) Commercial. One sign may be placed or inscribed upon the front of a building for each permitted use or activity. Said sign shall not exceed an area equal to 2 1/2 square feet for each linear foot of building use or length and shall not exceed 60 square feet in total area for single-face signs or 30 square feet for double-face signs.

(3) Residential:

a. One nameplate sign situated within the property line and not exceeding one square foot in area on either of two sides and illuminated by any light whose source is not visible from the street or adjoining premises. Professional offices and home occupation uses may be identified with a second sign not to exceed one square foot, indirectly lighted with a non-flashing illumination.

b. One sign, which may be illuminated but non-flashing, identifying a church, public building, or other permitted use which is situated on the property to which it relates, not less than 25 feet from the right-of-way line and not less than 20 square feet in area on either of two sides.

c. One real estate for-sale or for-rent sign not exceeding 10 square feet in area. Such signs shall be removed immediately upon sale or rental of the real estate.

(4) No sign shall be permitted to project closer than to within four feet of any curb face.

(5) Signs may be internally or externally illuminated so long as no direct light is directed on or visible from any other lot or from any thoroughfare.



- (6) Signs which move, simulate movement, or flash shall not be permitted.
- (7) One nonilluminated nameplate of two square feet at the main entrance of a building in which the occupant has no street frontage.
- (8) Application for permit. An application for a building permit for a sign shall be made to the Code Enforcement official and provided further that the following information be included:
  - i. The name, address and telephone number of the applicant.
  - ii. The written consent of the owner of the building, structure or property upon which the sign is to be erected in the event the applicant is not the owner thereof.
  - iii. Two copies of rendering exhibiting:
    - a. The proposed lettering and pictorial matter of the sign.
    - b. The dimensions of the sign and proposed lettering.
    - c. The construction details of the sign structure and mounting devices.
    - d. A location plan of the position of the sign on the building or property and such other information as the Code Enforcement official may require.
- (9) An application for a sign permit for a sign on an awning shall show the location, size and construction of the awning and the lettering or pictorial material to appear thereon.
- (10) An application for a temporary sign shall be permitted for three months with a maximum one-time extension.
- (11) No sign permit shall be issued in the MU-R, MU-B, and Industrial Districts except upon review and approval by the Planning Board.
- (12) Upon closure of a business, it shall be the responsibility of the owner to remove any signage within 30 days, or the cost of removal shall be levied onto the following year's property tax bill.

#### J. Fences.

- (1) Any fences erected in the Village shall adhere to the following:
  - i. Before a fence shall be erected, a building permit must be obtained from the Code Enforcement Officer. A request for a permit shall be accompanied by a site plan, which shall show the height and location of

the fence in relation to all other structures and buildings and in relation to all streets, lot property lines and yards.

- ii. Fences may be erected, altered or reconstructed to a height not to exceed 48 inches above ground when located within 25 feet of a street right-of-way line.
  - a. Fences shall be erected so that all support posts face the property owner, with the opposite or finished side of the fence facing adjoining properties.
  - b. Painting or staining of a fence shall be one solid color, and one which is commonly used and conforms to other fences in the area, i.e., brown, white, etc. Distracting or multiple colors are prohibited.
  - c. Fences may be erected up to the lot line, with the support posts on the fence owner's property.
- iii. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level when located more than 25 feet from the street right-of-way line.
- iv. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- v. These restrictions shall not be applied so as to restrict the erection, alteration or reconstruction of fences used in connection with farms, except insofar as such fences might affect the public safety.

K. Storage of flammable liquid or gas. No storage of any flammable liquid or gas shall be allowed except with the prior approval of the Fire Inspector and in conformance with the recommendations of the National Board of Fire Underwriters and the provisions of the Village Fire Code.

L. Lots in two districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less-restricted portion of such lot shall extend not more than 30 feet into the more-restricted portion, provided that the lot has frontage on a street in the less-restricted district.

M. Permitted accessory uses, interpretation. The permitted accessory uses in any district shall not include any use first specified in a less-restricted district. In the interpretation of this provision, an "I" District shall be considered the least restricted and an R-1 District the most restricted.

#### **§ 245-19 Additional Residential Regulations and Requirements.**

- A. Prohibited uses. In any residential district, the permitted uses shall not include:
  - (1) Storage of flammable liquids known as Class I or Class II in any quantity.

- (2) Any use which is noxious or offensive by reason of refuse, matter, dust, odor, smoke, gas, fumes, noise, vibration, unreasonable use of lights or nighttime operation.

B. Accessory structures.

- (1) No accessory structure shall exceed 16 feet in height, excluding farm structures.
- (2) The size of any accessory structure shall not exceed 900 square feet.
- (3) Location of accessory structures.
  - i) No accessory structure shall be located within 10 feet of a principal building or other accessory building.

C. Storage in front yards. No front yard shall be used for the open storage of boats, camping trailers, utility trailers, motorized camping vans or similar vehicles, except such storage is allowed provided:

- (1) Any such vehicle or boat be stored on a driveway; and
- (2) Any such vehicle shall have a current registration and if a boat be stored on a trailer designed for boats with both the boat and trailer displaying current registrations; and
- (3) Any such vehicle or boat not be less than 10 feet from the road right-of-way; and
- (4) Any such vehicle or boat not be less than five feet from any side lot line; and
- (5) If a corner lot, any such vehicle or boat not be stored within a triangle at the street intersection formed by a line between points on the front lot line and side lot line, each point being 35 feet from the intersection of the front lot line and the side lot line.
- (6) No person shall occupy such vehicle or boat for dwelling purposes longer than 30 days per year in any portion of the Village of Angola without first obtaining a permit authorizing such occupancy.
- (7) Parking of commercial vehicles. No commercial vehicle with a load-carrying capacity of greater than one ton shall be parked out-of-doors overnight or on Sunday in conjunction with a residential property in a residential district. No vehicles for commercial display purposes shall be stored in any district at any time.
- (8) Maximum rear yard coverage. In any residential district, no accessory building shall be erected in any yard, except that accessory buildings may occupy in the aggregate not more than 25% of a rear yard.

**§ 245-20 Additional Business and industrial regulations.**

- A. Directional signs. The limitations on sign area as set forth by this chapter for the business and industrial zoning districts shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises.

- B. B District manufacture or repair. The number of persons engaged in the manufacture of articles, or the fabrication or repair of goods or articles shall not exceed two in any establishment in a B or MU-B District.

**Article V**  
**Special Regulations and Modifications**

**§ 245-21 Special regulations.**

A. Yards.

- (1) Front yard transition. Where the frontage on one side of a street between two intersecting streets is zoned partly in a R District and partly B District or I District, the front yard depth in the B or I District in such block frontage shall be equal to the required front yard depth of the R District for a distance of 50 feet into the B or I District.
- (2) Side and rear yard transition. Where a lot in a B or I District abuts a lot in an R District, there shall be provided along such abutting lines a yard equal in width or depth to that required in said R District.
- (3) Corner lot transition. On every corner lot in an R District, there shall be provided on the side street a yard equal in depth to the required front yard depth on said side street. On such lot, where two front yards are provided, the other yards may be considered side yards, and no rear yard shall be required, provided that an open yard area of at least 4,000 square feet in any R District and 2,800 square feet in any MU-R District is maintained.

B. Manufactured homes.

- (1) A manufactured home shall be no less than 24 feet wide and 60 feet long.
- (2) A manufactured home shall be placed on a block foundation.
- (3) All entrance stairs shall be of a permanent nature and constructed of wood, stone and/or concrete.
- (4) Siding shall be of a style and material commonly used in conventional residential building construction.

**§ 245-22 Modifications.**

A. Height modifications.

- (1) Height exceptions (other than those specified for airport hazard districts). The height limitations of this chapter shall not apply to belfries, bulkheads, chimneys, church spires, cupolas, domes, skylights, ventilators, water tanks and other necessary mechanical appurtenances usually carried above the roof level. Such features,

however, shall be erected only to such height as is necessary to accomplish the purpose they are required to serve and shall not occupy in the aggregate more than 25% of the roof area of the main building.

- (2) Height and open space. In any district, any principal building may be erected to a height in excess of that specified for the district, provided that the front, side and rear yards are increased one foot for each one foot of such additional height.
- (3) Exceptions in airport hazard districts. Notwithstanding the regulations contained in any part of this chapter, no exceptions to the height limit shall be permitted in any district with which is combined an airport hazard district, except to the extent that the maximum height limit specified in such airport hazard district exceeds the height limit specified in the use district.

B. Yard modifications.

- (1) Projections into required yards.
  - i. Balconies and bay windows, limited in total length to 1/2 the length of the building wall, and one-story unenclosed porches may project into any yard.
  - ii. Chimneys, ornamental features, pilasters and roofs may extend not more than 30 inches into any required yard.
  - iii. Fire escapes may extend not more than four feet into any required court or side yard and not more than six feet into any required rear yard.
  - iv. Limitation on projections. Notwithstanding any other provision of this subsection, no projection shall extend into any required yard more than 1/4 the required width or depth of such yard or within five feet of any accessory building.
- (2) Front yards. In such cases in residential districts where the frontage on the same side of the street within 500 feet is 50% or more developed, then the required front yard for a new structure may be modified to the average for such existing development. Otherwise, the requirements of Schedule A shall apply.
- (3) Side yards. In the case of lots which comply with the provisions for modification of Subsection C of this section, combined total side yard requirements, as specified in the Schedule, shall be reduced by six inches for each foot by which a lot is less than the minimum lot width requirement specified in the Schedule for the district in which located. In any case, the side yard width shall be reduced to not less than 50% of the requirement of the Schedule.
- (4) When side yards may be varied. Where the side wall of a building is not parallel with the side lot line, the average width of side yard may be interpreted as the side yard width, provided that at no point is the actual side yard width less than five feet. Where a one-story garage not over 12 feet high is attached to a dwelling and has its front wall at least 20 feet back of the front wall of said dwelling, the average width of side yard adjacent to the dwelling and garage may be interpreted as the side yard width, provided that said garage is at least five feet from the side lot line.

- C. Modification of lot requirements. Any parcel of land with an area or width less than that prescribed for a lot in the zoning district in which such lot is located, which parcel was under one ownership at the date of the adoption of this chapter, and the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, provided that no structure is constructed closer than 10 feet to the closest lot line, and further provided that all other regulations prescribed for the district by this chapter are complied with.

**§ 245-23 Adult uses.**

- A. Purposes. Buildings and establishments operated as adult uses are detrimental and harmful to the health, safety, morals and general welfare of a community. In order to promote the health, safety, morals and general welfare of the residents of the Village of Angola, this section is intended to restrict adult uses to nonresidential, nonbusiness and noncommercial areas of the Village and to otherwise regulate their operation. Moreover, in that the operational characteristics of adult uses increase the deleterious impact on a community when such uses are concentrated, this section is intended to promote the health, safety, morals, general welfare, and good order of the residents of the Village of Angola by regulating the concentration of such uses.
- B. Restrictions affecting adult uses. Adult uses, including but not limited to adult bookstores, adult motion-picture theaters, adult mini-motion-picture theaters, and adult entertainment cabarets, shall be permitted, subject to the following restrictions:
  - (1) No such adult uses shall be allowed within 500 feet of another existing adult use.
  - (2) No such adult use shall be located within 500 feet of a preexisting school or place or worship.
  - (3) No such adult use shall be located in any zoning district except the Industrial District.
- C. Registration.
  - (1) The owner of a building or premises, or his or her agent for the purpose of managing or controlling or collecting rents or any other person managing or controlling a building or premises, any part of which contains an adult use, shall register the following information with the Village Clerk of the Village of Angola:
    - (a) The address of the premises.
    - (b) The name and address of the owner of the premises.
    - (c) The name of the business or the establishment subject to the provisions of this section.
    - (d) The name and address of the owner, or stockholder, if a corporation, holding more than 10% of the stock, of the establishment subject to the provisions of this section.
    - (e) The date of initiation of the adult use.

- (f) The nature of the adult use.
- (g) If the premises or building is leased, a copy of the lease.
- (2) It is a violation of this section for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon an adult use without having properly registered said adult use with the Village Clerk.
- D. Display of registration. The owner, manager or agent of a registered adult use shall display in a conspicuous place on the premises of the adult use a copy of the registration filed with the Village Clerk.
- E. Prohibition regarding public observation. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

## **Article VI**

### **Special Use Permit Process and Regulations**

#### **§ 245-24 Special Use Permits**

- A. The Village Board will review and approve special use permits in accordance with New York State Law Section 7-725B and the relevant provisions of this chapter. The Village Board shall have the power to determine the suitability of proposed special uses based on their compliance with applicable standards, potential impact on the community, and alignment with the Evans-Angola Comprehensive Plan. Special use permitted uses shall not be considered an allowed use until the applicant proves that the use in accordance with the requirements of this code and the Village approves such application.
- B. This authority shall include, but not be limited to, the ability to impose reasonable conditions and safeguards to ensure that the special use is consistent with the public interest and welfare of the Village.
- C. No special use permit shall be authorized by the Village Board unless, in addition to the other requirements specified in this chapter, it finds that special use permit:
  - (1) Will be in harmony with the general purposes and intent of this chapter.
  - (2) Will not create a hazard to health, safety, or the general welfare.
  - (3) Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
  - (4) Will not otherwise be detrimental to the public convenience and welfare.

- D. Every application for a special use permit shall be made in accordance with the Rules of Procedure of the Village Board and shall, except in the case of alterations of a building which do not affect the size or the location on the lot thereof, be accompanied by copies of a plot plan/site plan containing the same information as required in § 245- XX (site plan review) hereof in connection with an application for a building permit.
- E. In authorizing the issuance of a special use permit, it shall be the duty of the Village Board to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this chapter.

**§ 245-25 Application Procedure.**

- A. An application for a special use permit shall be submitted to the Code Enforcement Officer, which will include the following components:
  - (1) Application filled out in full,
  - (2) Basic site plan showing location of project, all new or expanded building footprints, parking areas, traffic access and circulation, open spaces, landscaping, and other pertinent information that might be necessary to determine if the proposed special use meets the requirements of this chapter.
  - (3) A document describing how the project meets the requirements of this code.
- B. If the Code Enforcement Officer confirms all components are submitted in full, copies of said application will be referred to the Planning Board and Village Board.
  - (1) The Planning Board will review all documents and prepare a report to help inform the Village Board in their decision-making process.
  - (2) The Planning Board may hold a public information meeting, prior to issuing their report to receive general input from the public. After receiving the report from the Planning Board, the Village Board can begin the SEQR process, authorize County Planning referral (if required), and set a public hearing.
  - (3) The applicant and any stakeholders such as, but not limited to, neighbors and surrounding business owners may speak on the project at the Public Hearing.
- C. Applications for special use permits shall be acted on by the Village Board after the public hearing and completion of the SEQR process. Their decision along with any conditions or requirements will be passed onto the Code Enforcement Officer, who will then deliver this decision to the applicant and advise them on the next steps in the project proposal process.



- D. If a special use permit is granted, the applicant will then proceed with site plan approval and with any other required approvals or permits.

**§ 245-25 Duration of Special Use Permits**

- A. Validity Period. Each special use permit issued pursuant to this chapter shall remain valid for a period of two (2) years from the date of issuance unless otherwise specified in the permit.
- B. Extension or Renewal.
  - a. Prior to the expiration of the special use permit, the permit holder may apply to the Village Board for an extension or renewal of the permit.
  - b. Applications for extensions or renewals shall be submitted in writing and must demonstrate that the conditions of the original permit continue to be met and that the use remains in compliance with all applicable laws, regulations, and zoning requirements.
  - c. The Village Board shall have the discretion to approve, deny, or impose additional conditions on any extension or renewal.
- C. Automatic Expiration. Failure to commence the authorized use or submit an application for extension or renewal within the two-year period shall render the permit null and void.
- D. Revocation. A special use permit may be revoked prior to its expiration if the permit holder is found to be in violation of the conditions of the permit or any applicable laws or regulations, following due notice and a hearing.

**§ 245-25 Other Requirements for Uses requiring a special use permit.**

In addition to meeting the general requirements listed in Section 245- 24, the following requirements for specific uses requiring a special use permit, must be shown to be met.

- A. Public utilities. Public utility uses, such as dial equipment centers and substations, but no service or storage yards, may be permitted in any district with a special use permit. No special use permit shall be issued unless the Village Board shall determine that:
  - (1) The proposed installation in a specific location is necessary and convenient for the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
  - (2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the district in which it is located.
  - (3) Adequate and attractive fences and other safety devices will be provided.
  - (4) A buffer strip 10 feet in width shall be provided around the perimeter of the property.

- (5) Adequate off-street parking shall be provided.
- (6) All the area, yard, and building coverage requirements of the respective district will be met.

B. Gasoline Service Stations

- (1) The site layout shall accommodate safe delivery of fuel and other merchandise without blocking or impeding traffic on the site or on the adjoining streets.
- (2) Fuel, oil, and other materials which are environmentally hazardous, shall be stored, controlled, and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation.
- (3) Pumps, other service devices, and fuel and oil storage shall be located at least 25 feet from all lot lines.
- (4) A curbed landscaped area shall be maintained at least three feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through site plan review.
- (5) Premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats, or other vehicles.
- (6) No vehicle repair or auto-services shall be permitted.

C. Single-family cluster residential developments. Cluster residential developments of one-family dwellings may be permitted in the R-1 Residential District of the Village, provided that the following conditions are observed:

- (1) The project shall encompass a minimum land area of 10 acres.
- (2) The developer shall dedicate all unsubdivided lands to permanent open space. In no case shall these lands be less than 25% of the total project area. All such lands shall be suitable, in the opinion of the Village Zoning Board of Appeals, for the intended use. Such lands shall be offered for dedication to the Village Board of the Village of Angola. [Amended 6-14-2021 by L.L. No. 3-2021]
- (3) The developer shall have received informal conditional approval of the Village Zoning Board of Appeals of the design and an arrangement of streets, lots, open areas, and other elements of the project prior to filing the special use permit application. [Amended 6-14-2021 by L.L. No. 3-2021]
- (4) The requirements of this chapter insofar as density, minimum lot area, minimum lot width, minimum side and rear yard areas, and maximum lot coverage are as specified in the schedule of this chapter. All other requirements of this chapter shall be adhered to. In approving a cluster development, the Village Board shall alter the “bulk requirements” as listed in the zoning schedule.

D. Residential garden apartments and multiple-dwelling developments. Residential garden apartments and multiple-dwelling developments may be permitted by special use permit, provided that the additional following standards are observed:

(1) General standards.

- i. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- ii. The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(2) In addition to the above, in the case of any use located in or directly adjacent to a residential district:

- i. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood.
- ii. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

(3) Specific standards.

- i. Maximum building coverage. The maximum building coverage of the lot shall not exceed 20%, including accessory buildings. The remainder of the lot, excluding necessary parking areas and vehicle access facilities, shall be reserved as open space.
- ii. Minimum lot size and dimensions:
  - i. Lot size: five acres.
  - ii. Lot width: 350 feet.
  - iii. Lot depth: 350 feet.

- iv. Side yard: 50 feet.
  - v. Rear yard: 50 feet.
  - vi. Front yard: 50 feet.
- iii. Maximum height of buildings: 35 feet or 2 1/2 stories.
- (4) Other regulations.
- i. The maximum density permitted shall not exceed eight dwelling units per acre for one- or two-bedroom apartments and four dwelling units per acre when apartments exceed two bedrooms.
  - ii. The minimum floor area for one-bedroom apartments shall not be less than 600 square feet; the minimum floor area for two-bedroom apartments shall not be less than 800 square feet; and the minimum floor area for three-bedroom and larger apartments shall not be less than 1,000 square feet.
  - iii. One off-street parking space shall be provided for every apartment in housing for the elderly. All other off-street parking shall have three spaces provided for every two apartments or as required by the Zoning Board of Appeals based on a parking report.
  - iv. Adequate recreational facilities shall be provided. A minimum of 10% of the total lot area shall be devoted to recreational activities, such as a swimming pool, tennis courts, etc.
  - v. No less than 1/4 of the total lot area shall be professionally landscaped. Landscaping accomplished in connection with protection of parking areas of front yard area may be included as a portion of the required 25%.
  - vi. The site shall be designed as a self-contained unit with separate ingress and egress, if possible, to existing Village streets. Access requirements shall be subject to the review and approval of the Zoning Board of Appeals by referral from the Village Board.
  - vii. The erection or anticipated erection of garden apartments or multiple dwellings under this section shall result in the installation of operable public water, sewerage and drainage facilities, including fire hydrants. The developer shall pay for these required improvements necessary to such development.

E. General special use permit requirements for uses in the “I” Industrial District. All industrial uses are permitted by special use permit, subject to the additional standards as

hereinbelow set forth:

- (1) All proposed structures, equipment or materials shall be readily accessible for fire and police protection.
  - (2) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
  - (3) In addition to the above, in the case of any use located in or directly adjacent to a residential district:
    - i. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood.
    - ii. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- F. Landscape facility, which are defined as land and building used for the sale and storage of plants, trees, shrubs, soil, stone, mulch, landscape timbers and other material directly related to and customarily used for landscaping, must meet the following additional standards:
- (1) Plants, trees, shrubs, soil, stone, mulch, landscape timbers and other materials shall not be stored outdoors within 50 feet of any street right-of-way.
  - (2) All equipment and machinery used in the connection with such landscaping operation shall be stored indoors.
  - (3) Where the landscape facility abuts a residential district, it shall be screened by a buffer no less than 50 feet in depth, composed of densely planted evergreen shrubbery, fencing or a combination of both or other screening as recommended by the Zoning Board of Appeals and approved by the Village Board. Such screening shall be in keeping with the character of the adjacent residential area, and if any shrubbery becomes decayed or fails to provide an adequate screen, the Code Enforcement Officer may direct the owner to replace said shrubbery. In the line between a residential district and a B-2 District lies in a street right-of-way or on a right-of-way opposite the right-of-way line within or closest to the B-2

District, the fifty-foot buffer shall be measured from the right-of-way line within or closest to the B-2 District. [Amended 6-14-2021 by L.L. No. 3-2021]

G. Satellite antennas. A satellite antenna, which is defined herein as a parabolic dish or other antenna or device, the purpose of which is to receive television, radio and/or microwave or other signals from space satellites, may be erected and maintained, subject to the following additional requirements:

- (1) A special use permit shall be obtained from the Village Board in accordance with Article VIII of this chapter; provided, however, that no public notice shall be required unless ordered by the Village Board. Likewise, the Village Board may dispense with the filing of a site plan but may require a sketch of the proposed location.
- (2) The satellite antenna shall not exceed 15 feet in height, width or depth.
- (3) The Village Board shall have the power to designate the exact location of the antenna and to require any landscaping or screening to protect the aesthetic appearance of the area.
- (4) No satellite antenna shall be installed on or above any building or structure, except in commercial or industrial districts.

**§ 245-26 Antennas.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

- (1) **CONVENTIONAL TELEVISION OR RADIO ANTENNA**  
Any antenna (other than a satellite television antenna) that is located outside of a main or accessory building.
- (2) **SATELLITE TELEVISION ANTENNA**  
An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
- (3) **USABLE SATELLITE SIGNAL**  
A satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to the picture quality signal received from local commercial television stations by way of a television antenna that conforms with this chapter and all other applicable ordinances of the Village of Angola.

B. Application.

- (1) This section shall govern the erection or construction of all conventional television and radio antennas and satellite television antennas, the erection or construction of which has not been substantially commenced prior to the enactment of the ordinance creating this section.

- (2) All conventional television and radio antennas and satellite television antennas, regardless of when they were erected or constructed, shall also be governed by all other applicable ordinances of the Village of Angola, including height restrictions found outside of this section.
- (3) Whenever the height or other restrictions of this section conflict with restrictions in other ordinances of the Village of Angola as applied to a particular antenna, the restrictions set out in this section shall control as to that particular antenna.

C. Antenna location.

- (1) No conventional television or radio antenna may be placed in the front yard of any lot in the Village of Angola. For corner lots, such antennas may not be placed in either of the yards that face a street or road.
- (2) Satellite television antennas may be placed on a lot in the Village of Angola only in the following manner:
  - i. If a usable satellite signal is receivable with an antenna which is located in the rear yard, the antenna may be located only in the rear yard.
  - ii. If the antenna cannot receive a usable satellite signal in the rear yard but can receive such a signal while located in a side yard, the antenna may be located only in a side yard. For corner lots, a side yard is only a yard that does not face a street or road.
  - iii. If the antenna cannot receive a usable satellite signal from either the rear or side yard, the antenna may be located only on the roof of any main or accessory building on the lot.
  - iv. In no event may the antenna be placed in the front yard of the lot.
  - v. The Zoning Board of the Village of Angola shall determine whether a signal constitutes a usable satellite signal, based on evidence provided to the Zoning Board by the person seeking a permit to erect or construct the antenna.
  - vi. All conventional television and radio antennas and satellite television antennas must be erected or constructed at a location in conformance with the setback requirements of this chapter of the Village of Angola Code.
  - vii. No ground-mounted conventional television or radio antenna or satellite television antenna may be erected over a sewer pipe or other underground conduit, wire or apparatus.
- (3) Antenna size and number.

- i. No ground-mounted satellite television antenna may exceed 10 feet in height, as measured from the ground to the highest point of the antenna.
  - ii. No roof-mounted satellite television antenna may exceed two feet in height, as measured while it is sitting on the ground.
  - iii. The diameter of satellite television antennas shall not exceed eight feet for ground-mounted antennas and two feet for roof-mounted antennas.
  - iv. At any one time, no lot may have existing or erected more than one large (i.e., in excess of four feet in diameter) or three small (i.e., less than four feet in diameter) satellite television antennas.
- (4) Permit for construction. Before any satellite television antenna or any ground-mounted conventional television or radio antenna that will be placed on a tower may be constructed or erected on any lot in the Village of Angola, the owner or occupant of that lot must procure a special permit from the Zoning Board of the Village of Angola, pursuant to Subsection G of this section.
- (5) Miscellaneous.
  - i. The color of any satellite television antenna shall be such that it blends into its surroundings.
  - ii. All ground-mounted conventional television and radio antennas and satellite television antennas shall be landscaped so as to screen them from the view of people on streets and surrounding lots. Said screening is not required to be so complete that it interferes with the reception of the antenna.
  - iii. All conventional television and radio antennas and satellite television antennas shall be grounded against a direct lightning strike.
  - iv. All conventional television and radio antennas and satellite television antennas shall be erected in a secure, wind-resistant manner.
  - v. All wiring necessary for the use of the antenna between any ground-mounted antenna and a building or between the building on which the antenna is located and any other building on the lot shall be buried underground.
- (6) Procedures for a permit.
  - i. All applications for a permit to construct or erect an antenna pursuant to Subsection E herein shall be made to the Code Enforcement Officer.
  - ii. If the Code Enforcement Officer shall deny the permit, the applicant



may appeal to the Zoning Board of Appeals within 10 days of service of notice of such denial. Upon such an appeal, the Code Enforcement Officer shall transmit one copy of all the documents comprising the application to the Zoning Board of Appeals.

- iii. The Zoning Board of Appeals shall conduct a public hearing on any such appeal. The Zoning Board of Appeals shall determine whether to vary from the strict application of this section.
- iv. No variance in the strict application of this section shall be granted unless the Zoning Board of Appeals finds:
  - a. That special circumstances or conditions exist such that strict application of the provisions of this section would deprive the applicant of the reasonable use of his premises.
  - b. That the granting of the variance is necessary to allow the usable satellite antenna signal or television or radio antenna signal.
  - c. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - d. That the granting of the variance will be in harmony with the aesthetic nature and character of the neighborhood of the applicant.
  - e. That in the granting of the variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

## **Article VII**

### **Site Plan Approval Process**

#### **§ 245-27 Site Plan Approval Process.**

- A. Intent and Purpose: The steps in obtaining a site plan approval outlined in this chapter are deemed necessary to promote the health, safety and general welfare of the Village. A clean and attractive environment is also declared to be of importance to the health and safety of the inhabitants of the Village and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village and the general welfare of its inhabitants.
- B. The Planning Board has been granted the authority to review and approve site plans in accordance with New York State Law Section 7-725B, and the relevant provisions of this chapter.

C. Procedures.

(1) Pre-Submittal Conference:

- i. The purpose of this conference shall enable a smoother application process for both the applicant and the Planning Board, while also increasing transparency and collaboration between developers and Village officials.
- ii. Before submitting a full application for site plan approval, a pre-submittal conference shall be held between the applicant and representatives of the Village (Planning Board, Code Enforcement, and others).
  - a. The applicant should be prepared for this conference with information relating to the requirements of a site plan application which are specified below:
    - I) The location, use, design, dimensions, and height of each use and building.
    - II) The location and arrangement of vehicular accessways and the location, size, and capacity of all areas used for off-street parking, loading, and unloading.
    - III) The location and dimensions of sidewalks, walkways, and other areas established for pedestrian use.
    - IV) The design and treatment of open areas, buffer areas, and screening devices maintained, including dimensions of all areas devoted to lawns, trees, and other landscaping devices.
    - V) Provisions for water supply, sewage disposal, and storm drainage, including a stormwater pollution prevention plan (SWPPP), if required for the proposed development.
    - VI) Such other data and plans as the Code Enforcement Officer, or the Planning Board may require to properly act on the application.
  - b. The applicant should also bring a copy of their Site Plan Approval application for review of completeness, and any other documents that may help at the pre-submittal conference to better understand the full scope of the proposed project.
  - c. The Village representatives should be prepared to provide clarity on the application requirements and look over the application for completeness. Further, the Village representatives should help the applicant identify potential issues and give feedback on project.

(2) Site Plan Approval Waiver:

- i. The purpose of this provision is to streamline the approval process for minor development projects that do not significantly impact the surrounding area, thereby encouraging responsible and efficient growth within the community.
- ii. Based upon the pre-submittal conference, the applicant may be able to apply for a Site Plan Approval Waiver, if the Village representatives determine that the proposed project is a minor development by meeting the following criteria:
  - a. The proposed project is utilizing an existing building or is proposing an addition than or equal to 10% of the current building's footprint.
  - b. Is a use that does not require a special use permit.
  - c. Changes in use that do not increase the intensity of use or traffic.
  - d. Installations or modifications that do not alter the essential character of the neighborhood.
  - e. Changes in use that do not result in significant changes to site drainage or increase impervious surfaces.
  - f. Generate additional noise, traffic, or other disturbances that would affect neighboring properties.
  - g. Adversely impact natural resources, including wetlands, water bodies, or significant vegetation.
- iii. A Site Plan Approval Waiver must be signed by the representative member(s) of the Planning Board, the Code Enforcement Officer, and the Village Clerk.
- iv. This Site Plan Approval Waiver will allow applicant to immediately apply for the appropriate building permits.

(3) Site Plan Approval Process

- i. If at the pre-submittal meeting, it is determined that the applicant is required to submit a full site plan application, a full application meeting the requirements of this code, must be submitted to the Code Enforcement Officer.
- ii. If the application is determined to be complete and addressing any issues raised at the pre-submittal meeting, it shall be placed on the next available Planning Board agenda.
- iii. The Planning Board shall review the application, provide input to the

applicant, schedule a public hearing and, if needed, begin the SEQR process.

- iv. The Planning Board will hold a public hearing and shall notify the public of such hearing in a timely manner in accordance with local and NYS law requirements.
- v. The applicant, and any stakeholders such as, but not limited to, neighbors and surrounding business owners may speak on the project/item at the public hearing. The Planning Board may then close the public hearing or leave it open until the next meeting (if there are outstanding issues).
- vi. Applications for site plan approval shall be acted on by the Planning Board after a public hearing and the SEQR process has been completed (if required). The Board of Appeals decision, along with any conditions or requirements will be passed onto the Code Enforcement Officer, who will then deliver this decision to the applicant and advise them on the next steps in the approval process.
- vii. If a site plan approval is granted, the applicant will then proceed with any other required approvals or permits, and their building permit application. This process will also include final sign-off from the Village Engineer.

## **Article VIII Supplementary Regulations**

### **§ 245-28 Off-street parking requirements.**

- A. Requirements by usage. In all districts, every industrial, business, institutional, recreational, residential or any other use shall provide, at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this and other applicable sections of this chapter. For the MU-B district, see the special requirements of that district.
- B. Requirements of off-street parking spaces.
  - (1) The size of off-street parking spaces shall be 10 feet wide by 20 feet long for all side-by-side parking or eight feet wide by 23 feet long for all parallel parking.
  - (2) Off-street parking facilities shall be located as best serving the purposed use. Off-street parking spaces shall be allowed in required yards, except where specifically prohibited by this chapter.
  - (3) Whenever there is a change in use or an increase in floor area or other unit of measurement and such change and such increase creates a need for an increase

of more than 10% in the number of required off-street parking spaces, as determined by the requirements in this article, additional off-street parking spaces shall be provided in accordance with this article for that addition or change in use.

- (4) The number of required parking spaces shall be determined by the Zoning Board of Appeals based upon a parking report submitted by the applicant. The applicant in developing their parking report can refer to the Villages document entitled “Off Street Parking Guidelines”.

**§ 245-29 Off-street loading requirements.**

- A. Loading spaces shall be provided and maintained on the same premises with every building, structure, or part thereof erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material or merchandise.
- B. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with use of public transportation.
- C. Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.
- D. All business districts shall include a ten-foot by twenty-five-foot loading space with a fourteen-foot height clearance for every 20,000 square feet or fraction thereof of building floor or land use for the above-mentioned purposes.

**§ 245-30 Additional off-street parking regulations.**

- E. Off-street parking facilities shall adhere to the following:
  - (1) Off-street parking space shall be provided as further specified in this chapter and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. All parking areas, passageways, and driveways (except where provided in connection with one-family residences) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces, and shall be adequately drained, all subject to the approval of the Code Enforcement Officer.
  - (2) For the purpose of this chapter, a parking space shall be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and providing access thereto.
  - (3) None of the off-street parking facilities as required in this chapter shall be required for any existing building or use, unless said building or use shall be enlarged.
  - (4) The collective provision of off-street parking areas by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such

facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located is owned or leased by one or more of the collective users.

- (5) All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial users to protect adjacent residential districts from the glare of such illumination and from that of automobile headlights.
- (6) Access drives or walkways to any MU-C, B or I District through any R District shall not be permitted as this would constitute an illegal use of residentially zoned land.
- (7) Off-street parking areas located in commercial districts, and which provide parking for 20 or more vehicles shall be provided with shade trees of a type approved by the Code Enforcement Officer and located not greater than 60 feet on center.

**§ 245-31 Newspaper and delivery boxes.**

- A. The location of newspaper, Penny saver and other delivery boxes shall be prohibited within the boundaries of the streets and roads in the Village of Angola, except at residences where the United States Postal Service maintains roadside-mounted postal deliveries.

**Article IX**  
**Nonconforming Uses and Buildings**

**§ 245-32 Nonconforming uses.**

- A. Continuance. Except as otherwise provided in this chapter, the lawful use of land or buildings existing on the date of the adoption of this chapter may be continued as a lawful use although such use or building does not conform to the regulations specified by this chapter for the district in which such land or building is located; provided, however:
  - (1) That no nonconforming lot shall be further reduced in size.
  - (2) Nonconforming uses may be expanded by up to 25% of the existing floor area or land area occupied by the nonconforming use, whichever is greater, subject to

the conditions outlined in this ordinance.

- (3) Expansions that would increase nonconforming use to a degree that would create a new or more significant nonconformity are not permitted.
- B. Discontinuance. In any district, whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this chapter. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such period of one year is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations. If actual abandonment is in fact evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed, and all rights to reestablish or continue such nonconforming use shall thereupon terminate.
  - C. Automobile wrecking yards, junkyards, billboards and signs in residential districts. Notwithstanding any other provisions of this chapter, any automobile wrecking yard or other junkyard and any billboard, advertising structure or nonconforming sign in existence in any residential district on the date of enactment of this chapter shall, at the expiration of three years from such date, become a prohibited and unlawful use and shall be discontinued; provided, however, that lawfully existing signs accessory to a nonconforming business or industrial building shall not be subject to this subsection.
  - D. Destruction or damage. No building damaged by fire or other causes to the extent of more than 75% of its true valuation shall be repaired or rebuilt except in conformity with the regulations of this chapter. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.
  - E. Extension. A nonconforming use may be extended by 25% of total lot size, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this chapter shall not be deemed the extension of such nonconforming use.
  - F. Unsafe structures. Any structure or portion thereof declared unsafe by a proper authority, but not ordered to be demolished, may be restored to a safe condition.
  - G. Reconstruction or alteration. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50% of the true value of the building, unless said building is changed to conform to the requirements of this chapter.
  - H. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the

same classification upon approval of the Board of Appeals, or to a use of a more-restricted classification; and when so changed to a more-restricted classification, such use thereafter shall not be changed to a less-restricted classification.

- I. Amendments. Whenever the boundaries of a district shall be changed to transfer an area from one district to another district of a different classification, or whenever the text of this chapter shall be changed with respect to the uses permitted in a district, the foregoing provisions shall also apply to any nonconforming uses existing therein.

**§ 245-33 Nonconforming buildings.**

Any building which is nonconforming due to insufficient yard distances or lot area shall not be considered a nonconforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this chapter. The use of any such nonconforming building may be changed to any other permitted use so long as the yard or lot area requirements are no greater.

**Article X  
Administration**

**§ 245-34 Designation of enforcement officer.**

- A. The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Code Enforcement Officer, who shall have such powers as are conferred upon him by this chapter and as reasonably may be implied. He shall be appointed by the Mayor, subject to the approval of the Board of Trustees, including the Mayor.

**§ 245-35 Duties of Code Enforcement Officer.**

- A. Examinations and inspections. It shall be the duty of the Code Enforcement Officer, or his duly authorized assistants, to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this chapter.
- B. Orders. Where the Code Enforcement Officer, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this chapter, he shall order the responsible party, in writing, to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered, and the time permitted for such action, the penalties and remedies which may be invoked by the Village, and the violator's rights of appeal, all as provided for by this chapter.
- C. Cancellation of certificate of occupancy. On the serving of notice by the Code Enforcement Officer to the owner of any violation of any of the provisions of this chapter, the certificate of occupancy for such building or use shall be held null and void. A new certificate of occupancy shall be required for any further use of such building or premises.



D. Records. The Code Enforcement Officer shall maintain a permanent record of all matters considered and all action taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Village Board and other officials of the Village. The records to be maintained shall include at least the following:

- (1) Application file. An individual permanent file for each application for a permit provided for by this chapter shall be established at the time the application is made. Said file shall contain one copy of the application and all supporting documents, maps, and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one copy of the resolution of the Board of Appeals in acting on the application; and the date the permit applied for was issued or denied by the Code Enforcement Officer.
- (2) Monthly report. The Code Enforcement Officer shall prepare a monthly report for the Village Board. Said report shall cite all actions taken by the Code Enforcement Officer, including all referrals made by him; all permits and certificates issued and denied; and all complaints of violations received, and all violations found by him, and the action taken by him consequent thereon. A copy of this monthly report shall also be transmitted by the Code Enforcement Officer to the Tax Assessor, Zoning Board of Appeals and Board of Appeals at the same time it is transmitted to the Village Board. [Amended 6-14-2021 by L.L. No. 3-2021]

**§ 245-36 Certificates and permits.**

- A. The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this chapter. A zoning permit and/or special use permit shall be a prerequisite to the issuance of a building permit, as prescribed by § 78-5 of Chapter 78 of this Municipal Code.
- B. Site Plan Approval.
  - (1) The Planning Board shall have the authority to approve all site plans within the jurisdiction. Upon granting approval, the Planning Board will provide written authorization to the Code Enforcement Officer, who is responsible for monitoring compliance with the approved site plan.
  - (2) The Code Enforcement Officer shall ensure construction and development activities align with the site plan as approved by the Planning Board. If, during inspections, the Code Enforcement Officer determines that construction or development is not in substantial compliance with the approved site plan, they shall have the option to require the applicant to return to the Planning Board for further review and approval.
- C. Special Use Permit. The Village Board has the authority to review and approve applications for special use permits in accordance with the standards and procedures outlined in this ordinance. The Village Board may impose conditions and safeguards necessary to ensure that the proposed use is compatible with the surrounding area and consistent with the goals and objectives of the Village's comprehensive plan. All approved special use permits shall

be documented in writing and filed with the Village Clerk, and enforced by the Code Enforcement Officer.

- D. Certificate of occupancy. The Code Enforcement Officer is hereby empowered to issue a certificate of occupancy, which shall certify that all provisions of this chapter have been complied with in respect to the location and use of the building, structure or premises in question.

**§ 245-37 Certificate of Occupancy Application details.**

- A. Procedures for a certificate of occupancy:

- (1) Following the completion of the construction, reconstruction, or alteration of any building, or where a change in the use of a structure is proposed, the applicant shall transmit, by registered mail, to the Code Enforcement Officer a letter stating that such construction has been completed or that a new use has been proposed. Within seven days of the receipt of this letter, the Code Enforcement Officer shall make all necessary inspections of the completed structure and proposed use to determine conformance with this chapter. A certificate of occupancy shall be issued only if the Code Enforcement Officer finds that the construction and proposed use comply with all the requirements and provisions of this chapter.

**§ 245-38 Fees.**

- A. Each application for a permit provided for by this article shall be accompanied by a fee as established by the Village Board in Chapter 78, entitled "Construction Codes, Uniform."

**§ 245-39 Creation, appointment and organization of Board of Appeals.**

- A. A Board of Appeals is hereby created. Said Board shall consist of five members. The Mayor shall appoint the Board of Appeals and the Chairman thereof, subject to the approval of the Board of Trustees. No person who is a member of the Village Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment. Their successors shall be appointed for terms of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Village Board by appointment for the unexpired term. [Amended 10-19-2009 by L.L. No. 4-2009]
- B. Alternate Zoning Board members. The Mayor shall have the right to appoint annually, subject to the approval of the Trustees, five alternate members (first, second, third, fourth, and fifth to the Board), and such alternate members shall have all the requirements for eligibility of regular Board members. Alternate members, upon the authorization of the Board Chair, shall enjoy the same rights and privileges as regular Board members, including the right to participate in all discussions; provided, however, that an alternate member shall be entitled to vote only when a regular Board member is not present or is disqualified from voting. When a Board member will not be voting, the Board Chair shall

authorize such Board member's voting authority to be the first alternate and, if in his/her absence, to the second alternate, etc. Any further reference herein to Board members shall include any alternate, unless otherwise indicated. [Amended 6-14-2021 by L.L. No. 4-2021]

**§ 245-40 Powers and duties of Board of Appeals.**

- A. The Board of Appeals shall have all the powers and duties prescribed by § 7-712 of the Village Law and by this chapter, which are more particularly specified as follows:
  - (1) Interpretation: upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
  - (2) Temporary use permits: to hear and decide upon applications for such permits as specified in this chapter.
  
- B. Variances:
  - (1) Use variances and area variances shall be granted by the Board of Appeals in accordance with the guidelines set forth in Village Law § 7-712-b. [Amended 10-19-2009 by L.L. No. 4-2009]
  - (2) In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

**§ 245-41 Procedure before Zoning Board of Appeals.**

- A. Generally. The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law and by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board and available from the Code Enforcement Officer. Every appeal or application shall refer to the specific provision of the chapter involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
  
- B. Zoning Board of Appeals office. The office of the Village Clerk shall be the office of the Board of Appeals; and every rule, regulation, amendment, or repeal thereof and every order, requirement, decision, or determination of the Board shall immediately be filed in said office as required by § 7-712 of the Village Law.
  
- C. Notice of Zoning Board of Appeals hearings. The Board of Appeals shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Such notice shall be served upon 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 Board of Appeals shall follow all the procedures specified in § 21-2100 and § 21-2102 of the Village Law for the

notice and conduct of hearings. The applicant shall, at least 15 days prior to the date of the hearing, give notice, in writing, by registered mail or by service in person, with adequate proof of contact thereof, to all property owners within 200 feet of the property to be affected by said appeal or to all property owners of contiguous land or properties adjoining said property to be affected and other interested property owners as may be designated by the Board of Appeals. The applicant must furnish proofs of service in writing and properly notarized.

- D. The Board of Appeals shall hear all evidence presented by the applicant, the Code Enforcement Officer and any interested person. Said interested persons are defined as those persons who are residents and/or who own real estate within 200 feet of the premises affected by the application.
- E. The Zoning Board of Appeals shall prescribe written findings of the Board and shall prescribe any conditions that it deems necessary or desirable in granting any variance.

## **Article XI Amendments**

### **§ 245-42 Amendments.**

Amendments to this chapter shall be made in accordance with §§ 7-706 and 7-708 of the Village Law and §§ 239-1 and 239-m of the General Municipal Law, if applicable, after referral to and report by the Zoning Board of Appeals. If the Zoning Board of Appeals shall fail to file a report with the Village Board within 30 days after referral, it shall be deemed that the Zoning Board of Appeals has approved such proposed amendment.

## **Article XII Penalties**

### **§ 245-43 Penalties for offenses.**

- A. Any person, firm, company or corporation owning, controlling or managing a use, building, structure or lot on which there has been placed, or there exists anything in violation of any of the provisions of this Law; and any person, firm, company, or corporation who shall assist in the commission of any violation of this Law or any conditions imposed by the Planning Board; or who shall build, contrary to the plans or specifications submitted to the Planning Board and certified as complying with this Law, shall be guilty of an offense and subject to a fine of not more than One Thousand Dollars (\$1000.00). Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such violation, omission, neglect, or refusal shall continue.

- B. Procedure for abatement of violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter or of any provision of this chapter or law or regulation, the Village Board or, with its approval, the Code Enforcement Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

### **Article XIII**

#### **Auxiliary Housing Units**

**§ 245-44 Permit required; use and location.**

The following provisions apply to auxiliary housing units:

- A. A special use permit shall be required. The permit shall be issued by the Village Board only after a public hearing advertised in the manner required by law and after input from the Board of Appeals, per the Village's Special Use Permit law.
- B. A building permit is required for the construction, installation, or substantial modification of any Auxiliary Housing Unit (AHU). Permit applications must include detailed site plans, construction drawings, and documentation demonstrating compliance with zoning, building, and applicable housing codes. No work shall commence until the permit is acquired.
- C. An auxiliary housing unit may be included within a single-family detached dwelling and must be used for residential uses only.
- D. The auxiliary housing shall not exceed 1000 square feet of the space within the principal dwelling unit and shall adhere to all local building and fire safety codes. At the time of application for a special use permit, the Code Enforcement Officer must review the plans for the auxiliary housing unit and make a recommendation to the Village Board on building and fire safety codes.
- E. Either the primary residence or the Auxiliary Housing Unit must be occupied by the

property owner.

- F. The special use permit for an auxiliary housing unit shall be reviewed and potentially renewed every two years. This review shall incorporate an inspection of the premises by the Village Code Officer. If found to be in conformance with the special use permit and all applicable building and fire safety codes, and has no outstanding violations, it will be renewed. The renewal does not include the processes and procedures for the issuance of a new special use permit
- G. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

## **Article XIV**

### **House Numbers**

#### **§ 245-45 Purpose and intent; numbering required.**

It is the purpose and intent of this article to protect and promote the public health, safety and general welfare by requiring property owners, be they private dwellings or businesses, to affix house numbers on their structures to aid emergency services personnel in the prompt identification of the affected structures.

#### **§ 245-46 Size and visibility of numbers; time limits for compliance.**

- A. House numbers shall be affixed to the structure in a prominent location, facing the principal street.
- B. House numbers shall be a minimum of 3 ½ inches in height and shall be visible from the principal street.
- C. If the structure is not visible from a public or private road, the numbers shall be permanently affixed to a post or a panel immediately adjacent to the entrance driveway of said structure.
- D. New structures shall have numbers permanently affixed upon completion of siding or prior to issuance of a certificate of occupancy.
- E. Existing structures not having house numbers affixed shall have six months to come into compliance after adoption of this article.

**§ 245-47 Enforcement.**

Enforcement will be the duty of the Village of Angola Code Enforcement Officer.

**§ 245-48 Word usage.**

The word “shall” is mandatory; the word “may” is permissive; the word “should” is to be interpreted as expressing that which is essential. The word “structure,” as used in this article, shall mean a dwelling or a building used for commercial purposes.

**Article XV**  
**Short Term Rental**

Intent/Purpose: The Village of Angola intends to create a local law to address the need for guidelines for short term rental establishments. The Village of Angola shall require that all persons operating a short-term rental establishment obtain a temporary special use permit from the Village of Angola Zoning Board of Appeals, in accordance with the special use requirements of the Village. The permitting requirements necessary to obtain said permit are set forth herein. The intent of this section is also to address the addition of short-term rental establishments in the Village of Angola and address their potential impact on the Village and the neighborhood impacted by such proposal.

**§ 245-49 Existing Short Term Rental establishments legalized.**

- A. All existing short-term rentals as defined herein shall be legal and be considered as a permitted use under the Village of Angola Zoning Ordinance and shall be required to comply with all sections of this local law. All existing short-term rentals as defined herein shall also be required to apply for a temporary special use permit to the Code Enforcement Officer within 60 days from the date of the passage of this local law.

**§245-50 Permit required.**

- A. All existing and future short term rental establishments, as defined below, are permitted with a special use permit, provided that all requirements set forth below are observed. No person, firm, corporation, association, partnership, or any other entity

shall operate a short-term rental establishment in any zone without first having obtained a special use permit from the Village Board.

**§ 245-51 Definitions**

The following terms shall have the meanings indicated:

- A. Existing Short-Term Rental: Any short term rental establishment in existence as of the effective date of this local law.
- B. Lot or Property: A parcel of land consisting of one property tax (S.B.L.) number.
- C. Permit: A special use permit granted or to be granted pursuant to the requirements of this chapter.
- D. Short Term: Occupancy for hire for a period of 30 consecutive days or less.
- E. Short Term Rental Establishment: Any establishment, both existing and future, which lets one or one and more rooms for short term rental occupancy, and which is not classified as a hotel or motel.

**§ 245- 52 Short Term Use and Dimensional Regulations:**

- A. No more than one short term rental establishment is permitted on any lot or property.
- B. Short-term rental establishments, as defined by the Village of Angola are allowed by temporary special use permit in the following districts:
  - (1) One-Family Residential (R-1)
  - (2) Multi-Family Residential (MF-R)
  - (3) Mixed-Use Residential (MU-R)
  - (4) Business (B)
  - (5) Mixed-Use Business (MU-B)

**§ 245-53 Permit Regulations:**

- A. Issuance of temporary special use permits: The Village of Angola Zoning Board of Appeals shall have sole authority to issue temporary special use permits for short term rental establishments.



- B. Length of temporary special use permits: Said permits shall be issued on a nontransferable, renewable basis. No short term rental establishment shall operate at any time in violation of the provisions of this chapter.
- C. The form of the permit and application: The form of the permit and application therefor shall be prescribed by the Village of Angola Zoning Board of Appeals and administered by the Code Enforcement Officer. The applicant shall provide all information required by the application to the Code Enforcement Officer, and after all of the information required by the application is received by the Code Enforcement Officer, the Code Enforcement Officer shall forward the application and supporting documents, to the Zoning Board of Appeals for its review, consideration and, after holding a public hearing thereon, render its decision on whether to grant the temporary special use permit. The premises shall be inspected by the Code Enforcement Officer or his/her deputy, during the application process, and thereafter, as the Code Enforcement Officer deems necessary.
- D. Requirements: Before a permit may be granted, the following requirements shall be met:
- (1) A drawing of the building floor plan with accurate dimensions. The drawing shall designate rooms for use by guests, designate exits and access to exits and identify and specify the off-street parking spaces that are required by this chapter.
  - (2) The application shall be signed by the owner of the premises and shall contain at least the following: the name, address, telephone number and e-mail address, if available, of the owner and operator, if any, as well as a local contact, if possible.
  - (3) Each establishment shall have exits clearly marked.
  - (4) Each establishment shall have adequate exits (number, location and size) for the maximum number of guests which can be housed pursuant to this chapter.
  - (5) Each guest room shall have a functioning smoke detector that complies with the New York State Uniform Fire Prevention and Building Code requirements.
  - (6) Each establishment shall have functioning carbon monoxide detectors as required by code.

- (7) Each guest room shall have written information, clearly posted, showing the location of all means of exiting the building in the event of an emergency.
- (8) Each establishment shall have a minimum of one (1) fire extinguisher (2A10BC rated) on each floor with sleeping quarters and may, in the discretion of the Building Inspector, be required to have additional such fire extinguishers available. All fire extinguishers must be inspected once a year.
- (9) The required fee for the permit shall be paid each year to the office of the Building Inspector.
- (10) Occupancy shall be limited to ten (10) people per establishment. There shall be at least one (1) bathroom and shower for every five (5) people who may reside or stay at the establishment.
- (11) The minimum square footage of each room shall be one hundred twenty (120) square feet. Up to two (2) guests shall be permitted in a room with said one hundred twenty (120) square feet. An additional sixty (60) square feet is required for every guest over two (2) guests per room.
- (12) The quarters to be utilized by the guest or the occupants of the premises shall not be permitted in any accessory structure, sheds or similar structures, basements, attics, sunrooms, porches and garages.
- (13) The use by guests shall be no longer than ninety (90) consecutive calendar days.
- (14) No parking shall be allowed in public rights-of-ways.
- (15) One off-street parking space shall be provided for each living quarter designated as a rented room, as described in the application and permit, plus such additional parking spaces as the Planning Board shall deem necessary for the residents. All parking spaces shall be graveled or paved as determined by the Planning Board. Boats, trailers, and campers must use designated off-street parking.
- (16) No inventory of goods shall be maintained for sale on the premises.
- (17) All signage shall comply with the Village of Angola sign ordinance for the respective zoning district the short term rental establishment is proposed in.

(18) The permit issued by the Zoning Board of Appeals and renewals thereof issued by the Code Enforcement Officer, along with the Village Noise Ordinance, shall be posted at all times inside all establishments in a conspicuous place.

(19) The Zoning Board of Appeals shall take into consideration yard screening with plantings, and/or fencing.

C. The Code Enforcement Officer shall keep a directory setting forth a current listing of all premises for which a permit has been issued. The Building Inspector shall send a copy of said directory to the Village of Angola Fire Department, and to the Village Clerk. Said directory shall also contain the name, address, telephone number and e-mail, if any, of the owner and operator of the establishment.

**§ 245-54 Fees.**

A. The yearly fee for the permit hereby required shall be \$ 250.00, and any revisions of this fee in the future may be determined by the Planning Board.

**§ 245-55 Renewals.**

A. Permits shall be renewed annually and shall expire one (1) year from the date the Permit was granted. The owner of the short term rental establishment can apply for the renewal ninety (90) days prior to expiration of said permit, by submission of an application by the owner for renewal of the permit to the Code Enforcement Officer. The form and content of the renewal application shall be prepared by the Zoning Board of Appeals and supplied by the Code Enforcement Officer to the owner. The completed renewal application shall be approved by the Code Enforcement Officer, and then submitted by the Code Enforcement Officer to the Village Clerk for issuance thereof. The Code Enforcement Officer is authorized to conduct an inspection of the premises and may require that any and all violations of this chapter be resolved to his or her satisfaction, or by resolution in the decided on by the Planning Board, prior to any renewal application being submitted to the Village Clerk for issuance thereof. The actions of the Village Clerk in approving the renewal shall be ministerial in nature. In the event that renewal of a permit in accordance with this chapter has not been obtained by the owner, within the 90-day renewal period as aforesaid, the owner shall cease operation of the short term rental establishment until renewal of said permit is obtained.

**§ 260-8 Penalties for Offenses.**

Any person, corporation, business, association, firm, partnership owning and/or operating a short term rental establishment found to be operating in violation of any provisions of this chapter, shall be guilty of a violation, and shall be subject to a fine not exceeding Two Hundred Fifty

(\$250.00) Dollars, or imprisonment not exceeding 15 days, or both such fine and imprisonment. Each day a violation exists, it shall be considered a separate violation of this chapter. In addition to any of the above violations found by the Building Inspector, the following are considered a violation of this chapter, and are also subject to modification or revocation of the permit:

- A. That the approval of the permit was obtained by fraud.
- B. That the permit granted is being or recently has been exercised contrary to the terms or conditions of such approval of, and/or in violation of any statute, ordinance, law or regulation.
- C. That the actions and conduct, and the conduct of operations of the permit holder, it's agents and /or employees, have been so exercised as to be detrimental to the public health or safety of the community, or, to constitute a public nuisance.

**§ 245-56 Seasonal Workers:**

This ordinance shall not apply to housing for seasonal workers, such as agricultural workers, produce packing workers, seasonal motel and hotel workers, or seasonal restaurant workers.

**§ 245-57 Inconsistent provisions:**

If any of the provisions of this chapter are determined to be inconsistent with any provisions of Chapter 245 ZONING, the provisions of this chapter shall control.

**§ 245-58 County Law**

The provisions of this Chapter shall be subject to the provisions of CHAPTER XXI of the Erie County Code of Erie County, NY, with the exception of the term of occupancy being set forth herein as 90 days.

**§ 245-59 When Effective:**

This chapter shall become effective immediately after filing with the New York State Secretary of State.

**§ 245-60 Severability:**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

## **Article XVI**

### **Solar Energy Systems**

#### **§ 245-61 Title and Authority:**

This Local Law shall be referred to as “Solar Energy Systems”

This local law is adopted pursuant to the authority granted by section 7-700 of Village Law and section 20 of the Municipal Home Rule Law of the State of New York, and:

#### **§ 245-62 Purpose:**

The Purpose of this law shall be to provide substantive and procedural standards for the siting, development, operation, and decommissioning of Solar Energy Systems in the Village of Angola.

Through this law, the Village of Angola intends to minimize the potential adverse impacts of Solar Energy Systems to public health, safety, ground water, the environment, and the Village’s community character and history.

The Village further finds that appropriate siting of Solar Energy Systems, in a manner compatible with the Comprehensive Plan objectives and vision of preserving its natural, historical, and cultural assets, along with sustaining its valuable economic and natural resources, particularly agricultural land use, open spaces, natural habitats, wetlands, and watersheds, is effectuated through this law.

#### **§ 245-63 Definitions:**

As used in this Section, the following terms shall have the meaning indicated:

**BATTERY ENERGY STORAGE SYSTEM (BESS):** One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. See the Village of Angola Battery Energy Storage System Law (to be adopted).

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM:** A solar energy system that consists of integrating Photovoltaic (PV) modules into the building structure. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

**FACILITY AREA:** The cumulative land area occupied during the commercial operation of the solar energy generating facility. This shall include all areas and equipment within the facility's perimeter boundary including the solar energy system, onsite interconnection equipment, onsite electrical energy storage equipment, and any other associated equipment as well as any site improvements beyond the facility's perimeter boundary such as access roads, permanent parking areas, or other permanent improvements. The facility area shall not include site improvements established for impact mitigation purposes, including but not limited to vegetative buffers and landscaping features.

**GLARE:** The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects, which may result from solar installations.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure (In the Village of Angola, they can be Tier 2 or 3 systems).

**KILOWATT (KW):** A unit of power. KW is equal to 1,000 watts of power.

**MEGAWATT (MW):** A unit of power. MW is 1,000 KW or one million watts of power.

**NATIVE PERENNIAL VEGETATION:** Wildflowers, grasses, or other native vegetation that serve as habitat, forage, or migratory stations. Such vegetation may be used to preserve land erosion or provide aesthetics to solar installations.

**PRIME FARMLAND:** Soils classified by the NYS Department of Agriculture and Markets Agricultural Land Classification as mineral soils groups 1 through 4, prime farmland, and prime farmland if drained.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle. Roof mounted systems shall be located on a roof of a permitted principal use or accessory structure.

**SETBACK:** Setbacks, for the purposes of ground mounted systems, shall be calculated from the fence line to any property line or designated item in the code (wells, structures, etc.).

**SOLAR ACCESS:** Space open and clear of overhangs, trees, shade, or other obstructions to permit the active use of solar energy systems on individual properties.

**SOLAR ENERGY EQUIPMENT:** Energy storage devices, materials, hardware, or electrical equipment and conduit associated with the production of electrical energy.

**SOLAR ENERGY PRODUCTION FACILITY:** Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity.

**SOLAR ENERGY SYSTEM:** Includes a combination of both solar panels and solar energy equipment. A solar energy system in the Village of Angola can be defined as follows:

**TIER 1** – rooftop, building mounted, or building integrated solar energy system – limited to 110% of electricity needed on site (as shown by the applicant and per NYSERDA rules).

**TIER 2** – ground mounted solar energy system that is an accessory use – limited to 110% of electricity needed on site (as shown by the applicant and per NYSERDA rules).

**TIER 3** – “Large-scale” solar projects not meeting the criteria of Tier 1 or Tier 2 solar.

**SOLAR PANEL:** A device capable of collecting and converting solar energy into electrical energy.

### **§ 245-64 Applicability and General Requirements:**

- A. The requirements of this Section shall apply to all Solar Energy Systems installed or modified after the effective date of the local law by which it was adopted, excluding general maintenance and repair. It also will not apply to single pole mounted panels (less than 4 SF) that are used at businesses or residential homes to charge small batteries. In addition, this law shall apply to all applications related to Solar Energy Systems pending before the Village Board or Zoning Board of Appeals as of the effective date of this law.
- B. All Solar Energy Systems shall be designed, erected, and installed or modified in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Fire Protection and Building Code and the Village Code as well as the National Electrical Code (NEC), National Fire Protection Code 70 (NFPA 70), and local and NYS regulations.
- C. Under New York SEQRA regulations, actions are classified as Type I, Type II, or Unlisted Actions. Type II Actions are exempt from review and include actions such as the construction, expansion, or placement of minor or accessory structures. The Village of Angola considers building-integrated solar components and all Tier I systems to be Type II Actions and therefore exempt from all SEQRA requirements.
- D. All applications for solar projects shall include the appropriate application fee as determined by the Village, as set by resolution of the Village Board.
- E. Electrical Inspection. All solar energy systems/installations will require approval by a certified electrical inspector prior to use.
- F. Fire Service Notice. Notification in writing to the Fire Department having operational authority at the location where the system is installed shall be made no later than 10 days following installation or as prescribed later in this law. Notification shall include a site map showing the location of the solar energy electrical panel as well as other information concerning the operation and shutdown

of the solar energy system and posting of that information (full requirements to be provided at building permit application, including roof load bearing information, if applicable).

- G. Abandonment or Disuse. The property owner or homeowner bears full responsibility for all costs associated with the dismantling and proper disposal of any solar energy system that becomes unsafe, goes into disuse, and/or is abandoned. See the Special Use Permit Application Requirements of this law for requirements for Tier 3 systems.

**§ 245-65 TIER 1: Solar as an Accessory Use/ Structure:**

This section governs the placement and installation of smaller scale rooftop, building integrated or building mounted solar energy systems (Tier 1) as defined herein. The installation of these smaller scale solar energy systems do require the applicant to obtain a building permit from the Village of Angola.

- A. Roof-mounted systems – Tier 1 Systems and Building Integrated Systems.

- (1) All Tier 1 systems are permitted as an accessory use in all zoning districts, when attached to a lawfully permitted principal structure and/or accessory structure, subject to the following requirements:

- i. Height. Solar energy systems shall not exceed maximum height restrictions within any zoning district and are provided the same height exemptions granted to building- mounted mechanical devices and equipment.

- ii. Setback. Solar energy systems are subject to the setback requirements of the underlying zoning district (including any special lot requirements, if applicable).

- iii. Aesthetics. Solar energy equipment shall incorporate the following design requirements:

- a. Solar energy equipment shall be installed outside the primary residence or accessory structure and as close to a public utility electrical meter as possible.

- b. Roof-mounted panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system (or as required by the Building Code). Panels cannot exceed a height of 30 feet in accordance with the Village Zoning Code.



- c. Access and Pathways: Roof access, pathways, and spacing requirements for solar photovoltaic systems shall be provided in accordance with the most recent standards.

iv. EXCEPTIONS:

- a. Roof access, pathways and spacing requirements need not be provided where an alternative ventilation method has been provided, or where vertical ventilation techniques will not be employed.
- b. Detached garages and accessory units.

(2) Size of solar photovoltaic array. Each photovoltaic array shall not exceed 150 feet in any direction.

(3) Roof Access Points. Roof access points shall be located (or as required under the building and Fire Safety codes):

- i. In areas that establish access pathways which are independent of each other and as remote from each other as practicable to provide escape routes from all points along the roof.
- ii. In areas that do not require the placement of ground ladders over openings such as windows or doors or areas that may cause congestion or create other hazards.
- iii. At strong points of building construction, such as corners, pilasters, hips, and valleys and other areas capable of supporting the live load from emergency responders.
- iv. Where the roof access point does not conflict with overhead obstructions such as tree limbs, wires or signs.
- v. Where the roof access point does not conflict with ground obstructions such as decks, fences, or landscaping.
- vi. In areas that minimize roof tripping hazards such as vents, skylights, satellite dishes, antennas, or conduit runs.

(4) Ground access areas. Ground access areas shall be located directly beneath access roofs and roof access points. The minimum width of the ground access area shall be the full width of the access roof or roof access point, measured at the eave. The minimum depth shall allow for the safe placement of ground ladders for gaining entry to the access roof.

(5) Single ridge roofs. Panels, modules or arrays installed on roofs with a single ridge shall be located in a manner that provides two (2), 36 inches wide (914mm) access pathways extending from the roof access point to the ridge. Access pathways on opposing roof slopes shall not be located along the same plane as truss, rafter, or other such framing system that supports the pathway.

i. EXCEPTIONS:

- a. Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) and less.
- b. Structures where an access roof fronts a street, driveway, or other area readily accessible to emergency responders.
- c. One access pathway shall be required when a roof slope containing panels, modules or arrays is located not more than 24 inches (610 mm) vertically from an adjoining roof which contains an access roof.

(6) Hip roofs (324.7.5). Panels, modules, and arrays installed on dwellings with hip roofs shall be located in a manner that provides a clear access pathway not less than 36 inches (914mm), extending from the roof access point to the ridge or peak, on each roof slope where panels, modules or arrays are located.

i. EXCEPTIONS:

- a. Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) or less.
- b. Structures where an access roof fronts a street, driveway or other area readily accessible to emergency responders.

(7) Roofs with valleys, Panels and modules shall not be located less than 18 inches (457 mm) from a valley.

i. EXCEPTIONS:

- a. Roofs with slopes of 2 units vertical in 12 units horizontal (16.6 percent) or less.

(8) Allowance for smoke ventilation operations. Panels and modules shall not be located less than 18 inches (457 mm) from a ridge or peak.

i. EXCEPTIONS:

- a. Where an alternative ventilation method has been provided or where vertical ventilation methods will not be employed between the uppermost portion of the solar photovoltaic system and the roof ridge or peak.
- b. Detached garages and accessory structures.

(9) Notification to the Fire Department. Notification in writing to the Fire Department having operational authority at the location where the system will be installed shall be made no later than 10 (ten) days following installation.

(10) Notification shall include a site map showing the location of the solar energy electrical panel, as well as the proper operation of the disconnect switch(s) in the event of a fire or other emergency situation where the homeowner, tenant or other personnel is not available or familiar with the safe shut down operation of unit so as to have the ability to cut power from the solar panels.

(11) In addition a proper written statement showing the method of shut down shall be posted inside the main electrical panel of the unit which can be readily accessible for and to firefighting personnel.

(12) Roof mounted solar panels must be positioned to avoid glare which interferes with other properties or restricts views.

(13) Roof mounted panels shall have non-hazardous anti-reflective coating and, if the replacement of a panel is necessary, it shall also have non-hazardous anti-reflective coating.

**§ 245-66 Tier 2: Ground Mounted Systems (Small-Scale Ground Solar):**

Tier 2 ground- mounted solar energy systems are permitted as an accessory use/structure in all zoning districts and are subject to site plan approval (Article VII) and the requirements set forth in this section.

- A. All Tier 2 ground-mounted solar panels shall be installed in the rear yard. Ground-mounted solar energy systems are not permitted in the front yard. Any application for installation and placement of a small-scale solar energy system under this section that requires a side yard location shall require the applicant to appear before the Village Board who shall determine if such a location is warranted. The Village Board in making this determination may require additional screening or other requests or can deny this request. If the request is approved, the applicant shall return to the Planning Board for site plan approval.
- B. Setback(s). Ground mounted solar panels are subject to setback requirements of the underlying zoning district, and if applicable, other requirements such as for special lots (corner, etc.). In no case, shall the setback from a property line be less than 25 feet.

- C. Height. Solar panels are restricted to a height of fifteen (15) feet. All height measurements are to be calculated when the solar energy system is oriented at maximum tilt.
- D. Lot Coverage. The surface area (facility area) of ground mounted solar panels shall be included in lot coverage and impervious surface calculations. The total lot coverage shall not exceed thirty five percent (35%), accounting for all other impervious surfaces on the lot, such as buildings and driveways.
- E. Glare. All Solar Panels shall have a non-hazardous anti-glare coating to prevent glare. Proof of such shall be provided during any approval process and at time of permit application.
- F. The site plan for such installation shall be reviewed by the Planning Board and shall be approved by a majority thereof.

**§ 245-67 Tier 3. Solar As Principal Use (Large Scale Solar):**

Tier 3 (large scale) solar energy systems are permitted in the Industrial District by the issuance of a special use permit by the Village Board and site plan approval by the Planning Board. These applications must also comply with the restrictions and requirements outlined in this section, as well as any overlay district requirements applicable to the project location. To ensure that the benefits of the project are available to the entire community, the Village of Angola requires the applicant for a Tier 3 solar energy system to enter into a Host Community Agreement (HCA) with the Village.

**A. General Requirements**

- (1) Every application for a Tier 3 solar energy system within the Village of Angola shall be made to the Village Board and shall be approved by a majority vote thereof.
- (2) Prior to Village Board review of the application, it may refer said application to the Zoning Board of Appeals and Planning Board for review, report and recommendation for approval or disapproval and input on SEQR.
- (3) The Village Board shall hold a public hearing upon ten (10) days' notice duly posted and published in the official newspaper of the Village and on the Village bulletin board, before granting the special use permit. This hearing shall take place after the Planning Board issues their reports.
- (4) Once the Village Board makes a final SEQR decision and if the special use permit is approved, the project will return to the Planning Board for final conditional site plan review and approval.
- (5) On applying for a building/site development permit for the project, the applicant/developer shall present final design plans and other SUP requirements to the Village for review for conformance to the SUP and its conditions, and site plan approvals and conditions. No

building/site development permit shall be issued until the project is shown to meet all the SUP and site plan requirements, has received all other regulatory approvals, and meets other requirements of the Village.

B. Special Use Permit Application Requirements. Every application for a special use permit under this section shall contain the following information:

- (1) A completed proposed draft of the applicable State Environmental Quality Review Act (SEQRA) Full environmental assessment form (FEAF).
- (2) Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.
- (3) Name, address, and contact information of the applicant, property owner(s) and agent submitting the proposed project application.
- (4) If the property of the proposed project is to be leased, legal consent among all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, and identifying the party primarily responsible for paying any property taxes, Host Community Agreement (HCA) or penalties attributable to the project.
- (5) Technical drawings signed by a NYS licensed engineer, showing the layout of the proposed solar energy system, including proposed access roads, landscaping, and screening (see site plan requirements).
- (6) Equipment specification sheets for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (7) A property operation and maintenance plan describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, and maintenance of landscaping, fencing and other screening components, etc.
- (8) A decommissioning plan (completed by a NYS licensed engineer and signed by the engineer and owner/operator):
  - i. To ensure the proper removal of Tier 3, the decommissioning plan shall include details regarding the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a NYS licensed engineer or contractor. Cost estimates shall take inflation into account and not reflect any salvage value. In the case of a lease, the cost of decommissioning shall be borne by the entity or corporation that is leasing the property in question and not the landowner.

ii. A form of decommissioning security acceptable to the Village, through escrow, letter of credit, bond or the equivalency of, shall be established during the special use permit process and must be in place prior to the commencement of construction to cover the cost of decommissioning the site. After completion of the project, the escrow, bond or equivalency of, shall be renewed on a determined schedule, adjusted for inflation and based on updated cost estimates. The amount of surety required shall be a minimum of 125 percent of the estimated cost to decommission (not allowing for recycle value). This decommissioning security shall be revisited a minimum of every five (5) years or at times of bond renewal. The revisiting will take into consideration inflation and other cost increases.

- (9) Stormwater management and erosion and sediment control plans in accordance with state and local requirements. Special requirements (stricter standards; especially during construction) may be added for projects within the Recreation/ Open Space Overlay District.
- (10) A lighting plan. Lighting of the solar energy system shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast (dark sky compliant) from adjacent properties.
- (11) Information on any noise impacts on surrounding homes or other sensitive receptors. The 1-hour average noise generated from the solar energy system shall not exceed 45 decibels, as measured from the property line. If the applicant controls multiple, contiguous parcels, only the exterior boundary of the aggregated parcels shall be considered the “property line” for purposes of measuring noise.
- (12) An assessment of the visual impacts of the solar energy system (including any above grade poles) on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis must be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required.
- (13) An emergency operations plan must be submitted at the time of application. This plan shall address any additional items that are requested by the Village Board. The Village Board will receive input from emergency service providers and others as deemed necessary. If approved, a copy of the approved emergency operations plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.
- (14) Prior to beginning operation of the facility, the owner shall schedule a day for training for the fire department and emergency service providers. At that training, keys/access codes shall be provided to the emergency service providers for accessing the facility.

(15) A site plan in accordance with the Village of Angola site plan requirements and drawn in sufficient detail as follows:

- i. Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below ground, on the site and adjacent to the site; and
- ii. A landscape plan signed by a professional Landscape Architect, including the type of planting under the panels (and a reasoning for its selection); and
- iii. Property lot lines and the location and dimensions of all existing structures and uses on site within 500 feet of the solar panels, and the zoning of the site and surrounding properties; and
- iv. Proposed fencing and/or screening for said project.

(16) Information on the equipment to be installed, including the requirement that the system components not contain any hazardous substances.

(17) Information on the environmental and cultural resources (as identified through the NYSDEC Environmental Resource Mapper and NYSOPRHP Cultural Resource Information System (CRIS) and by the Village of Angola) on the subject property and surrounding properties.

(18) Elevations showing the front and side view of all components of the solar energy system (panels, inverters, interconnection poles, etc.).

(19) Any such additional information as may be required by the Village's NYS licensed engineer or consultant, Planning Board, Village Board, Village Attorney, or Code Enforcement Officer.

(20) Information on soils, lot coverage, etc. illustrating how the project meets the requirements of this law.

C. Special Use Permit Standards for Tier 3 Solar Energy Systems:

(1) All large-scale (Tier 3) solar energy systems shall be set back a minimum of 200 feet from any non-participating property line, 50 feet from a participating property line, 250 feet from any road right of way, and a minimum of 500 feet from any residential building, school, place of public worship, or designated historic district or landmark (as measured from the closest fenced area). The system shall also be a minimum of 500 feet from any water well

on adjacent properties. If the applicant controls multiple, contiguous parcels (participating properties), only the exterior boundary of the aggregated parcels shall be considered the “property line” for purposes of determining setbacks.

- (2) All larger-scale (Tier 3) solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the site plan review process, blend into the character of the area, and meet applicable NYS codes and requirements. In areas with large deer populations, an eight-foot fence may be necessary. In areas of important habitats or species, the NYSDEC may require a gap at the bottom of the fence.
- (3) All larger-scale and utility-scale solar energy systems shall have views minimized from adjacent properties and roadways using landscaping that shall, at a minimum, be comprised of evergreen/coniferous trees, at least eight (8) to ten (10) feet in height at the time of planting (depending on site conditions and the results of the visual impact assessment) and at the recommend spacing for the tree species. It is a preference that existing trees and vegetation be preserved to help screen the project (layouts should try and accomplish this, if applicable). New trees to be planted may need to be planted in a staggered, “zig-zag” pattern to maximize screening. Supplemental deer-resistant shrubs are to be planted between the evergreen/coniferous trees at the reasonable discretion of the Town Board. Use of multiple species is encouraged to prevent disease and contribute to a more naturalistic aesthetic. In some cases, existing vegetation located on participated properties may be used to satisfy all or a portion of the required landscaped screening. Berms can also be utilized (but not preferred) to reduce the heights of proposed plantings, but the berms must not interfere with site drainage and must be properly designed to maintain vegetation. Suitable tree and shrub species are to be determined by a professional arborist and approved by the Town. All plantings shall be maintained in accordance with the approved property operation and maintenance plan and must be replaced if dead or diseased for the life of the permit.
- (4) On-site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility. For poles that are required, they must be placed a minimum of 100 feet from an adjoining non-participating property line.
- (5) The removal of trees six (6) inches or more in diameter at breast height shall not exceed 10% of the project area, or five acres, whichever is less. The removal of shrubs, underbrush, and trees under three (3) inches in diameter at breast height shall be limited to the extent necessary for the construction and maintenance of the solar installation. Plans submitted should clearly indicate tree locations and those to be removed (clearing limit).
- (6) Deforestation Mitigation: In accordance with the restrictions set in Section (e), forested sites shall not be deforested, and sites deforested less than five years before application submittal shall not be used to construct Solar Energy Systems, unless the applicant offsets the adverse impact of deforestation through conservation of the same amount of existing similar habitat, or creation of the same number of new sites to host similar habit (“Conserved Forest Habitat”). Conserved Forest Habitat created pursuant to this section shall be permanently conserved through creation of public parkland with covenants prohibiting deforestation and requiring the land to be kept in a natural, forested state, or by creation of a conservation easement held by an entity other than the applicant, and with restrictions requiring the land to be kept in a natural, forested state, or by any other means of permanent conservation acceptable to the Town. The Town may, but is not required to,



hold any real property interest created pursuant to this section. Conserved Forest Habitat shall be located within the Town of Mina.

- (7) Forest Buffer: when the site contains or is surrounded by existing forest, a buffer of at least 50 feet of forest on the participating parcel where no trees shall be cut shall be established and maintained as a forested zone for the life of the facility. The exception to this shall be dead or diseased trees, which will be cut and removed to encourage healthy growth of existing trees.
- (8) The height of a larger-scale or utility-scale solar energy system shall not exceed 20 feet when oriented at maximum tilt. Heights up to 30 feet would be allowed for projects that will have farming under the panels.
- (9) Tier 3 Solar Energy Systems shall not result in conversion of more than 10% of soils classified by the NYS Department of Agriculture and Markets Agricultural Land Classification as mineral soils groups 1 through 4, prime farmland, and prime farmland if drained. All Solar Energy Facilities shall also adhere to the Department of Agriculture and Markets' Guidelines for Construction Mitigation for Agricultural Lands. Converted farmland includes both prime farmland inside any perimeter fencing associated with Tier 3 or 4 facilities, and any adjacent prime farmland on the same parcel as the fencing that is no longer suitable for farming because of the Tier 3 facility.
- (10) To offset or mitigate the adverse impact of using high quality soils for a non-agricultural purpose, and/or as required by New York Public Service Law Section 138(4), any Solar Energy Facility sited on soils classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4, prime farmland, and/or prime farmland if drained, shall (1) prepare and carry out an agricultural co-utilization plan acceptable to the Town; and (2) permanently conserve an equal amount of soils classified by the NYS Department of Agriculture and Markets' Agricultural Land Classification as mineral soils groups 1 through 4, prime farmland, and/or prime farmland if drained, located in the Town of Mina, in a manner acceptable to the Town.
- (11) All components of a large-scale or utility-scale solar energy system shall not contain any hazardous materials that could contaminate soils or the air by their release, including but not limited to lead, cadmium, and PFAS substances. Proof of such shall be submitted at time of application and at time of building permit application. Any proposed changes to the system components including the addition of any anti-glare materials after construction will require coordination with the Town's Building Department and may require return to the Town Board for evaluation of the SUP.
- (12) Access roads must meet applicable NYSDEC requirements for limited use pervious access roads and provide adequate access for emergency vehicles (H2O loading; sufficient width, turnarounds, and/or pull-offs). This includes extending access roads to allow emergency responders to respond to medical emergencies or fires throughout the site. The applicant must provide written documentation that the applicable emergency service providers have reviewed and approved the type and location of the proposed access roads.
- (13) No signage or graphic content shall be displayed on the solar energy system components, except for the manufacturer's name, equipment specification information, safety information, and 24-hour contact information. All other information/signage as required by the National Electric Code.

### **§ 245-68 Ownership Changes:**

- A. If the owner of the solar energy system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all the obligations of the special use permit, site plan approval, HCA, and decommissioning plan. A new owner or operator of the solar energy system shall notify the Code Enforcement Officer of such change in ownership or operator within 30 days of the ownership change. New owners or operators must provide such notification to the Code Enforcement Officer in writing. The special use permit and all other local approvals for the solar energy system would be void if a new owner or operator fails to provide written notification to the Code Enforcement Officer in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications.
- B. Any changes or alterations post-construction to a Tier 3 solar energy system shall be allowed only by amendment to the special use permit and/or site plan (if required) subject to all requirements of this code.

### **§ 245-69 Maintenance and Procedures:**

- A. Time limit on completion: Upon the granting of a special use permit for a Tier 3 solar energy system, the building permit shall be obtained within twelve (12) months and the project shall be completed within twenty-four (24) months of the granting of the special use permit. If not constructed, the special use permit and site plan approval and building permit shall require new review and approval.
- B. Inspections: Upon reasonable notice, the Building Inspector or his or her designee may enter a lot on which a solar energy system has been approved for the purpose of ensuring compliance with any requirements or conditions. Twenty-four (24) hours' advance notice by telephone to the owner/operator or designated contact person shall be deemed reasonable notice. The applicant/operator shall authorize and cooperate in such inspection. Furthermore, a Tier 3 solar energy system shall be inspected annually or at any other time deemed necessary by the Village Building Inspector and/or by a NYS licensed engineer that has been approved by the Village. Any fee or expense associated with this inspection shall be borne entirely by the permit holder.
- C. General complaint process: During construction, the Village Building Inspector can issue a stop order at any time for any violations of the special use permit or building permit. After construction is complete, the permit holder of a Tier-3 solar energy system shall establish a contact person, including name and phone number, for receipt of any complaint concerning any permit requirements.
- D. Continued operation: A solar energy system shall be always maintained in operational condition, subject to reasonable maintenance and repair outages. Operational condition includes meeting all approval requirements and conditions. Further, the Building Inspector shall also have the right to

request documentation from the owner of a solar energy system regarding the system's usage at any time.

- E. Annual report: The owner and/or operator of a large-scale solar energy system must submit to the Code Enforcement Officer an annual report, due no later than February 15, which is certified as accurate and complete under penalty of perjury and contains the following information:
- (1) The rated capacity of the system.
  - (2) The amount of electricity generated by the system in the most recent twelve-month period.
  - (3) The amount of electricity transmitted to the power grid in the most recent twelve-month period; and
  - (4) Any damage that has occurred to the system in the most recent twelve-month period, evidence that the damage was repaired (if damage has occurred), and testing of groundwater or wells (if damage has occurred) and the findings of that testing; and
  - (5) Any updates or maintenance performed to solar energy system components in the most recent twelve-month period and potential plans for such in the coming year.
- F. Removal. All solar energy systems shall be dismantled and removed by the owner/operator immediately from a lot when the special use permit or approval has been revoked by the Village Board or the solar energy system has been deemed to be nonoperating or abandoned by the Building Inspector for a period of more than 365 days at the cost of the owner. If the owner/operator does not dismantle and remove said solar energy system as required, the Village Board may, after a hearing at which the owner shall be given an opportunity to be heard and present evidence, dismantle and remove said facility and utilize the Bond to remove the solar energy system in accordance with the decommissioning plan. Such action shall be in addition to and not in lieu of any other enforcement remedies the Village may have.
- G. Determination of abandonment or non-operation: A determination of the abandonment or non-operation of a solar energy system shall be made by the Village Building Inspector, who shall provide the owner/operator with written notice by personal service or certified mail at the address shown in the records of the Village or the application. Any appeal by the owner of the Building Inspector's determination of abandonment or inoperability shall be filed with the Village Board within 30 days of the Building Inspector causing personal service or mailing certified mail of his written determination and the Board shall hold a hearing on same. The filing of an appeal does not stay the following time frame unless the Village Board or a court of competent jurisdiction grants a stay, or reverses said determination. At the earlier of the 366 days from the date of determination of abandonment or inoperability without re-activation approved or upon completion of dismantling and removal, any approvals for the solar energy system shall automatically expire.

**§ 245-70 Reimbursement of Fees and Expenses:**

- A. An Applicant shall reimburse the Village for any fee or expense incurred in hiring subject matter experts and attorneys to review a large-scale solar energy system. The Village will estimate these costs and request that an escrow account be set up to pay for these costs incurred by the Village. Following the approval or denial of the application, the Village shall return to the Applicant any excess funds remaining in the escrow account. If the escrow account has been depleted prior to approval or denial of the application, the Applicant shall deposit such funds necessary for the Village to pay any outstanding consulting fees.
- B. The applicable fees for any review or permit required by this local law shall be set from time to time by resolution of the Village Board.

**§ 245-71 Solar Energy System Liability Insurance:**

- A. The holder of a special use permit for a Tier 3 solar energy system may be required (size over 0.5 MW) to secure prior to construction and maintain for the duration of the permit, public liability insurance as follows:
  - (1) Commercial general liability covering personal injuries, death, and property damage: \$5,000,000 per occurrence (\$10,000,000 aggregate) which shall specifically include the Village of Angola and its officers, councils, employees, attorneys, agents, and consultants as additional named insured.
  - (2) Umbrella coverage: \$10,000,000.
- B. Insurance Company: The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in NYS and with at least a Best's rating of "A."
- C. Insurance Policy Cancellation: The insurance policies shall contain an endorsement obligating the insurance company to furnish the Village with at least thirty (30) days prior written notice in advance of cancellation.
- D. Insurance Policy Renewal: Renewal or replacement policies shall be delivered to the Village at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- E. Copies of Insurance Policy: No more than fifteen (15) days after the grant of the permit before construction is initiated, the permit holder shall deliver to the Village a copy of each of the policies or certificates representing the insurance in the required amounts.
- F. Certificate of Insurance: A certificate of insurance states that it is for informational purposes only and does not confer sufficient rights upon the Village; therefore, a certificate of insurance shall not be deemed to comply with this law.

G. Indemnification: Any application for a solar energy system within the Village, shall contain an indemnification provision. The provision shall require the applicant/ owner/operator to at all times defend, indemnify, protect, save, hold harmless, and exempt the Village and its officers, councils, employees, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages whether compensatory or punitive, or expenses arising therefrom either at law or in equity which might arise out of or are caused by the placement, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said solar energy system, excepting however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Village or its employees or agents. With respect to the penalties, damages, or changes referenced herein, reasonable attorneys' fees, consultant fees, and expert witness fees are included in those costs that are recoverable by the Village.

**§ 245-72 Violations:**

- A. Any violation of any provisions of this section shall be punishable by penalty or a term of imprisonment as prescribed in Section 20-2006 of the Village Law of the State of New York.
- B. Notwithstanding the above, the Village Board of the Village of Angola hereby reserves the right to proceed to enforce the provisions of this section by civil action, injunction, and any other remedy afforded to it by the laws of the State of New York or the United States.

**§ 245-73 Validity and Severability:**

- A. If any part or provision of this Local Law shall be declared invalid, void, unconstitutional or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration, and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

**§ 245-74 Effective date:**

- B. This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.