

APPENDIX A

Amendments to the Village of Middleport Zoning Ordinance

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town

Village

of Middleport

Local Law No. 3 of the year 2002

A local law amending the Zoning Ordinance of the Village of Middleport
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County

City

Town

Village

of Middleport as follows:

The Zoning Ordinance as adopted on March 7, 1955, and as amended from time to time, and as codified as Chapter 200 of the Village of Middleport Code is hereby amended by adding the following section:

§200-13.5 SITE PLAN REVIEW

A. When required; exceptions.

Site plan review and approval shall be required for all uses, buildings and structures requiring a building permit prior to the issuance of a building permit or certificate of occupancy. This section shall not apply to one or two family dwellings, and their permitted accessory structures and uses.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

B. Procedure for review and approval.

Where site plan review is required, the enforcement officer of this chapter shall refer the application, site plan and supporting data to the Village Board. The Board shall review the application, site plan and supporting data and, at a regular meeting of the Board, after determining that all requirements have been met, shall approve, approve with modification or disapprove the site plan. Approval of any site plans so deemed shall remain in effect for a period of not more than one year unless a successful application for a building permit has been made within that period or an extension has been granted by the Board.

C. Submission of site plan and supporting data.

The property owner or his agent shall submit five copies of a site plan and supporting data prepared by and bearing the official seal and signature of a licensed architect, landscape architect, civil engineer or land surveyor, which shall include the following information, presented in drawn form at a scale approved by the enforcement officer of this chapter and accompanied by a written text:

1. Survey of the property, showing existing topographic features, including contours, large trees, buildings, structures, streets, property lines, utility easements, rights-of-way and land use, and the zoning and ownership of surrounding property.
2. A site plan showing proposed lots, blocks, building locations and land use areas.
3. Traffic circulation, parking and loading spaces and pedestrian walks.
4. Landscaping plans, including site grading, drainage existing and proposed landscape materials, including trees and shrubs, and heir locations, identification of those materials to be removed, existing and proposed structures and all greenspace areas designed as part of the site environment. Natural site features and vegetation shall be preserved and integrated into the proposed site wherever feasible.

5. Preliminary engineering plans, including street improvements, storm drainage system, public utility extensions, water supply, sanitary sewer facilities, outdoor lighting and the location of existing and proposed fire hydrants.

6. Preliminary architectural drawings for buildings to be constructed.

7. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.

8. In addition to the required site plan and supporting data indicated above, the Village Board may require a property owner or his agent to provide additional supporting data or plans the Board deems necessary and pertinent to carry out its responsibility for site plan review as provided in this chapter.

D. Criteria for review recommendations.

1. The Village Board shall review the site plan and supporting data and take into consideration the following:

a. Harmonious relationship between proposed uses and existing uses.

b. Maximum safety of vehicular circulation between the site and street network.

c. Adequacy of interior and exterior traffic circulation and parking and loading facilities, with particular attention to vehicular and pedestrian safety.

d. Adequacy of landscaping and setbacks in regard to achieving maximum compatibility with and protection of adjacent property and land uses.

e. Aesthetic considerations.

f. Compliance with other Village Laws and Ordinances.

g. Density of improvements of the site.

2. Should changes or additional facilities be required by the Village Board, approval of the site plan shall be conditional upon satisfactory compliance by the property owner with the changes or additions. The Board may withhold approval until required site plan changes have been made and filed.

3. In cases where any action of the Zoning Board of Appeals is required, the site plan shall be the subject of a preliminary review by the Village Board, in accordance with the review procedure set forth above, before action is taken by the Zoning Board of Appeals. After such action by the Zoning Board of Appeals, the Village Board shall conduct a final review of the site plan.

4. The Village Board may take the following actions with respect to a submitted site plan: (i) approve, or (ii) approve with modifications, or (iii) deter action until required modifications have been presented.

E. Required improvements..

In furtherance of the purposes of this Ordinance and to assure public safety and general welfare, the Village Board shall require the following improvements:

1. The designation of pedestrian walkways or sidewalks for the safe and convenient movements of patrons from store to store within the site and with adjoining sites.

2. The dedication of rights-of-way and easements for all facilities to be publicly maintained for the full frontage of the lot or parcel prior to the issuance of any certificate of occupancy.

3. The construction of all off-site curbs, gutters, sidewalks and road widening or construction as necessary to satisfy the criteria as set forth in Section D.

4. The construction of curbs, gutters and drives which will permit vehicular travel on the site and connection to and from adjacent parking areas and properties.

5. Screening, fencing, walls, berms and screen plantings adequate to screen views in accordance with requirement of this ordinance for adjacent prospective, contrasting development of less intensity and state highways of limited access. Designated plantings and landscaping shall be in accordance with the approved schedule and annually maintained by the property owner.

6. Adequate sewer, water and storm water drainage facilities in accordance with Village regulations including lines, connections, retention facilities, valves, hydrants and other facilities.

F. Performance Bond as condition of approval.

The Village Board may require, as a condition of site plan approval, that the property owner file a performance bond, in such amount as determined by the Village Engineer, to insure that the proposed development will be built in compliance with accepted plans.

G. Site Plan revisions.

A property owner wishing to make any changes in an approved site plan shall submit a revised site plan of the Village Board for review and approval.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2002 of the ~~(County)~~(City)(Town)(Village) of Middleport was duly passed by the Village Board on April 15, 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

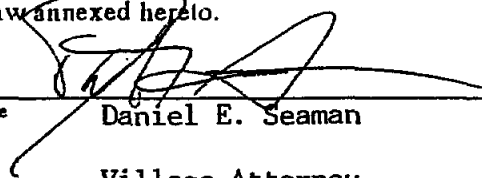
(Seal)

Date: April 15, 2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature Daniel E. Seaman

Title Village Attorney

County
City of Middleport
Town
Village

Date: April 15, 2002

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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County
City of Middleport
Town of _____
Village

Local Law No. 4 of the year 2002

A local law amending the Zoning Ordinance of the Village of Middleport
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County
City of Middleport as follows:
Town of _____
Village

WHEREAS, the Village of Middleport adopted the Village of Middleport, New York, Zoning Ordinance on March 7, 1955, now codified as Chapter 200 of the Code of the Village of Middleport, and

WHEREAS, pursuant to the terms of § 200-5 of said Zoning Ordinance, a map entitled "Zoning Map of the Village of Middleport" was adopted on the same date and made a part of said Ordinance.

NOW, THEREFORE, said Zoning Ordinance and Zoning Map is hereby amended as follows: The following section is added:

§ 200-5. A.(5) I-1 DISTRICTS: I-2, Light Industrial Districts.

and said Zoning Ordinance and Zoning Map is hereby further amended as follows:

§ 200-10A. I-1, LIGHT INDUSTRIAL DISTRICTS

The following regulations shall apply to all I-1 Districts:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A. INTENT. The intent of the light factory or light industrial district is to provide areas within the Village for the location of light industrial, manufacturing, assembly, compounding, processing, fabrication and packaging facilities, wholesale warehouses and storage facilities and research, development and laboratory facilities and certain compatible uses. This district is for selective uses that do not adversely impact the environment and quality of life of the residents and property owners of the Village or create an impact that is injurious to public health, safety or general welfare.

B. USES PERMITTED.

1. Uses of a light industrial nature are permitted, which involves only the manufacture, processing, assembly, packaging or storage of previously refined materials, provided that at no time will such use result in or cause:

a. dissemination of dust, smoke, smog, observable gas, fumes or odors or other atmosphere pollution, objectionable noise, glare or vibration.

b. a hazard of fire or explosion or chemical or nuclear pollution or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site or to any person working on the site, or working or living adjacent thereto.

2. Office buildings for executive, engineering and administrative purposes; scientific or research laboratories devoted to research, design and/or experimentation in the processing and fabricating incident thereto; the indoor warehousing and/or storage of goods and products, such as building materials, farm supplies and the like, which may be stored or sold from the premises to the general public; facilities for printing and/or publishing; essential services; and facilities for testing and development of processes planned for use in production elsewhere, stores and shops for the conducting of any retail business (except motor vehicles sales), personal service shops, banks, restaurants and similar establishments, theaters and assembly halls for a public recreation use, lodging house, motels, hotels, undertaking establishments.

C. USES PROHIBITED.

All other uses are prohibited; including, but not limited to the junk industry or motor vehicle wrecking operations; and any heavy industry, and motor vehicle sales.

D. PERMITTED ACCESSORY USES.

The following are permitted accessory uses in the light factory and light industrial use districts:

1. Garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises, used in connection with the principal use.
2. Signs in accordance with this chapter.
3. Off-street parking and loading.
4. Other reasonable accessory uses incidental to the permitted principal use.

E. ADDITIONAL RESTRICTIONS.

1. All industrial processes and other uses shall take place within an enclosed building.
2. Storage of materials out-of-doors shall not be permitted.

F. YARDS REQUIRED.

1. Each lot shall have a front yard of not less than 25 feet in depth.
2. There shall be a side yard along the side of every lot in an F-2 District of not less than 10 feet; provided, however, light factory or light industrial uses shall be located so as to be a minimum of 50 feet from any property line abutting a non-industrial district. This 50 foot buffer strip shall be perpetually maintained with plantings to provide a visual screen between industrial use and the adjoining non-industrial use.
3. There shall be a rear yard on every lot of an I-1 District of not less than 25 feet.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2002 of the ~~(County)~~(City)~~(Town)~~(Village) of Middleport was duly passed by the Village Board on April 15, 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

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(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

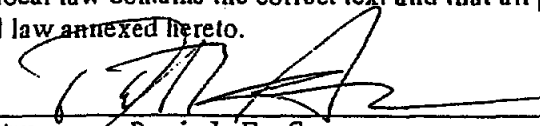
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Date: April 15, 2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

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Signature Daniel E. Seaman

Title Village Attorney

County _____
City of Middleport
Town _____
Village _____

Date: April 15, 2002

Accepted
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County
City of Middleport
Town
Village

Local Law No. 5 of the year 2002

A local law amending the Zoning Ordinance of the Village of Middleport
(Insert Title)

Be it enacted by the Village Board of the
(Name of Legislative Body)

County
City of Middleport as follows:
Town
Village

WHEREAS, the Village of Middleport adopted the Village of Middleport, New York Zoning Ordinance on March 7, 1955; said Ordinance having been codified as Chapter 200 of the Code of the Village of Middleport; and

WHEREAS, pursuant to the terms of Section 200-5 of said Zoning Ordinance, a map entitled "Zoning Map of the Village of Middleport" was adopted on the same date and made part of said Ordinance; and

WHEREAS, various amendments to the Zoning Ordinance of the Village of Middleport, and map has adopted since the original adoption of said Ordinance changing district boundaries; and

WHEREAS, other boundary changes have become necessary, including, among other changes, the establishment of an L-1 District; and

WHEREAS, Wendel Duchscherer has prepared a revised zoning map of the Village of Middleport entitled "Zoning Map of the Village of Middleport 2001";

(If additional space is needed, attach pages the same size as this sheet, and number each.)

NOW, THEREFORE, said Zoning Ordinance and zoning map is hereby amended as follows:

§200-5(B) is hereby amended by adopting the following §200-5(B) which shall replace the existing §200-5(B) in its entirety:

§200-5(B). Said districts are defined as shown on a map entitled "Zoning Map of the Village of Middleport 2001" prepared by Wendel-Duchscherer and certified by the Village Clerk of the Village of Middleport, which map accompanies, and with all explanatory matter thereon, is hereby made a part of this Chapter.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2002 of the ~~(County)~~(City)~~(Town)~~(Village) of Middleport was duly passed by the Village Board on April 15, 2002, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

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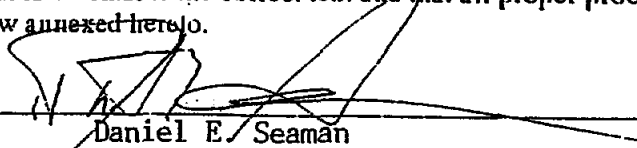
(Seal)

Date: April 15, 2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF NIAGARA

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Signature Daniel E. Seaman

Title Village Attorney

~~County~~
City of Middleport
~~Town~~
Village

Date: April 15, 2002