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County
City of Mayville
Town
Village

Local Law No. 2 of the year 2015

A local law Create a Lakeside Business Overlay District (B2-A) and
Amend the current zoning map

Be it enacted by the Village Board of the

County
City of Mayville as follows:
Town
Village

Local Law No. 2 of the year 2015

Village of Mayville, County of Chautauqua

The Board of Trustees of the Village of Mayville, as the local legislative body with the authority to enact and amend zoning regulations, enact the modifications contained in this Local Law to the 2007 Village of Mayville Zoning Law and 2007 Zoning Map based upon the following findings:

- 1. It is the duty of the Board of Trustees to encourage the most appropriate use of land within the Village of Mayville;
2. The Village of Mayville, and its inhabitants, will be best served if the Village strives to create a balanced and efficient pattern of land development that promotes economic stability and development;
3. The Village of Mayville's local economy is largely dependent on economic opportunities created by the seasonal populations that visit the Village of Mayville;
4. The Chautauqua Lake Local Waterfront Revitalization Plan, which the Village of Mayville participated in and later adopted, identifies uses along Chautauqua Lake's waterfront area in the Village of Mayville that are consistent with the enacted modifications; and
5. The modifications enacted by this Local Law will have no greater impact upon the community than similar uses contained within the 2007 Village of Mayville Zoning Law and will also allow for new approaches to utilizing and developing industrial, commercial and residential land in an efficient manner.

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

**VILLAGE OF MAYVILLE  
LOCAL LAW NO. 2 FOR THE YEAR 2015**

**A LOCAL LAW TO CREATE A LAKESIDE BUSINESS  
OVERLAY DISTRICT (B2-A) AND AMEND THE CURRENT  
ZONING MAP**

Be it enacted by the Board of Trustees of the Village of Mayville, Chautauqua County, New York, modifications to the Village of Mayville Zoning Law as follows:

**Section 1. INTENT**

The Board of Trustees of the Village of Mayville, as the local legislative body with the authority to enact and amend zoning regulations, enact the modifications contained in this Local Law to the 2007 Village of Mayville Zoning Law and 2007 Zoning Map based upon the following findings:

6. It is the duty of the Board of Trustees to encourage the most appropriate use of land within the Village of Mayville;
7. The Village of Mayville, and its inhabitants, will be best served if the Village strives to create a balanced and efficient pattern of land development that promotes economic stability and development;
8. The Village of Mayville's local economy is largely dependent on economic opportunities created by the seasonal populations that visit the Village of Mayville;
9. The Chautauqua Lake Local Waterfront Revitalization Plan, which the Village of Mayville participated in and later adopted, identifies uses along Chautauqua Lake's waterfront area in the Village of Mayville that are consistent with the enacted modifications; and
10. The modifications enacted by this Local Law will have no greater impact upon the community than similar uses contained within the 2007 Village of Mayville Zoning Law and will also allow for new approaches to utilizing and developing industrial, commercial and residential land in an efficient manner.

**Section 2. AUTHORITY**

This local law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(6) and (10);
2. New York Statute of Local Governments, §10(1), (6), and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a)(6), (11), (12), and (14); and
4. New York Village Law, Articles 7-700, 7-702, and 7-708.

**Section 3. ARTICLE II, SECTION 202 – DEFINITIONS - 2007 VILLAGE OF MAYVILLE  
ZONING LAW**

A. The following definitions are added to Article II, Section 202 of the Village of Mayville Zoning Law in the appropriate alphabetical position and replacing the current definition if duplicative:

**ACCESS:** The provision of vehicular and/or pedestrian ingress and egress to structures or facilities.

**ACCESSORY BUILDING:** A building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to, and are customarily found in connection with such principal building, or use and (2) is operated and maintained for the benefit of convenience of the owners, occupants, employees, customers or visitors of the lot with the principal use. A maximum number of two accessory buildings shall be allowed on a lot and its adjacent vacant lot. An accessory building shall not be located in a front yard.

**ACCESSORY USE:** A use that (1) is subordinate in area, extent, and purpose to the principal use and clearly incidental to and customarily found in connection with the principal building; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot as the principal use or on a contiguous lot under the same ownership.

**APARTMENT:** (See also "accessory apartment" and/or "dwelling unit" definition) A room or suite in a two-family dwelling unit, duplex, multi-family dwelling, apartment house or complex, or commercial building, in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

**APARTMENT HOUSE / APARTMENT COMPLEX:** (See also "dwelling, multi-family definition) Any building or portion thereof containing three or more dwelling units.

**ATTACHED BUILDING (See "Detached" definition):** Units connected on one or more side to an adjacent unit or units by a common party wall with separate exterior entrance for all unit(s). This shall apply to commercial as well as residential units.

**BUILDING AREA:** (See "Floor Area" definition)

**BUILDING, ATTACHED:** (See Attached Building.)

**BUILDING, DETACHED:** Any building or structure separated from another building or the same lot by at least six feet.

**BUILDING FOOTPRINT:** The area of a lot or site included within the surrounding exterior walls of a building or portion of a building at the ground level. In the absence of surrounding walls, the building footprint shall be the area under the horizontal projection of the roof.

**BUILDING GROSS SQUARE FOOTAGE:** The total square footage of all floors of a building, exclusive of uncovered porches, terraces and steps, included within the outside faces of the exterior walls (or exterior walls and fire walls), including floor penetration for circulation and shaft areas that connect one floor to another.

**BUILDING HEIGHT:** (see "Height.")

**BUILDING LIVABLE SQUARE FOOTAGE:** The total square footage of all floors within a building measured from the inside walls that are defined by the New York State Building Code as habitable space for residential purposes with ceiling height of not less than 7 feet for habitable rooms and a ceiling height of not less than 7 feet for hallways, corridors, bathrooms, toilet rooms and laundry rooms, all measured from the finished floor to the lowest projection from the ceiling.

**BUILDING NET SQUARE FOOTAGE:** The total usable square footage of a facility that is measured from the inside wall surfaces, including non-assignable spaces such as mechanical rooms, toilets, corridors, etc.

**BUILDING, PRINCIPAL:** A building in which the primary use of the lot on which the building is located is conducted.

**COMMON OPEN SPACE:** Facilities and yard areas identified within projects for the use and enjoyment of the residents and maintained and operated by an organization of property holders.

**CONDOMINIUM:** A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the New York Condominium Ownership Act. This includes residential, non-residential, and any other space.

**condominium association:** The community association which administers and maintains the common property and common elements of a condominium

**condominium conversion:** The conversion and subdivision of a single-ownership parcel of existing improved real property into a form of ownership for residential, commercial or industrial purposes involving the right of exclusive ownership of individual units

**CONDOMINIUM HOTEL:** A multi-unit structure, solely consisting of either dwelling units or hotel/motel units, or a multi-unit structure consisting of some combination of the aforementioned units, in which units may be individually owned and which provides a centralized management structure incorporating the following features: a 24-hour front desk check-in operation, a central phone system to individual rental units, meeting rooms, food services, and recreational or leisure amenities.

**DETACHED:** (See "Attached" definition) Not sharing any wall with another structure.

**DETACHED DWELLING:** A dwelling that is not attached to any other dwelling.

**DUPLEX:** A structure containing two dwelling units, each of which has direct access to the outside.

**DWELLING UNIT:** One or more rooms providing living facilities, including equipment and provisions for cooking for a single household including one or more persons living as a family.

**DWELLING UNIT, ATTACHED SINGLE FAMILY:** A dwelling unit that is joined to one or more other dwelling units at one or more sides by a party wall.

**DWELLING UNIT, DETACHED SINGLE FAMILY:** A building that contains one dwelling unit, which is not attached to any other dwelling by any means and which is surrounded by open space and/or yards.

**DWELLING UNIT, MULTI-FAMILY:** A building that contains three or more dwelling units, which may have one or more common entrances to access the building; the individual dwelling units are accessed from a common interior hallway.

**DWELLING, TWO FAMILY:** A building that contains two dwelling units. (Also see "Duplex".)

**DWELLING, THREE FAMILY:** A building that contains three dwelling units. (Also see "Triplex".)

**FLOOR AREA:** The floor area is the area of a building that is enclosed by surrounding exterior walls, excluding vent shafts and courts. In portions of the building not within the exterior walls, such as covered balconies, the usable floor space under the horizontal projection of the roof of the structure or any floors above the open area shall be included within the calculation of floor area. For purposes of bulk calculation, spaces with a floor level at least eight feet below natural grade, measured at the center of each 50 foot interval of façade width, shall not be included in the floor area calculation. Covered porches that are open on two sides may increase the allowable floor area by 5% without inclusion in the floor area calculation. Floor area is computed as provided in the New York State Uniform Fire Prevention and Building Code, except as provided herein.

**FLOOR AREA RATIO (FAR):** The total floor area of all buildings or structures on a lot divided by the total area of the lot. FAR is a measure often used to determine the intensity of the land use for a zoning district.

FAR = Total building floor area/Total Lot Area

A FAR of 0.2 = 2,000 Square Feet allowable on a 10,000 Square Foot Parcel

Example- If a 23,000 square foot lot is located in a zoning district with a FAR of 0.2, the total allowable square footage is 4,600. A one story 4,600 square foot building could be built on 20% of the lot or a two story 4,600 square foot building could be built on 10% of the lot.

**FRACTIONAL OWNERSHIP INTEREST:** A contractual right of occupancy in a Fractional Ownership Project, whether by membership, agreement, share, tenancy in common, sale, deed, license, right-to-use agreement or otherwise, where such right is divided into undivided interests, whether or not such interest is coupled with an estate in real property, where a purchaser, in exchange for consideration, receives a right to use a portion of a Fractional ownership Project for a period of time less than six months during any given year. Fractional Ownership Interest shall include interests otherwise known as "Interval Ownership" or "Time Share Ownership."

**FRACTIONAL OWNERSHIP PROJECT:** A project consisting of any dwelling unit, or private residence club, hotel, lot or parcel in which a purchaser receives a Fractional Ownership Interest. Fractional ownership developments shall include one hundred (100) percent of all units in a project and shall include a management plan.

**HEIGHT, BUILDING:** The vertical distance from the highest point on a structure (except chimneys and other items listed in Article V, Section on “Height”) to the average ground level of the grade where the wall or other structural elements intersect the ground.

**HEIGHT, STORY:** The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**KITCHEN:** A room or space within a room equipped with such electrical or gas hook-up which would enable the installation of a range, oven or like appliance using a 220/240 volts or natural gas (or similar fuels) for the preparation of foods.

**MIXED OCCUPANCY BUILDING:** *A single building containing more than one type of land use, such as, but not limited to, residential, commercial, public, entertainment, or office.*

**MULTI-DWELLING STRUCTURE:** A structure containing four or more dwelling units (i.e. quadraplex, quintuplex, etc.), each of which has separate utilities and direct access to the outside.

**NIGHTLY RENTAL:** The rental of a room, apartment, or house or lockout room for a time period of less than 30 days.

**NONRESIDENTIAL SUBDIVISION:** A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

**ONE BEDROOM APARTMENT:** A dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

**OPEN SPACE:** (See “Usable Open Space”)

**open space ratio** A measure of the intensity of land use, determined by dividing the total of all open space areas contained within a site by the gross area, not including Right of Way (ROW) or easements.

**OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

**SALE OR LEASE:** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contact, plat, map, lease, devise, intestate succession, or other written instrument.

**SAME OWNERSHIP:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner, or associate or a member

of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it.

**STRUCTURE:** Anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground, and which imposes an impervious material on or above the ground; "structure" includes "building". All structures, except driveways, sidewalks and fences, must maintain the minimum setbacks for the district in which they are located, both above and below the ground.

**SUPPORT COMMERCIAL FACILITIES:** *Those commercial uses which are located on the site of a master planned development, and oriented toward the internal circulation of the development, for the purpose of serving the needs of the residents or users of that development, and not the general public or persons drawn from off the site of the Master Planned Development. Examples of support commercial uses are barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel lobby type uses. No use occupying more than 2,000 gross square feet of floor area will be considered as support commercial.*

**TIME SHARE CONVERSION:** The conversion into a time share project of any real property and the existing structure(s) attached thereto, which were not subject to a time share instrument prior to the date of such conversion, including, without limitation, the conversion into a time share project of (a) any existing motel, hotel, or apartment building, (b) any existing unit or units within an existing condominium project or (c) any dwelling unit or units within an existing planned unit development.

**TIME SHARE ESTATE:** An ownership or leasehold estate in property devoted to a time share fee (including without limitation, tenants in common, time span ownership, interval ownership, and cooperative time share ownership) created by a time share instrument and the documents by which it is granted.

**TIME SHARE INSTRUMENT:** Any instrument whereby the use, occupancy or possession of real property has been made subject to either a time share estate or time share use, and whereby such use, occupancy or possession circulate among (a) nine or more purchasers of the time share intervals, according to a fixed or floating time schedule on a periodic basis occurring annually over a period of time in excess of three years in duration.

**TIME SHARE INTERVAL:** A time share estate or a time share use.

**TIME SHARE OFF-SITE SALES OFFICE:** A location within the Village, but outside of a time share project, wherein time share sales presentations are made and other marketing related activities are conducted in an effort to generate time share interval sales or resales.

**TIME SHARE PROJECT:** Any real property that is subject to a time share instrument, including a time share conversion.

**TIME SHARE UNIT:** That unit of real property and time where possession and use are allowed under a contract from seller to purchaser.

**TIME SHARE USE:** Any contractual right of exclusive occupancy created by a time share instrument which does not fall within the definition of a “time share estate” (including without limitation, a vacation license, club membership, general partnership interest, limited partnership interest, vacation bond or beneficial interest in a trust) and the documents by which it is transferred.

**TRIPLEX:** A structure containing three dwelling units, each with direct access to the outside. A triplex is a multiple family dwelling as defined by this Law.

**USABLE OPEN SPACE:** Landscaped area, including required yards, that is free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard surface recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bath houses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve less than three parking spaces; (c) the ground surface above the underground facilities, provided it otherwise qualifies as usable open space under the provisions of this section; and (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces, and steps under thirty (30) inches high. Usable open space excludes without limitation (a) public or private rights-of-way for streets or highways; (b) roofs; (c) open parking areas; (d) parking garages or structures.

B. The following existing definitions are deleted in their entirety from Article II, Section 202 of the Village of Mayville Zoning Law:

**ACCESSORY BUILDING OR USE**

**APARTMENT**

**APARTMENT HOUSE**

**AREA, BUILDING**

**BUILDING AREA**

**CONDOMINIUM**

**CONDIMINIUM ASSOCIATION**

**FLOOR SPACE**

**HEIGHT**

**MIXED USE**

**MOBILE DWELLING UNIT**

**MOBILE HOME**

**MODULAR DWELLING UNIT**

**MULTIPLE DWELLING**

**PANELIZED**

**PREFABRICATED DWELLING UNIT**

**RESIDENCE, SINGLE-FAMILY DETACHED  
RESIDENCE, TWO-FAMILY  
RESIDENCE, MULTI-FAMILY  
STORY**

**Section 4. ARTICLE III-ESTABLISHMENT OF DISTRICTS- 2007 VILLAGE OF MAYVILLE  
ZONING LAW**

- A. The following district is added to the Section 301 – Creation and Enumeration of Districts:  
Lakeside Business Overlay District (B-2A)
- B. The existing Article III, Section 302 is hereby amended to include the boundary description of the new Lakeside Business Overlay District (B-2A) as follows:

**B 2-LAKESIDE BUSINESS (Water Street)**

Beginning at a point in the centerline of Valley at its intersection with the centerline of Barton Street; thence northeasterly across Valley Street and along the division line between parcel S110-B6-L19 on the southeast and parcel S110-B6-L20 on the northwest, as designated on the Village of Mayville Tax Maps, a distance of approximately 200± feet to a point; thence continuing northeasterly through parcel S110-B6-L22, a distance of approximately 128± feet to a point; thence northeasterly along the division line between parcel S110-B6-L7 on the southeast and parcel S110-B6-L6 on the northwest, a distance of approximately 165± feet to a point on the southwesterly boundary of Pratt Street; thence northeasterly across said Pratt Street a distance of approximately 50± feet to a point on the northeasterly boundary of Pratt Street; thence northeasterly along the division line between parcel S110-B1-L10 on the southeast and parcel S110-B1-L11 on the northwest, a distance of approximately 66± feet to a point; thence northwesterly along the division line between parcel S110-B1-L11 on the southwest and parcel S110-B1-L8 on the northeast a distance of approximately 112.4± feet to a point; thence northeasterly along the division line between parcels S110-B1-L12, S110-B1-L20.1 and S110-B1-L5.1 on the northwest and parcels S110-B1-L8, S110-B1-L7.1 and S110-B1-L7.2 on the southeast, a distance of approximately 442.6± feet to a point; thence northwesterly along the division line between parcel S110-B1-L5.1 on the southwest and parcel S110-B1-L4.3 on the northeast, a distance of approximately 293± feet to a point; thence northeasterly along the division line between parcel S110-B1-L4.3 on the southeast and parcels S110-B1-L22 and S110-B1-L23 on the northwest a distance of approximately 132± feet to a point; thence southeasterly along the division line between parcel S110-B1-L4.3 on the southwest and parcel S110-B1-L24 on the northeast, a distance of approximately 10± feet to a point; thence northeasterly along the division line between parcels S110-B1-L24 and S110-B1-L1 on the northwest and parcel S110-B1-L2 on the southeast a distance of approximately 247.5± feet to a point in the centerline of South Erie Street; thence southeasterly along the said centerline of South Erie Street a distance of approximately 45± feet to its intersection with the centerline of Lakeview Avenue; thence northeasterly along the said centerline of Lakeview Avenue a distance of approximately 185± feet to a point; thence southeasterly across said Lakeview Avenue and along the division line between parcels S106-B7-L3.2, S106-B4-L4.1 and S106-B8-L1.2 on the northeast and parcels S106-B7-L3.2, S106-B7-L1 and S106-B7-L2 on the southwest, a distance of approximately 291.2± feet to a point on the westerly boundary of the Village of Mayville Park property (S106-B8-L1.2); thence southerly along the said westerly boundary of the Village of Mayville Park property, said boundary being also the division line between parcel S106-B8-L1.2 on the east and parcel S106-B7-L2 on the west, a distance of approximately 251± feet to a point on the northeasterly boundary of South Erie Street (SR

394); thence southeasterly along the said northeasterly boundary of South Erie Street, a distance of approximately 4± feet to a point on the westerly boundary of the Village of Mayville Park property; thence southerly along the said westerly boundary of the Village of Mayville Park property (S106-B8-L1.2), a distance of approximately 52± feet to a point in the centerline of South Erie Street (SR 394); thence northwesterly along the said centerline of South Erie Street, a distance of approximately 28± feet to its point of intersection with the centerline of Water Street; thence southwesterly along the said centerline of Water Street, a distance of approximately 833± feet to a point; thence southeasterly across Water Street and along the division line between parcel S110-B2-L1 on the southwest and the Village of Mayville Park property (S110-B3-L1.2) on the northeast, a distance of approximately 93.3± feet to a point; thence southwesterly along the westerly boundary of the Village of Mayville Park property, said westerly boundary being also the division line between parcel S110-B3-L1.1 on the southeast and parcel S110-B2-L1 on the northwest, a distance of approximately 254.3± feet to a point; thence northwesterly along the said westerly boundary being also the division line between parcel S110-B3-L1.2 on the northeast and parcel S110-B2-L1 on the southwest, a distance of approximately 11.1± feet to a point; thence continuing southwesterly along the said westerly boundary of the Village of Mayville Park property, said westerly boundary being also the division line between parcel S110-B3-L1.2 on the southeast and parcels S110-B2-L1, S110-B2-L2 and S110-B2-L3 on the northwest, a distance of approximately 640± feet to a point, said point being at the intersection of the extended centerline of West Lake Road (SR 394) on the southeast and the extended centerline of Valley Street on the northwest; thence northwesterly along the said centerline of Valley Street a distance of approximately 725± feet to its point of intersection with the centerline of Barton Street; said point being also the point of beginning.

## **B 2-LAKESIDE BUSINESS (Southeast Sector)**

Beginning at a point in the centerline of West Lake Road (SR 394) where it intersects with the centerline of Memorial Drive; thence southwesterly along the said centerline of Memorial Drive; thence southwesterly along the said centerline of Memorial Drive a distance of approximately 634± feet to a point on the boundary line between the Village of Mayville on the northeast and the Town of Chautauqua on the southwest as designated on the Village of Mayville tax map; thence northwesterly along the said boundary line a distance of approximately 1685± feet to a point in the centerline of Mud Creek; thence northeasterly along the said centerline of Mud Creek a distance of approximately 550± feet to a point; thence northwesterly through Mud Creek and along the division line between parcel S111-B4-L5.2.1 on the northeast and parcel S111-B4-L5.2.6 on the southwest, as designated on the Village of Mayville tax map, a distance of approximately 100± feet to a point; thence continuing northwesterly along the said division line between parcel S111-B4-L5.2.1 on the northeast and parcel S111-B4-L5.2.6 on the southwest and across Parkside Street a distance of approximately 60± feet to a point on the northerly highway boundary of said Parkside Street; thence southwesterly along the said northerly highway boundary of Parkside Street a distance of approximately 70± feet to a point on the division line between parcel S111-B4-L2.1 on the northeast and parcel S111-B4-L2.3 on the southwest; thence northwesterly along the said division line a distance of approximately 209.8± feet to a point; thence northeasterly along the division line between parcel S111-B4-L2.1 on the southeast and parcel S111-B4-L2.3 on the northwest a distance of approximately 26.9± feet to a point; thence northwesterly along the division line between parcel S111-B4-L2.2 on the northeast and parcel S111-B4-L2.3 on the southwest a distance of approximately 117.7± feet to a point on the southeasterly highway boundary of Parkside Street; thence northwesterly across said Parkside Street a distance of approximately 27± feet to a point on the

northwesterly highway boundary of Parkside Street, said point being also on the division line between parcel S111-B4-L1 on the northeast and parcel S111-B4-L20 on the southwest; thence northwesterly along the said division line a distance of approximately 125± feet to a point on the division line between parcel S111-B4-L1 on the southeast and parcel S111-B3-L1.2.1 (Village of Mayville) on the northwest; thence northeasterly along the said division line a distance of approximately 250± feet to a point in the centerline of West Lake Road (SR 394); thence southeasterly along the said centerline of West Lake Road (SR 394) a distance of approximately 1,842± feet to its intersection with the centerline of Memorial Drive; said point being also the point of beginning.

**I 1-INDUSTRIAL (LIMITED)**

Beginning at a point in the centerline of Valley Street at its intersection with the centerline of Barton Street; thence southeasterly along the said centerline of Valley Street a distance of approximately 1240± feet to its point of intersection with the northwesterly boundary of the Village of Mayville Park property (S110-B4-L1.2); thence southwesterly across Valley Street a distance of approximately 40± feet to a point on the southwesterly boundary of West Lake Road; thence southeasterly along the said southwesterly boundary a distance of approximately 45± feet to a point on the northwesterly boundary of the Rails to Trails parcel designated as S111-B3- L1.1 on the Village of Mayville tax maps; thence southwesterly along the said northwesterly boundary, being also the division line between parcel S111-B3-L1.1 on the southeast and parcels S111-B3-L1.2.1 (Village of Mayville) and S111-B3-L1.2.3 (N.C.L.S.D.) on the northwest a distance of approximately 740± feet to a point; thence northwesterly along the said boundary between parcel S111-B3-L1.1 on the southwest and parcel S111-B3-L1.2.3 on the northeast a distance of approximately 34± feet to a point; thence southwesterly along the said boundary between parcel S111-B3-L1.1 on the southeast and parcel S111-B3-L1.2.3 on the northwest a distance of approximately 45± feet to a point on the division line between sub-lot 7 on the northeast and sub-lot 8 on the southwest of the Holland Land Company’s survey as shown on the Village of Mayville tax maps; thence northeasterly along the said division line, being also the centerline extension of Clark Street, a distance of approximately 985± feet to a point; said point being at the intersection of the centerlines of Clark Street and Barton Street; thence northeasterly along the centerline of Barton Street a distance of approximately 990± feet to the point of beginning.

- C. The existing Article III, Section 302 – “Zoning District Map of the Village of Mayville, dated April 2007” is hereby amended to include the boundaries of the new Lakeside Business Overlay District (B-2A) as described in the aforementioned section of this Local Law.

**Section 5. ARTICLE IV-DISTRICT REGULATIONS- 2007 VILLAGE OF MAYVILLE ZONING LAW**

- A. The following uses shall be removed and/or replaced in Article IV, Section 406 (B.) of the 2007 Village of Mayville Zoning Law:

Replace “Single-family dwelling-detached (conventional, prefabricated, modular) with “ Dwelling Unit, Single-Family Detached (conventional, prefabricated, modular).

Replace the term “Multiple dwellings (3-5 units)” with “ Dwelling Unit, Multi-Family (3-5 units).”

- B. The following uses shall be removed and/or replaced in Article IV, Section 406 (C.) of the 2007 Village of Mayville Zoning Law:

Replace the term “Multiple dwellings (6+ units)” with “ Dwelling Unit, Multi-Family (6+ units).”

C. The following district is added to the Article IV of the 2007 Village of Mayville Zoning Law:  
Section 413 Lakeside Business Overlay District (B-2A)

A. Purpose

The purpose of this district is to establish a unified area in which to allow residential, commercial and industrial subdivision of individual parcels, developed property or multi-family residential structures as time-share, fractional ownership or condominium arrangements to promote the most efficient use of land and the resources that exist in the boundaries described. Other purposes of this District are to allow recreational facilities, and to provide for appropriate commercial establishments to serve both visitors and residents.

B. Boundaries

The Lakeside Business Overlay District (B-2A) includes all land shown as such on the Village of Mayville Zoning Map as modified by this Local Law.

C. Regulatory Effect on Land Use

Within the Lakeside Business Overlay District, all of the underlying land use district rules remain in effect, except as they are specifically modified by this Section.

D. Uses By Right (Permit Required)

Rental of dwelling units for periods less than 30 days.

Rental of dwelling units for periods of 30 days or longer.

E. Special Use Permit (Permit and Hearing Required)

Time Share Projects

Condominium

Fractional Ownership Project – Residential/Mixed Use

F. Uses Requiring No Permit (Requires Compliance with Law)

G. Time Share/Condominium/Fractional Ownership –Residential/Mixed Use Area Standards

Minimum Lot Size (Sq. Ft.)	15,000
Minimum Lot Width (Feet)	80
Maximum Lot Coverage* (% of Lot Coverage)	80%
Minimum Front Yard (Feet from Street Edge)	35
Minimum Side Yard (Feet)	15
Minimum Rear Yard (Feet)	15
Maximum Structure Height (Feet)	40
Minimum Floor Space (Sq. Ft. of Living Space/Unit)	700

**\*Note:** Building area shall not be more than 50% of the lot area when calculating overall maximum lot coverage.

H. Parking Requirements

- 1.) All off-street parking requirements for commercial establishments allowed in the underlying B-2 District shall remain in effect, except as they are specifically modified and pertain to Time Share Projects, Condominium Projects and Fractional Ownership Projects.
- 2.) The minimum off-street parking requirements for the uses allowed in the B2-A Overlay District shall be determined as follows:

<i>Units not to exceed 1,000 sq.ft</i>	<i>1.0 spaces/unit</i>
<i>Units between 1,000 sq. ft. and 1,500 sq. ft.</i>	<i>1.7 spaces/unit</i>
<i>Units between 1,500 sq.ft. and 2000 sq.ft.</i>	<i>2.4 spaces/unit</i>
<i>Units between 2000 sq.ft. and 2500 sq.ft.</i>	<i>3.0 spaces/unit</i>
<i>Units in excess of 2500 sq.ft.</i>	<i>3.4 spaces/unit</i>

### 3.) Calculation of Spaces

Where the required number of parking spaces is calculated as a fraction of a space to arrive at the total number of spaces required for a development, fractions less than 0.5 shall be rounded down. Fractions of 0.5 and higher shall be rounded up to require an additional parking space.

### 4.) Waiver of Parking Requirements

The Planning Board may reduce the minimum parking requirement, after site specific review, based on the anticipated usage of a particular project, if the applicant demonstrates that the minimum parking standards are not necessary in this particular instance.

Particularly where different types of land uses are served by the same parking lots, evidence of shared parking may be used to reduce the total parking requirement. If the required number of parking spaces is reduced, that land area shall be devoted to open space, not to increase the intensity of the development.

### 5.) Off-Site Parking

Parking shall be provided on site at the rate specified for the use in this section. If no on-site parking is possible, or inadequate on-site parking is available, parking shall be secured within close proximity to the site and shall not include on-street parking. The Planning Board, in issuing approval, may require as a condition of approval that the Applicant provide a legal agreement with an off-site property owner to provide dedicated parking spaces for use by the Applicant for a specified period of time.

## I. Design Guidelines

### 1. Architectural Style

a.) The Village of Mayville has a diversity of architectural styles, and this diversity is encouraged. However, new development shall maintain a scale of development that does not overwhelm the site and the neighborhood in which it is located.

b.) When a development contains more than one principal structure, the overall design should have a clarity and coherence that unites the development. To achieve this, individual buildings within a single development should have similar mass and bulk, height and roof style, window and door openings, colors and materials, and setback from any access roads.

c.) Architectural detailing, such as recessed windows and/or doors, bays, and textured materials or decoration, is encouraged to create variety and provide interest. The use of different textures, complementary colors, shadow lines, detailing, and contrasting

shapes to create an appealing facade is strongly encouraged.

d.) Roof pitch should complement the building style. Dormers, gables, or variations in roof planes are encouraged.

e.) Long blank facades should be avoided. Window shape and placement that breaks long expanses of blank wall are encouraged, as are porches, decks and other façade features.

f.) Residential heating/air conditioning units should be located to have the minimum visual and noise impacts on adjacent residential neighbors.

## **2. Massing/scale**

a.) Buildings should not overpower the surrounding buildings, uses and landscape.

b.) New buildings should relate to the surrounding environment with regard to texture, scale, massing, proportion, and color. A strong visual relationship between the building, the site, and adjacent development is vital for overall design compatibility.

c.) Projects should be sited to respond to site conditions and the natural features of the site. Site grading for new construction should blend in with surrounding site grades to the maximum extent possible.

## **3. Parking**

a.) Surface parking shall be located to be convenient to the units which they are intended to serve.

b.) Parking areas shall be designed such that they do not impede access by emergency vehicles.

c.) Garages, if any, shall be consistent with the architectural design, style and materials of the house itself. The garage should not be the most prominent architectural feature of the front façade. It should be integrated into building through the use of the same or compatible architectural detailing, such as trim, colors, and siding and roofing materials.

## **4. Pedestrian Access**

a.) Sidewalks or other forms of pedestrian access should be provided within a development to connect residences with parking lots and to other features of the development.

b.) Depending upon the location, pedestrian access from the new development to areas outside the development may be required. Where existing sidewalks are located in the public right-of-way, the development will be required to connect the proposed dwelling units to that sidewalk.

## **5. Mechanical Equipment/garbage dumpsters**

- a.) Rooftop mechanical equipment should be screened from public view by the use of architecturally compatible materials.
- b.) Ground level mechanical and service equipment (such as air conditioning units and utility boxes and meters) should be screened from public view by the use of landscaping, walls, fencing or other design treatment compatible with the architectural style and materials of the principal structure.
- c.) Garbage dumpsters and receptacles should be placed out of view from adjacent properties, pedestrian ways (trails and sidewalks), and adjoining roads. They should be screened from view and enclosed with fencing.

## 6. Landscaping

### a.) Applicability of Landscaping Regulations

(1.) Landscaped area is defined as the area required or permitted under this Section to be devoted to landscaping and environmental improvement, which may include existing and new vegetation, fences and walls for screening and contouring purposes, berms, lighting, street furnishings and ornamental features which are integrated with the vegetation.

(2.) The provisions of this Section are applicable to every project that requires discretionary approval from the Planning Board, Zoning Board of Appeals and /or Village Board, except for single-family and two-family homes.

### b.) General Standards

(1.) A Landscape Plan shall be submitted and approved as a part of Special Use Permit and Site Plan Review applications. The Zoning Board of Appeals may require a landscape plan. The Landscape Plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate existing and proposed structures, uses, parking area, access aisles, drainage pattern and the location, size and description of all landscape materials existing and proposed, including all trees and shrubs, and those existing plant materials that are to be removed, and such other information as may be required by the Planning Board or Zoning Board of Appeals. Such plan shall meet the following standards:

(a.) All exterior areas of any site not required for parking, accessory structures, or utility structures shall be landscaped. To meet this requirement, existing vegetation may be retained. In order to ensure the survival of trees and other plantings, each interior landscaping area shall be a minimum of 100 square feet, unless otherwise approved by the Planning Board.

(b.) Landscaping shall be located around the perimeter of parking lots and in the front yard setback. The Planning Board may require landscaping in the interior of large parking lots, and elsewhere on the lot. Foundation plantings may also be required along front walls of buildings.

(c.) Natural site features and vegetation shall be preserved and integrated into the proposed site development whenever possible. The Village encourages the retention of major stands of vegetation or single major specimens. Retention of existing suitable vegetation will reduce the amount of landscaping that needs to be provided. Individual trees should be a minimum of 6 inches in diameter, measured at breast height (4 1/2 feet from the ground) to be considered for retention. Major clusters of trees, where the individual trees are smaller than this standard shall also be considered for retention. Vegetation to be retained must be protected during construction according to the standards contained in this Section.

(d.) Landscaping may include deciduous trees, evergreens, shrubs, ground cover, perennial and annual plants, as approved by the appropriate Board.

(e.) Landscaping may include the use of berms, fencing, and raised or terraced planting beds, as approved by the appropriate Board.

(f.) The Village encourages the innovative use of planting design and materials. Use of plant materials that provide continual seasonal interest and/or use of native species is encouraged.

(g.) No plastic or artificial plants shall be used to meet any requirement of this Law.

(h.) Vegetation shall be appropriate and compatible with soil and growing conditions on the site and within the regional climate. Preferred tree species are those that do not have a high probability of causing damage to public water and sewer lines, having branches that are subject to a high incidence of breakage, or having fruit that is considered a nuisance or high maintenance, as determined by the Planning Board or Zoning Board of Appeals.

(2.) Minimum Plant size and spacing at time of planting

(a.) Deciduous trees shall have a minimum caliper of two (2) inches, measured six inches above the ground.

(b.) All evergreen trees shall have a minimum height of five feet.

(c.) Hedges shall be a minimum of 24 inches in height at the time of planting. Spacing of the planting shall depend upon the species. Hedges shall form a solid continuous visual screen at least three feet in height within 2 years of planting.

(3.) Ground Treatment

(a.) The ground area within required landscaping areas which is not dedicated to trees or preservation of existing vegetation shall receive appropriate landscape treatment and shall present a finished appearance and complete coverage upon completion. Sand or pavement shall not be considered appropriate landscape treatment.

(b.) Ground cover may be planted in lieu of grass in conjunction with planting of trees, shrubs, or hedges. Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within two years after planting.

(c.) Grass areas shall be planted with species suitable as permanent lawns. Grass areas shall be regularly maintained.

#### (4.) Maintenance

(a.) All landscaping shall be maintained in a healthy condition throughout the year. Landscaped areas are to be kept neat and free of litter and weeds.

(b.) The applicant and all succeeding owners are required to maintain the landscaping in perpetuity. If trees on the landscaping plan, including those retained at the time of the initial construction, die, they shall be replaced within six (6) months. Shrubbery or other plantings which die shall also be replaced in kind within six (6) months.

(c.) The Planning Board may require the applicant to post a performance bond for a term of up to three years following completion of construction to ensure that replacement of trees and other vegetation occurs. This time period is the most critical for the health of transplanted trees and shrubbery.

(d.) The applicant and all succeeding owners are required to maintain the landscaping in good and sightly condition. If not, the Planning Board has the authority to revoke the project's site plan, special use permit and/or master planned development approval and occupancy permit.

#### (5.) Protection during construction of existing trees and other vegetation that are to be retained.

(a.) No cables, fences, signs, or ropes shall be attached to any tree to be retained.

(b.) Trees to be retained shall be enclosed by protective fencing that is sturdy, durable and visible. The size of the area to be protected is the critical root zone.

(c.) No storage of construction materials, debris, or impervious materials shall be permitted within the critical root zone around trees to be retained.

(d.) No excavation shall be allowed in the critical root zone around trees to be retained.

The minimum critical root zone is the entire area included in a tree's dripline. However, if circumstances warrant, the Planning Board may require a larger critical root zone to be protected during construction.

(e.) Severe changes in grade affect the survival rate of existing vegetation. Therefore, if the grading plan calls for a finished grade that is 12 inches higher or lower than the existing grade within the critical root zone, that tree(s) shall not be

included in the existing vegetation to be retained.

(6.) Buffer yards

Where a residential zoning district directly abuts the B-2A zoning district, new commercial, multi-family structures, timeshares, fractional ownership projects, condominiums or industrial development in the B-2A zoning district shall provide a buffer yard that will provide some visual screening and privacy for the residential use and that will limit noise, dust and other potential impacts from the adjacent use on the residential use. The buffer yard will consist of a landscaped area, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that will provide for a year round dense screen at least six feet high.

\*\*Where new commercial, multi-family structures, timeshares, fractional ownership projects, condominiums or industrial development, in the B-2A zoning district, abut the Park District, a buffer yard shall be provided with appropriate landscaping.

The buffer yard shall be maintained in good condition at all times. The appropriate type, width and extent of buffer yard shall be determined by the Planning Board (or Zoning Board of Appeals), as part of their review of the project, and shall be shown on the approved landscaping plan.

(7.) Fencing

(a.) A fence shall not exceed six (6) feet in height, except where it abuts a nonresidential district, in which event it shall not exceed eight (8) feet in height.

(b.) All fences shall be maintained to be structurally sound and aesthetically pleasing.

**Section 6. SAVINGS CLAUSE.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 7. EFFECTIVE DATE.**

This local law shall take effect immediately upon filing with the Secretary of State.

**(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. 2 of 20 15 of the ~~(County)(City)(Town)(Village)~~ of Mayville was duly passed by the Village Board on May 12, 20 15, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.~~

**~~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) *(Name of Legislative Body)* (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.~~

**~~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) *(Name of Legislative Body)* (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.~~

**\*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   1  , above.

\_\_\_\_\_  
Clerk of the County Legislative Body, City, Town or Village Clerk or  
Officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

**(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 CHAUTAUQUA

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

**Village Attorney**  
\_\_\_\_\_  
Title

County \_\_\_\_\_  
City of **Mayville**  
Town \_\_\_\_\_  
Village \_\_\_\_\_

Date: \_\_\_\_\_

#### **Section 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

#### **Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State