



Zoning Ordinance of the City of Gloversville, New York

INITIALLY ADOPTED 02-15-1921
AMENDED 11-14-2023 (LL 13-2023)

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Table of Contents

- § 300-1. Title..... 7
- § 300-2. Purpose..... 7
- Article II. Definitions and Word Usage..... 8**
- § 300-3. Definitions and word usage..... 8
- Article III. Districts 18**
- § 300-4. Districts Established..... 18
- Article IV. Districts 19**
- § 300-7. R-1 Residence District. 19
- § 300-8. R-1A Residence District. 19
- § 300-9. R-C Residence-Commercial District. 20
- § 300-10. C Commercial District. 21
- § 300-11. M Manufacturing District. 22
- § 300-12. CEM Cemetery District. 23
- § 300-13. PCR Public, Cultural, and Recreational District..... 24
- § 300-14. Downtown Urban Core Form-Based Overlay District. 24
- § 300-14.1 Definition of District & Boundaries. 26
- § 300-14.2 Use Regulations. 26
- § 300-14.3 Form-Based Site Plan Review Procedures..... 27
- § 300-14.4 Design Standards. 28
- § 300-14.5 Street Access & Parking. 29
- § 300-14.6 Additional requirements for home occupations, cottage industry, and cottage retail. 30
- § 300-14.7 Additional requirements for Bed-and-breakfast establishment..... 30
- Article V. Industrial Park Zone 31**
- § 300-15. Applicability. 31
- § 300-16. Purpose..... 31
- § 300-17. Land coverage and building ratio. 31
- § 300-18. Open space requirements. 31
- § 300-19. Off-street parking and loading facilities. 32
- § 300-20. Building design and landscape treatment..... 32
- § 300-21. Permitted uses. 33
- Article VI. Crossroads Industrial Park Zone 34**
- § 300-22. Applicability. 34
- § 300-23. Purpose..... 34
- § 300-24. Land coverage and building ratio. 34
- § 300-25. Open space requirements. 34
- § 300-26. Off-street parking and loading facilities. 35
- § 300-27. Building design and landscaping. 35
- § 300-28. Permitted uses. 36

Article VII. Lot and Building Requirements	37
§ 300-29. Schedule A.....	37
§ 300-30. Additional area regulations.	37
§ 300-31. Additional height requirements.....	38
§ 300-32. Accessory structures and equipment.....	39
Article VIII. Off-Street Parking and Loading	41
§ 300-33. Off-street parking.....	41
§ 300-34. Loading and Delivery Areas.	42
§ 300-35. Community garages in residence districts.	42
Article IX. Planned Unit Development	43
§ 300-36. Purpose and objectives.....	43
§ 300-37. General requirements.	43
§ 300-38. Application.....	44
§ 300-39. Planning Board review.....	44
Article X. Signs	45
§ 300-40. Definitions and word usage.	45
§ 300-41. Compliance required.....	47
§ 300-42. Signs in R-1 and R-1A Districts.	47
§ 300-43. Signs in R-C and C Districts.....	48
§ 300-44. Signs in M-1 Districts.	48
§ 300-44.1. General requirements.	48
§ 300-44.2. Temporary signs.....	50
§ 300-44.3. Removal of signs.....	50
§ 300-44.4. Nonconforming signs.....	50
Article XI. Nonconforming Uses	51
§ 300-45. Continuation of existing uses and structures.....	51
§ 300-46. Nonconforming use of land.	51
§ 300-47. Additions.....	51
§ 300-48. Alterations and repairs.	51
§ 300-49. Changes in use.	51
§ 300-50. Discontinuance of use.	51
§ 300-51. Extension.	52
§ 300-52. Restoration.....	52
§ 300-53. Removal of building housing nonconforming use.....	52
§ 300-54. Permits issued prior to adoption of provisions.....	52
Article XII. Administration and Enforcement	53
§ 300-55. Enforcement officer designated.	53
§ 300-56. Zoning permit.	53
§ 300-57. Certificates of occupancy.....	54
§ 300-58. Penalties for offenses.	54

Article XIII. Board of Appeals	55
§ 300-59. Board established; membership.	55
§ 300-60. Organization.....	55
§ 300-61. Meetings.....	55
§ 300-62. Appeals.	55
§ 300-63. Powers and duties.	56
§ 300-64. Decisions.....	57
Article XIV. Amendments	58
§ 300-65. Initiation of amendments.	58
§ 300-66. Referral of proposed amendments.	58
§ 300-67. Hearings on proposed amendments.	58
§ 300-68. Adoption of amendment.	59
§ 300-69. Protests against proposed amendments.....	59
§ 300-70. Periodic review.	59
Article XV. Construal of Provisions; Repealer	60
§ 300-71. Construal of provisions.....	60
§ 300-72. Repealer; effect on pending actions and nonconforming uses.....	60
Article XVI. Fees	61
§ 300-73. Fees established; permit issuance.	61
Article XVII. Site Plan Review	63
§ 300-74. Purpose.....	63
§ 300-75. Applicability.	63
§ 300-76. Planning Board review authorized.....	63
§ 300-77. Application; fee; contents.	63
§ 300-78. Review of site plan documents.	65
§ 300-79. Public hearing.	65
§ 300-80. Planning Board action.....	66
§ 300-81 Filing of decision; commencement and completion timeframes.	66
§ 300-82. Administration; inspections.	66
§ 300-83. Changes to drawings.	67
§ 300-84. Performance guaranties.....	67
Article XVIII. Special Permit Approval	68
§ 300-85. Planning Board review.....	68
§ 300-86. Public hearing.	69
§ 300-87. Planning Board action.....	69
§ 300-88. Filing of decisions; commencement and completion timeframes, effect and expiration.....	69
§ 300-89. Enforcement; inspection; compliance required.....	70
Article XIX. Crossroads Park Zone	71
§ 300-90. Applicability.	71
§ 300-91. Purpose.....	71

§ 300-92. Permitted uses.	71
§ 300-93. Land coverage and building ratio.	72
§ 300-94. Lot size and yard requirements.	72
§ 300-95. Building design.	72
§ 300-96. Signage.....	73
§ 300-97. Grading and landscaping requirements.....	73
§ 300-98. Off-street parking and loading facilities.	74
Article XX. Adult Entertainment Business	75
§ 300-99. Purpose.....	75
§ 300-100. Additional use restrictions.	75
Article XXI. Wireless Telecommunications Towers	76
§ 300-101. Purpose.....	76
§ 300-102. Legislative authority.	76
§ 300-103. Shared use of tower space.....	76
§ 300-104. Standards.....	77
§ 300-105. Abandoned tower removal.....	77

Article I. General Provisions

§ 300-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Gloversville, New York."

§ 300-2. Purpose.

This chapter is enacted for the following purposes:

- A. To lesson congestion in the streets.
- B. To secure safety from fire, flood, panic and other dangers.
- C. To promote the public health and welfare.
- D. To provide adequate light, air and convenience of access.
- E. To prevent the overcrowding of land.
- F. To avoid undue concentration of population.
- G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- H. To conserve the value of buildings and enhance the value of land throughout the city.
- I. To encourage flexibility in design and development of land and buildings in such a way as to promote the most appropriate use of land buildings, and open spaces to facilitate orderly and beneficial development and redevelopment of the city.
- J. To preserve and enhance the historic and architectural features that make Gloversville unique and desirable, as well as for the basis for the heritage overall character of the community.
- K. To preserve and enhance the natural areas of value to the community.
- L. To provide safe and comfortable routes for walking, bicycling, and public transportation to increase use of these modes of transportation, enable convenient and active travel as part of daily activities, reduce traffic congestion, and meet the needs of all users of the streets, including children, families, older adults, and people with disabilities.
- M. To guide the future growth and development of the city in accordance with the City of Gloversville Comprehensive Plan.

Article II. Definitions and Word Usage

§ 300-3. Definitions and word usage.

- A. Words used in the present tense include the future tense; words in the singular number include the plural, and the plural the singular. The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure."
- B. The word "used" shall be deemed also to include "designed, intended or arranged to be used." The word "shall" is mandatory and not directory.
- C. For the purposes of this chapter, certain words and terms used herein are defined as follows:

ACCESS DRIVE: A paved area between the public right-of-way and a parking area.¹

ADULT ENTERTAINMENT BUSINESS²: For the purposes of this chapter, adult entertainment business shall include any of the following uses:

- (1) **ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.
- (2) **ADULT DRIVE-IN THEATER:** A drive-in theater that customarily presents motion pictures that is not open to the public generally but excludes any minor by reason of age.
- (3) **ADULT ENTERTAINMENT CABARET:** A public or private establishment that presents topless dancers, strippers, exotic dancers or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.³
- (4) **ADULT MOTEL:** A motel which is not open to the public generally but excludes minors by reason of age or which makes available to its patrons in their rooms films, slide shows or videotapes which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.
- (5) **ADULT THEATER:** A theater that customarily presents motion pictures, films, videotapes or slide shows that is not open to the public generally but excludes any minor by reason of age.
- (6) **MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive a primary source of revenue through the administration of massages.
- (7) **PEEP SHOW:** A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

ALLEY: A public way which affords generally a secondary means of vehicular access to abutting property.

ALTERNATE ENERGY SYSTEM: Structure, equipment devices or construction techniques for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate

¹ Added 5-22-2007 by Ord. No. 3-2007

² Added 12-17-1998 by L.L. No. 6-1998

³ Amended 11-14-2023 by LL No. 13-2023

from the principal structure.

AREA, BUILDING: Total area taken on a horizontal plane at the main grade level of principal buildings and all accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

ART GALLERY: An establishment engaged in the sale, loan, or display of paintings, sculpture, or other original works of art to the public.

ARTIST STUDIO: A workspace for the creation and instruction of fine arts and crafts such as painting, sculpture, photography, music, and the like.

ASSISTED LIVING FACILITY: An independent-living senior citizen development which includes enriched housing and/or assisted-living, nursing care facilities as accessory uses as such terms are defined in Article 46 of the Public Health Law of the State of New York.

BANK OR FINANCIAL INSTITUTION: An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, credit unions, and automatic teller machines (ATMs); the institution may also provide related financial services to consumers.

BAR: An establishment licensed under the laws of New York State primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

BASEMENT: A story partly below grade and having at least 1/2 of its clear floor-to-ceiling height above the average grade of the adjoining ground.

BED-AND-BREAKFAST: A dwelling in which overnight accommodations are provided or offered to transient guests for compensation.

BREW PUB: An establishment used primarily for the serving of beer that is brewed on the premises in small batches. Beer brewed within a "brew pub" is typically not distributed off of the premises for eventual sale. The facilities also typically include a full-service restaurant.⁴

BUILDABLE AREA: The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, setbacks) have been met.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a "building" is divided into separate parts extending from the ground up, each part so divided is deemed a separate "building."

BUILDING, ADJACENT: A building or portion thereof added to the principal building but secondary or not essential to the principal building.

BUILDING COVERAGE: That portion of the lot area covered by building.

BUILDING, DETACHED: A building with setbacks on all sides. The front yard is intended to be semipublic and visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed outbuilding

BUILDING, HEIGHT OF: The vertical distance measured from the established grade at the curb or, if no grade has been officially established at the curb, measured from the average level of the finished ground surface across the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, SIDE YARD: A building that occupies one side of the lot with the primary open space to the other side. The visual opening of the side yard on the street frontage causes this building type to appear freestanding.

BUILD-TO LINE: The line at which construction of a building façade is to occur on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create an even (or more or less even) building façade line on a street.

BUSINESS SERVICES: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment service, management consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing and personal supply services.

CAT RESCUE SANCTUARY: A non-profit, 501c3, volunteer based organization that provides rescue and relief to homeless stray and feral cats in the community; provides community outreach and education regarding

⁴ Added 6-25-1996 by L.L. No. 2-1996

spaying and neutering in order to help reduce the growth of homeless stray and feral cats; and whose goal is to work to find foster or permanent homes for the homeless stray cats, thus reducing the number left living on the streets.

CELLAR: An area wholly or partly below grade and having less than one-half (1/2) of its clear floor-to-ceiling height above the average grade of the adjoining ground.

CEMETERY: A burial place or ground operated and maintained by a church, private entity or a government agency, which can include a chapel, office, maintenance facilities, crematory, and aboveground storage vaults as accessory use.⁵

CERTIFICATE OF OCCUPANCY: Official certification that a premise conforms to provisions of this chapter (and the Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.

CLUB OR LODGE: A building or portion thereof or premises owned and/or operated by a corporation, association, person or persons for a civic, social, fraternal, educational or recreational activity, but not primarily for profit or to render a service which is customarily carried on as a business.

COLD BLUE SHELTER: A temporary, overnight shelter, provided at financial cost to persons utilizing the shelter, open only on dates when the temperature is forecasted to be 32 degrees or lower than 32 degrees, open from 5:00 p.m. through 7:00 a.m. the following morning.⁶

COMMUNITY HEALTH SERVICE CENTER: A facility or institution, whether public or private, primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists and other health practitioners, medical and dental laboratories and outpatient care facilities in order to provide services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition. Drug and alcohol addiction clinics, hospitals and other types of health-care institutions that provide inpatient or overnight care to patients are not considered "community health service centers."

COMPREHENSIVE PLAN: The long-range plan intended to guide growth and development of the city, expressing official policy on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity and adopted according to New York State General City Law §28-a.

CONDOMINIUM: An ownership arrangement in which the interior of a housing unit is individually owned, while the exterior, including land facilities (common elements), is owned in common by all homeowners in the development. The owner has title to the individual dwelling and a shared interest in the common elements.

CONFERENCE CENTER: A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.⁷

CONVENIENCE STORE: A retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends upon a large volume of stop-and-go traffic.⁸

COOPERATIVE: An ownership arrangement under which a person has a shared interest in a residential building complex. Under this type of ownership, both the individual unit and common elements are owned by the "cooperative" and are covered by one mortgage. Cooperative ownership can take a variety of building forms.

COTTAGE INDUSTRY: Light industry found in a dwelling unit for which there are no employees or other workers other than the inhabitants of the dwelling unit. The commodities therein produced are for sale off of the premises. The use shall be clearly incidental (no more than 20% of the floor area) and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.⁹

COTTAGE RETAIL: A retail business where the goods or wares are displayed at different locations off of the premises and orders for such goods or wares are taken off of the premises or over the phone. The goods or wares are shipped to the premises and distributed to the buyers off of the premises. This business is located in the dwelling unit and operated by the inhabitants of the dwelling unit. The use shall be clearly incidental (no

⁵ Added 11-14-2023 by L.L. No. 13-2023

⁶ Added 1-1-2021 by Ord. No. 1-2021

⁷ Added 5-27-1998 by L.L. No. 3-1998

⁸ Added 6-25-1996 by L.L. No. 2-1996

⁹ Added 6-25-1996 by L.L. No. 2-1996

more than 20% of the floor area) and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.¹⁰

CULTURAL FACILITY: A library, museum, performing arts venue, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.¹¹

DAY CARE CENTER, ADULT: A NYS licensed facility providing care for the elderly and/or functionally impaired adults on a regular basis away from the adult's residence for less than 24 hours per day by someone other than the parent, step-parent, relative, or other guardian, as per regulations of New York State.

DAY CARE CENTER, CHILD: A NYS licensed program or facility providing care for children for more than three hours per day, as per regulations of New York State.

DAY CARE, FAMILY: A NYS licensed business providing care to children in a caregiver's home for more than three hours per day. No more than six children can be cared for at any one time, including the provider's own children, as per regulations of New York State.

DAY CARE, GROUP FAMILY: A NYS licensed business providing care to children in a caregiver's home for more than three hours per day per day for up to 12 children, as per regulations of New York State.

DISTRIBUTION CENTER: A truck terminal facility at which any storage of goods or chattels is minor, transitory and merely incidental to the purpose of facilitating the transportation of goods or chattels.

DISTRICT: A section of the City of Gloversville for which the regulations governing the height, the area or the use of buildings or premises are the same.

DUPLEX: A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof.

DWELLING, DETACHED: Residential building in which each dwelling unit is surrounded by freestanding walls and is generally sited on a separate lot, including modular homes, but excluding mobile homes, or any other dwelling that cannot meet NYS building code.

DWELLING, MULTIFAMILY: A building or portion thereof, contains three or more dwelling units, including modular homes, but excluding mobile homes, or any other dwelling that cannot meet NYS building code.

DWELLING, SINGLE-FAMILY: A building designed for and occupied exclusively by one family, including modular homes, but excluding mobile homes, or any other dwelling that cannot meet NYS building code.

DWELLING, TWO-FAMILY: A building designed for and occupied exclusively by not more than two families, including modular homes, but excluding mobile homes, or any other dwelling that cannot meet NYS building code.

DWELLING UNIT: A building, or portion thereof, providing complete housekeeping facilities for one family.

EASEMENT: An authorization from a property owner for the use of his property by another for a specific purpose.

EXISTING STRUCTURE: A structure that legally existed prior to this zoning amendment.¹²

FAMILY: One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

FARM: A parcel or tract of land at least five acres in area which is used for the for the production or raising of agricultural products, livestock, poultry and dairy products, except where such production is an accessory and noncommercial garden to a principal residential use on the same lot.

FENCE: A barrier, stockade or other device constructed of wood, brick, wire or other material intended for use as a boundary or means of protection or confinement.

FLAGPOLE: Any pole exceeding six feet in height on which a flag is raised and flown.

GARAGE, COMMUNITY: A space or structure or series of structures, for the storage of self-propelled vehicles of the residents of the neighborhood, not including temporary accessory structures as defined herein.

¹⁰ Added 6-25-1996 by L.L. 2-1996

¹¹ Added 11-14-2023 by L.L. No. 13-2023

¹² Added 5-22-2007 by Ord. No. 3-2007

GARAGE, PRIVATE: A roofed or partly enclosed building or structure arranged, designed or intended to be used for the parking or storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein and space therein for not more than one car is leased to a nonresident of the premises, not including temporary accessory structures as defined herein.

GARAGE, SERVICE STATION: A building or part thereof used for the greasing, washing, servicing and repair of motor vehicles operated for gain, commonly referred to as an auto repair shop.

GARAGE, STORAGE: A building or part thereof used only for the storage of vehicles for gain, and at which automobile fuel and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

GASOLINE STATION: A building or premises used or designed to be used primarily for the sale of gasoline or oil or other motor- vehicle fuel and which may include incidental facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles.

HEALTH-CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended-care facility, skilled nursing home, nursing home, intermediate- care facility, maternity hospital, outpatient clinic or home-health-care agency.¹³

HEDGE: A natural row of shrubs, bushes or trees that may be used as a border around property boundaries.

HOME FOR THE AGING: A facility or dwelling unit housing elderly persons unrelated by blood or marriage and operating as a group family household.

HOME OCCUPATION: Any personal or professional service customarily conducted entirely within a dwelling by the inhabitants thereof, which use is clearly incidental (no more than 35% of the floor area) and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in which there is kept no stock-in-trade.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOTEL: Any building or portion thereof containing sleeping rooms that are used, rented or hired out to be occupied or that are occupied for compensation, whether the compensation is paid directly or indirectly.

JUNKYARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles for the sale of parts.

KENNEL: An establishment in which a combined aggregate totaling no more than six dogs, cats or other domesticated animals authorized pursuant to Chapter 82 of the Gloversville City Code are kept.¹⁴

LANDSCAPING: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

LIGHT INDUSTRY:¹⁵

A. Uses:

- (1) Repairing or assembly of electronic instruments and devices, precision instruments (surgical or dental), measuring devices, musical instruments, novelties, rubber or metal stamps or other small molded rubber or plastic products;
- (2) Manufacturing, compounding, processing and packaging of food products and candy;
- (3) Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials, fiber, fur, glass, leather, paper, plastics, metals or stones, textiles, tobacco, wax, wire and wood; or
- (4) Manufacturer of pottery or other ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

¹³ Added 5-27-1998 by L.L. No. 3-1998

¹⁴ Added 6-11-2019 by Ord. No. 14-2019

¹⁵ Added 6-25-1996 by L.L. No. 2-1996; Amended 11-14-2023 by L.L. No. 13-2023

- (5) Manufacturing and/or production of food and other agricultural items within a facility that includes but is not limited to aeroponics, aquaponics, cannabis, dairy products, hydroponics, mushroom cultivation, and vertical farming.

LOT: A parcel of land considered as a unit occupied or capable of being occupied by one building and accessory buildings or uses or by a group of buildings united by a common use or interest, and including such open spaces as are required by this chapter.

LOT AREA: The total horizontal area included within lot lines, except that no part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner of intersection of less than 135°. Corner lots shall have two front yard setbacks fronting each road and two rear yard setbacks. The Rear Yard for the corner lot will be determined based on the orientation of the structure as proposed for that lot. For lots with more than two streets fronting the property all lot areas fronting streets shall have front yard setbacks along street frontage.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT, FRONTAGE: That side of the lot adjacent to the street. A corner lot shall be considered to have two such frontages.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot having frontage on two approximately parallel or converging streets.

LOT WIDTH: The distance between side lot lines measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district.

MIXED USE ESTABLISHMENT: Use of land, building, group of buildings, and/or structure(s) containing a variety of complementary and integrated uses such as, but not limited to, residential, commercial and public uses.

MOBILE HOME: A dwelling unit built to U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards designed for one family, which has the following characteristics:

- A. Manufactured as a movable or portable dwelling unit for year-round occupancy and for installation on a masonry or concrete foundation or a mobile home stand, or piers, with or without a basement or cellar.
- B. Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation, or piers.
- C. May contain parts that can be folded, collapsed, or telescoped when being towed and expanded later to provide additional living space.
- D. May be constructed in two or more separately towable components that are designed to be joined into one integral unit capable of being again separated into the components for repeated towing,
- E. The term "mobile home" also includes structures commonly called a "double wide."
- F. The term "mobile home" shall not include:
 - (1) A modular home, as defined herein.
 - (2) Recreational vehicles (RVs) for camping or travelling.
 - (3) Structures designed and constructed primarily for temporary living quarters permitted under extraordinary temporary conditions (e.g., emergency shelters, and the like) by the issuance of a temporary special use permit.

MODULAR HOME: A dwelling which meets the criteria delineated by the New York State Uniform Fire Prevention and Building Code for single-family or multifamily residential units and is designed only for erection or installation on a site-built permanent foundation. A modular home is not designed to be moved once erected or installed on a site-built permanent foundation.

MOTEL: A building with or without party walls, or any group of buildings used primarily for sheltering transient motorists, and any accessory uses, such as a restaurant or parking area.

MOTOR VEHICLE SALES AND SERVICE FACILITY: Any area of land, including structures thereon, which has as its principal use the display or sale of new and/or used automobiles, motorcycles, trucks, cargo trailers or recreational vehicles or other vehicles requiring registration for road use, and which may or may not include the repair of vehicles. Enclosed showrooms and open display areas are included in this definition. The sale of fuel is not included in this definition.

NONCONFORMING USE: A building, structure or lot occupied by a use at the time of enactment of this chapter or any amendment which does not conform to the use regulations of the district in which it is located.

NURSING OR CONVALESCENT HOME: An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OVERLAY DISTRICT: A zoning district that establishes requirements and/or standard in addition to those otherwise within the underlying zoning district to protect unique resources or to encourage specific types of development within the certain areas of the city.

PARKING LOT: Any public or private land area designed and used for parking motor vehicles, including private driveways. A "parking lot" is typically available to the public with or without compensation and used to accommodate clients, customers or employees of a private business.¹⁶

PARKING SPACE: An off-street space available for the parking of one motor vehicle and having an area of not less than 162 square feet (9 x 18) for a perpendicular space, and 198 square feet (9 x 22) for a parallel parking space, exclusive of passageways and driveways thereto, and having direct access to a street or alley, with aisle space adequate for maneuvering as determined by the City Building Inspector. Handicap-accessible parking spaces are to be in accordance with applicable State and federal codes.¹⁷

PERMITTED USE: A use by right which is specifically authorized in a particular zoning district.

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PLANNED UNIT DEVELOPMENT (PUD): A special provision in this chapter which regulates development of large tracts of land, permitting a combination of residential and nonresidential land uses developed as a unit.

POOL: An artificially created tank used to hold water for recreational or therapeutic bathing purposes, ranging in size from an Olympic swimming pool to an outdoor hot tub.

PREMISES: A lot, plot or parcel of land including the building or structures thereon.¹⁸

PRINCIPAL BUILDING: A building in which is conducted the main principal use of the lot on which said building is situated.¹⁹

PRINT SHOP: A retail establishment that provides duplicative services using photocopy, blueprint and offset printing equipment, including collating of booklets and reports, as well as packaging supplies and shipping services.²⁰

PROFESSIONAL OFFICE: An office of a physician, dentist, lawyer, engineer, architect, accountant or other duly licensed or certified professional.

PUBLIC UTILITIES: Corporations, many of which are subject to Public Utilities Commission Rules and Regulations, which operate public franchises for the provision of items such as telephone, gas, electric, cable television, railroad, omnibus and telegraph services. Said corporation shall not include or be confused with any service provided by the City of Gloversville or any of its boards, authorities, commissions or agencies.²¹

RECREATION FACILITY, INDOOR: An enclosed commercial establishment where participatory athletic, recreational or physical fitness facilities are provided for gain or profit. May include recreational facilities such

¹⁶ Added 6-25-1996 by L.L. No. 2-1996

¹⁷ Amended 11-14-2023 by L.L. No. 13-2023

¹⁸ Added 5-24-1995 by L.L. No. 5-1995

¹⁹ Amended 11-14-2023 by L.L. No. 13-2023 (originally Building, Principal)

²⁰ Added 5-27-1998 by L.L. No. 3-1998

²¹ Added 6-25-1996 by L.L. No. 2-1996

as health and fitness gyms, spas, swimming pools, ice rink, tennis courts, basketball courts, handball and racquets courts, running tracks, Such uses may be accompanied by customary accessory uses, which may include food service facilities, meeting rooms, child day care, sales of sport or exercise-related equipment or clothing and other customary accessory uses.

RECREATION FACILITY, OUTDOOR: Outdoor areas designed and equipped for the conduct of sports and leisure-time activities. May include picnic areas, walking trails, running tracks, golf courses, driving ranges, playgrounds, swimming pools, ice rinks, tennis courts, water/splash parks, tennis courts, basketball courts, handball and racquets courts, baseball and softball fields, football fields, and riding rinks.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation; but not facilities for the manufacturing or sale of products, except as incidental to the main purpose of the laboratory.²²

RESTAURANT: An establishment where food and drink is prepared, served and consumed primarily within the principal building, including fast foods where there is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within or outside the premises.

RESTAURANT, DRIVE-THROUGH: An establishment where food and drink are prepared and which includes the sale of pre-prepared or rapidly prepared food directly to the customer through an automobile drive-through facility. Such establishment may also provide for the service and consumption of food within the principal building.

RETAIL SERVICE ESTABLISHMENT: Establishments engaged in the selling or rental of goods or merchandise and rendering services incidental to the sale of such goods.

ROOMING HOUSE: Any building or portion thereof containing more than two and fewer than 10 rooms that are used, rented or hired out to be occupied or that are occupied for dwelling purposes for compensation, whether the compensation is paid directly or indirectly. The term "rooming house" shall be deemed to include "lodging house" and "boardinghouse."

SATELLITE DISH: A satellite earth station, restricted to the sole purpose of receiving and amplifying microwave signals for television reception.²³

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SELF-STORAGE WAREHOUSE: An establishment which permits customers to store their own materials in private commercially available warehousing space.²⁴

SENIOR CITIZEN DEVELOPMENT: A building or group of buildings, whether detached or connected, containing and are intended and operated for use as housing for persons who are 55 years of age or over, with common areas in multifamily or congregate dwellings owned and managed by a single management entity, together with normal and customary ancillary facilities or services for use by older persons. Senior citizen developments may also include single-family or two-family dwellings intended as housing for persons who are 55 years of age or over.

SEQRA: The State Environmental Quality Review Act (Environmental Conservation Law Article 8).

SETBACK: The required minimum distance from a property line to any structure built upon the land.

SETBACK, ZERO SIDE YARD: The configuration of two adjoining lots where one side yard setback is set to zero and the other varies. A building may share a common wall or have two walls abutting.

SIGN: Any permanent or temporary material, structure, light, letter, word, representation, insignia, model, banner, pennant, declaration, demonstration, illustration, flag (excluding the American flag) or device or part thereof displaying an advertisement, announcement, notice or names used to convey information, advertise, promote the interests of any person or business or cause, or attract the attention of the public when placed in view of the general populace. See §300-40 for detailed sign definitions.

SITE PLAN: A detailed plan showing the location of structures, parking areas, lighting, landscaping and other development features for the proposed development of a parcel of land, distinct from a plat in its greater degree

²² Added 5-17-1998 by L.L. No. 3-1998

²³ Added 8-26-1997 by L.L. No. 7-1997

²⁴ Added 10-26-2004 by Ord. No. 10-2004

of detail.

SOLAR ENERGY EQUIPMENT AND SYSTEMS: Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar energy systems include solar thermal, photovoltaic and concentrated solar.

SOLAR, FLUSH-MOUNTED PANEL: Photovoltaic panels and tiles that are installed flush to the surface of a roof or wall of a principal and/or an accessory structure and which cannot be angled or raised for the direct conversion of solar energy into electricity.

SOLAR, FREESTANDING OR GROUND-MOUNTED ENERGY SYSTEM: A solar energy system that is directly installed on the ground and is not attached or affixed to an existing structure and used for the direct conversion of solar energy into electricity.

SOLAR, ROOFTOP MOUNTED SYSTEM: A solar system in which solar panels are mounted on top of a roof of a principal and/or an accessory structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle for the direct purpose of converting solar energy into electricity.

SOLAR, UTILITY-SCALE SOLAR COLLECTOR SYSTEM: A solar energy system that is designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site. A solar-commercial use may include solar energy system equipment and uses such as but not limited to supporting posts and frames, buildings and/or other structure(s), access drives, inverter equipment, wires, cables and other equipment for the purpose of supplying electrical energy produced from solar technologies, whether such use is a principal use, a part of the principal use or an accessory use or structure.

STABLE, PRIVATE: An accessory structure in which one or more horses or ponies are kept for private use and not for hire, remuneration or sale.

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 it, then the space between any floor and the ceiling next above it, provided that a cellar shall not be considered a "story."

STREET: public or private thoroughfare which affords the principal means of access to abutting property for vehicular traffic, as well as pedestrians and bicyclists.

STRUCTURAL ALTERATION: Any change in the supporting members of a building.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having its location on the ground, including but not limited to walls, fences, signs or buildings.

STRUCTURE, ACCESSORY: A building which:

- A. Is subordinate to and serves a principal building;
- B. Is subordinate in area, extent or purpose to the principal building;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building; and
- D. Is located on the same zoning lot as the principal building, in accordance with the requirements of § 300-32.

STRUCTURE, TEMPORARY ACCESSORY: Accessory structures that are not permanent by nature and are made up of a metal tube framing that is enclosed with polyethylene, canvas, or other pliable exterior covering, designed and/or intended for the storage of boats, motor vehicles, snow blowers, lawn mowers, ATVs, trailers, or other personal property, including but not limited to, portable carports, storage canopies, or other and temporary storage and/or disposal containers. Such structures shall not be more than 25% of the total square footage of the principal structure, nor taller in height than the principal structure.

THEATER: A building or part of a building devoted to the showing of plays, movies musical entertainment, or other similar events for public entertainment on a paid admission basis, excluding adult entertainment businesses.

TOWNHOUSE: A dwelling unit, generally having two or more floors and attached to other similar units via party walls. "Townhouses" are often used in planned unit developments, which provide for clustered or attached housing and common open space.

UTILITY SERVICES: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

VETERINARY OFFICE AND CLINIC: A place where animals are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery from an injury or sickness.

WALL: A barrier, stockade or other device constructed of wood, brick, wire or other material intended for use as a boundary or means of protection or confinement.

WAREHOUSE: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises; for the storage of goods or chattels to be shipped on mail order; for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse; or for similar storage purposes. The term "warehouse" does not include a retail establishment whose primary purpose is for the sale of goods or chattels stored on the premises; however, nothing in this definition is meant to exclude purely incidental retail sales in "warehouses."

WIRELESS TELECOMMUNICATIONS TOWER: A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, guyed and lattice-construction steel structures.²⁵

YARD: An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT: An open, unoccupied space on the same lot with the building, between the front line of the building and the street or highway line and extending the full width of the lot.

YARD, REAR: An open, unoccupied space, except for accessory structures, on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with the building, situated between the building and the side lot line and extending from the front yard to the rear yard.

ZONING DISTRICT: A section of the city which is designated in this chapter text and delineated on the Zoning Map²⁶, where requirements for the use of land and building and development standards are prescribed. Within each district, all requirements must be uniform.

²⁵ Added 7-25-2000 by L.L. No. 6-2000

²⁶ City of Gloversville Zoning Map is located at the Building Inspector's Office or at www.cityofgloversville.com

Article III. Districts

§ 300-4. Districts Established.

The City of Gloversville is hereby divided into the following zoning districts:

R-1	Residential
R-1a	Residential A
R-C	Residential - Commercial
C-1	Commercial District
C-B-P	Crossroads Park
CEM	Cemetery
C-I-P	Crossroads Industrial Park Zone
FBO	Downtown Urban Core Form Based Overlay District
I-P-Z	Industrial Park Zone
M-1	Manufacturing District
P-C-R	Public, Cultural, and Recreational

§ 300-5. Zoning Map.

The locations and boundaries of the zoning districts hereby are shown on a map entitled “Zoning Districts.” The Zoning District Map and all notations, references and other information shown thereon are hereby declared to be a part of this chapter. The Building Inspector shall delineate on the Zoning Map all amendments to the district boundaries which are authorized by ordinance immediately upon the effective date of such ordinance, indicating the title and date of the ordinance.²⁷²⁸

§ 300-6. District Boundaries.

Where uncertainty exists as to the location of any boundaries shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow center lines of streets or alleys, rights-of-way, watercourses or lot lines, or to be parallel or perpendicular thereto, unless such boundary lines are fixed by dimensions as shown on the Zoning Map.
- B. Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- C. In subdivided land and where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by the use of the scale appearing thereon.
- D. If, after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Board of Appeals shall determine and fix the location of said line.
- E. Where a district boundary line divides a lot of record held in one ownership at the time of adoption of said district line, the regulations for the less restricted portion of such lot shall apply to the remainder of said lot up to a distance of not more than 50 feet from said district line.
- F. Any land hereafter annexed to or consolidated with the City of Gloversville shall be deemed to be zoned R-1 until said land is reclassified by an amendment to this chapter

²⁷ Amended 11-14-2023 by L.L. No. 13-2023

²⁸ City of Gloversville Zoning Map is located at the Building Inspector’s Office or at www.cityofgloversville.com

Article IV. Districts

§ 300-7. R-1 Residence District.

The following use regulations shall apply in any R-1 Residence District:

- A. Permitted uses shall be as follow:
 - (1) Single-family detached dwellings.
 - (2) Accessory structures and equipment customarily incidental to the above uses when located on the same lot, subject to the supplementary regulations outlined in §300-30.
 - (3) Existing and new two-family dwelling, including duplexes.^{29 30}
- B. Uses subject to a special permit shall be as follows (NOTE: The new construction of any uses subject to a special permit in any district shall also require a site plan approval from the Planning Board.):
 - (1) The creation of one or more dwelling units in an existing building.³¹
 - (2) The conversion of any single-family or two-family dwelling into duplexes.³²
 - (3) The conversion of a multifamily dwelling to create additional dwelling units.
 - (4) Day-care centers.
 - (5) Home occupations, subject to the supplementary regulations outlined in §300-14.6.
 - (6) Bed-and-breakfast facilities, subject to the supplementary regulations outlined in §300-14.7.
 - (7) Rooming houses.
 - (8) Homes for the aging.
 - (9) New multiple-family dwellings, with no more than four dwelling units.^{33 34}
 - (10) The conversion of single-family or two-family dwellings into four-unit multifamily dwellings.³⁵
 - (11) Cottage industry and cottage retail, subject to the supplementary regulations outlined in §300-14.6.³⁶
- C. Uses subject to site plan review shall be as follows:³⁷
 - (1) Townhouses, condominiums and cooperatives.
 - (2) Churches or other places of worship or religious education, church halls, convents, rectories or parsonages.
 - (3) Public schools or private schools chartered or accredited by the New York State Department of Education, but not including any school conducted for profit alone.
 - (4) Public parks or playgrounds and accessory structures.
 - (5) Golf courses or private country clubs.
 - (6) Nursing or convalescent homes.
 - (7) Municipal or public utility structures or uses.
 - (8) Hospital complexes or community health service centers.
 - (9) Public libraries, library annexes or museums.

§ 300-8. R-1A Residence District.

The following use regulations shall apply in any R-1A Residence District:

- A. Permitted uses shall be as follows:

²⁹ Added 6-25-1996 by L.L. No. 2-1996

³⁰ Amended 5-22-2007 by Or. No. 3-2007

³¹ Amended 5-22-2007 by Ord. No. 3-2007

³² Amended 10-26-2004 by Ord. No. 10-2004

³³ Added 6-25-1996 by L.L. 2-1006

³⁴ Amended 8-27-2013 by L.L. 5-2013

³⁵ Added 6-25-1996 by L.L. No. 2-1996

³⁶ Added 6-25-1996 by L.L. No. 2-1996

³⁷ This subsection used to include Multifamily dwellings, that were repealed 8-27-2013 by L.L. No. 5-2013

- (1) Single-family detached dwellings.
- (2) Accessory structures and equipment customarily incidental to the above uses when located on the same lot, subject to the supplementary regulations outlined in §300-32.
- B. Uses subject to a special permit shall be as follows (NOTE: The new construction of any uses subject to a special permit in any district shall also require a site plan approval from the Planning Board.).³⁸
 - (1) Homes for the aging.
 - (2) Day-care centers.
- C. Uses subject to site plan review shall be as follows:
 - (1) Townhouses, condominiums and cooperatives.
 - (2) Two-family dwellings, including duplexes.
 - (3) Churches or other places of worship or religious education, church halls, convents, rectories or parsonages.
 - (4) Public schools or private schools chartered or accredited by the New York State Department of Education, but not including any school conducted for profit alone.
 - (5) Public parks or playgrounds and accessory structures.
 - (6) Golf courses or private country clubs.
 - (7) The conversion of single-family dwellings into two-family dwellings.³⁹

§ 300-9. R-C Residence-Commercial District.

- A. Permitted uses shall be as follows:
 - (1) Existing and new single-family detached dwellings.⁴⁰
 - (2) Existing and new two-family dwellings, including duplexes.⁴¹
 - (3) Existing and new multifamily dwellings, with no more than four dwelling units.⁴²
 - (4) Home occupations, subject to the supplementary regulations outlined in §300-14.6.
 - (5) Bed-and-breakfasts, subject to the supplementary regulations outlined in §300-14.7.
 - (6) Accessory structures and equipment customarily incidental to the above uses when located on the same lot, subject to the supplementary regulations outlined in §300-32.
 - (7) Cottage industry, subject to the supplementary regulations outlined in §300-14.6.⁴³
 - (8) Cottage retail, subject to the supplementary regulations outlined in §300-14.6.⁴⁴
- B. Uses subject to a special permit shall be as follows (NOTE: The new construction of any uses subject to a special permit in any district shall also require a site plan approval from the Planning Board.):
 - (1) The creation of one or more dwelling units in an existing building.⁴⁵
 - (2) Multifamily dwellings with five or more dwelling units.⁴⁶
 - (3) The conversion of a multifamily dwelling to create additional dwelling units.
 - (4) Day-care centers.
 - (5) Rooming houses.
 - (6) Veterinary offices and clinics.
 - (7) Kennel.
- C. Uses subject to site plan review shall be as follows:
 - (1) Those uses that are subject to site plan review within the R-1 Residence District, with the exception of those uses already permitted within this district.
 - (2) Funeral homes.
 - (3) Clubs, civic and social/fraternal.
 - (4) Professional offices, businesses or utility services offices.

³⁸ Subsection used to discuss conversion of dwellings by was repealed 6-25-1996 by L.L. No. 2-1996

³⁹ Added 6-25-1996 by L.L. No. 2-1996

⁴⁰ Amended 5-22-2007 by Ord. No. 3-2007

⁴¹ Amended 5-22-2007 by Ord. No. 3-2007

⁴² Amended 5-22-2007 by Ord. No. 3-2007

⁴³ Added 6-25-1996 by L.L. No. 2-1996

⁴⁴ Added 6-25-1996 by L.L. No. 2-1996

⁴⁵ Amended 5-22-2007 by Ord. No. 3-2007

⁴⁶ Amended 5-22-2007 by Ord. No. 3-2007

- (5) Restaurants or taverns, excluding those providing live entertainment.
- (6) Confectioneries or bakeries in which goods are made or processed and sold primarily at retail on the premises.
- (7) Personal services, such as barbershops, hair salons, tailors, and other similar neighborhood-scale service uses.
- (8) Banks or other financial institutions.
- (9) Convenience stores.
- (10) Gasoline service stations.
- (11) Cottage retail with retail sales on the premises, subject to the supplementary regulations outlined in §300-14.6.⁴⁷
- (12) Cottage industry with retail sales on the premises of no more than 30% of the floor area of the dwelling, subject to the supplementary regulations outlined in §300-14.6.⁴⁸
- (13) Mixed Use Establishment⁴⁹

§ 300-10. C Commercial District.

A. Permitted uses shall be as follows:

- (1) Existing and new two-family dwellings, including duplexes.⁵⁰
- (2) Existing and new multifamily dwellings with no more than four dwelling units.⁵¹
- (3) Home occupations, subject to the supplementary regulations outlined in §300-14.6.
- (4) Bed-and-breakfasts, subject to the supplementary regulations outlined in §300-14.7.
- (5) Accessory structures and equipment customarily incidental to the above uses when located on the same lot, subject to the supplementary regulations outlined in §300-32.
- (6) Cottage industry, subject to the supplementary regulations outlined in §300-14.6.
- (7) Cottage industry with retail sales on the premises, subject to the supplementary regulations outlined in §300-14.6.⁵²
- (8) Cottage retail with retail sales on the premises, subject to the supplementary regulations outlined in §300-14.6.⁵³

B. Uses subject to a special permit shall be as follows (NOTE: The new construction of any uses subject to a special permit in any district shall also require a site plan approval from the Planning Board.

- (1) Single-family dwellings.
- (2) The creation of one or more additional dwelling units in an existing building.⁵⁴
- (3) Day-care centers.
- (4) Code Blue Shelters.⁵⁵
- (5) The change in use of any building that does not require exterior renovations.⁵⁶
- (6) Light Industry.⁵⁷
- (7) Adult entertainment business, subject to the requirements of Article XX.
- (8) Multifamily dwellings with five or more units.⁵⁸
- (9) Conference centers.
- (10) Any use that requires a drive-through.
- (11) Research laboratories.
- (12) Assisted living facilities.
- (13) Warehouses.

⁴⁷ Added 6-25-1996 by L.L. No. 2-1996

⁴⁸ Added 6-25-1996 by L.L. No. 2-1996

⁴⁹ Added 11-14-2023 by L.L. No. 13-2023

⁵⁰ Amended 5-22-2007 by Ord. No. 3-2007

⁵¹ Amended 5-22-2007 by Ord. No. 3-2007

⁵² Added 6-25-1996 by L.L. 2-1996

⁵³ Added 6-25-1996 by L.L. No. 2-1996

⁵⁴ Amended 5-22-2007 by Ord. No. 3-2007

⁵⁵ Amended 1-1-2021 by Ord. 1-2021 (was previously Rooming House)

⁵⁶ Added 5-24-1995 by L.L. No. 5-1995

⁵⁷ Added 6-25-1996 by L.L. No. 2-1996

⁵⁸ Added 5-22-2007 by Ord. 3-2007

- (14) Parking lots.⁵⁹
- (15) Veterinary offices and clinics.
- (16) Kennel.
- (17) Cat Rescue Sanctuary.⁶⁰
- (18) Utility-scale solar collector systems and associated solar energy equipment for private, commercial or utility use.
- (19) Cultural Facility.⁶¹
- (20) Automotive Repair.⁶²

C. Uses subject to site plan review shall be as follows:

- (1) Those uses that are subject to site plan review within the R-C Residence-Commercial District, with the exception of those uses already permitted within this district.
- (2) Mixed-use establishments.
- (3) Retail service establishments.
- (4) Restaurants or bars, and other places serving food and beverage.
- (5) Hotels.
- (6) Theaters, not including adult entertainment business (see §300-3 and §300-100.).
- (7) Commercial or vocational schools for instruction in trades, graphic arts, dancing and music.
- (8) Federal, state and municipal offices.
- (9) Radio or television studios and transmitting stations.
- (10) Bus or taxi stations or garages.
- (11) Print shops, post office satellite stores, or other office shipping/service stores.
- (12) Brew pubs.⁶³
- (13) Artist studios or art galleries.
- (14) Community health service centers.
- (15) Recreation facilities, indoor.

§ 300-11. M Manufacturing District.

A. Permitted uses shall be as follows:

- (1) There are no uses permitted by right within the M Manufacturing District.

B. Uses subject to site plan review shall be as follows:

- (1) Any use permitted within the C Commercial District, but not including any dwelling, school, hospital or other institution for human health care involving overnight care of patients.
- (2) Automobile repair, painting and collision services when conducted entirely within a completely enclosed building; battery manufacturing, tire re-treading and capping.
- (3) Dry cleaning or laundry.
- (4) Laboratories, research, experimental or testing, provided that no operation shall be conducted or equipment used which would create conditions hazardous, noxious or offensive in the district in which the laboratory is located.
- (5) Manufacture or assembly of electronic instruments and devices, precision instruments (surgical or dental), measuring devices, musical instruments, novelties, rubber or metal stamps or other small molded rubber or plastic products.
- (6) Building material sales yards, excluding concrete mixing.
- (7) Contractors' or public utility storage yards or plants.
- (8) Veterinary offices and clinics.
- (9) Kennel.
- (10) Storage and sale of feed for livestock, or solid fuel.
- (11) Underground storage of flammable liquids, when approved by the Fire Department, in quantities of not more than 25,000 gallons, when having a flash point below 70°F.

⁵⁹ Added 6-25-1996 by L.L. No. 2-1996

⁶⁰ Added 7-12-2016 by Ord. No. 13-2016

⁶¹ Added 11-14-2023 by L.L. No. 13-2023

⁶² Added 11-14-2023 by L.L. No. 13-2023

⁶³ Added 6-25-1996 by L.L. No. 2-1996

- (12) Recycling storage within an enclosed structure.
- (13) Accessory structures and equipment.
- (14) Manufacture, compounding, processing and packaging of food products, candy, cosmetics, pharmaceuticals, soap and toiletries.
- (15) Manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: fiber, fur, glass, leather, paper, plastics, metals or stones, textiles, tobacco, wax, wire and wood.
- (16) Manufacture of pottery or other ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
- (17) Stone or monument works, not employing pneumatic hammers unless within a completely enclosed building.
- (18) Storage, tanning or curing of rawhides or skins, provided that no hides or skins are stored outside of a completely enclosed building.
- (19) Coal pockets or tipples.
- (20) Concrete products manufacture, including a concrete-mixing plant or rock or stone crusher.
- (21) Truck terminals, including any premises where any vehicle used in long-distance freight hauling is parked, loaded or unloaded.
- (22) Feed manufacture, except from refuse mash or refuse grain.
- (23) Commercial excavating of sand and gravel or rock.
- (24) Aboveground storage of flammable liquids, when approved by the Fire Department, in less than tank-car quantities, when having a flash point between seventy degrees and two hundred degrees Fahrenheit (70° and 200°F).
- (25) Underground storage of flammable liquids, when approved by the Fire Department, not to exceed 50,000 gallons, when having flash points below 70°F.
- (26) Aboveground storage of flammable liquids, when approved by the Fire Department, when having flash points between seventy degrees and two hundred degrees Fahrenheit (70° and 200°F).
- (27) Any use equivalent to the above, but not including any use which may become hazardous or noxious or offensive by reason of the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.
- (28) Utility-scale solar collector systems and associated solar energy equipment for private, commercial or utility use.

C. Prohibited uses shall be as follows:

- (1) Junkyards.
- (2) Slaughterhouses or any operation involving the rendering of grease, tallow or fats.
- (3) Manufacture of fertilizer, glue or size involving the recovery or refining of products from fish or animal refuse.

D. Uses subject to special permit shall be as follows:⁶⁴

- (1) The change in use of a building that does not require any exterior renovations.
- (2) Cat Rescue Sanctuary.⁶⁵

§ 300-12. CEM Cemetery District.

- A. Purpose & Intent: The purpose of the Cemetery District is to allow for the operation and maintenance of a cemetery and the building and structures incidental and necessary to those operations.⁶⁶
- B. Permitted principal uses:
 - (1) Burial and maintenance of graves, accessory structures, grounds, and other items typically found within a cemetery. All other uses are not permitted within the CEM District.

⁶⁴ Added 5-24-1995 by L.L. No. 5-1995

⁶⁵ Added 7-12-2016 by Ord. No. 13-2016

⁶⁶ Added 11-14-2023 by L.L. No. 13-2023

§ 300-13. PCR Public, Cultural, and Recreational District.

- A. Purpose & Intent: The purpose of the Public, Cultural, and Recreation District is to provide a separate zoning district classification for those tracts of land within the City that are under public or private ownership and/or used for public open space or recreational purposes. Further, the Public, Cultural, and Recreational District (PCR) is intended to preserve and enhance those city-owned lands within significant recreational facilities or amenities that are part of the urban setting and neighborhood environment.⁶⁷
- B. Permitted principal use:
- (1) City-owned parks, playgrounds, squares, recreational areas, nature areas, and preserves.
 - (2) City-owned athletic courts and facilities (tennis, basketball, etc..) swimming pools, and similar public recreational facilities.
 - (3) Outdoor recreational facilities, including hiking trails, bicycle paths, athletic fields, and similar uses.
 - (4) Public and community recreational buildings, semi-enclosed shelters, pavilions, and public utility easements.
 - (5) Commercial facilities incidental to the operation or adjacent on city-owned property, refreshment stands, concessionaire or rental shops, and similar incidental uses that fall under the City's Hawker, Vendor, and Peddler Permit Application.
 - (6) Buildings and structures necessary for the administration, maintenance, and operation of established permitted uses.
 - (7) Nonprofit cultural and education.
- C. Uses permitted upon Special Permit approval from the City of Gloversville Planning Board:
- (1) Re-use or development of a new structure not listed above.
 - (2) Public utility substations, facilities, structures, and towers.
 - (3) Cultural facility outside of RC Residential-Commercial or C1 Commercial District as long as it is contiguous.

§ 300-14. Downtown Urban Core Form-Based Overlay District.

- A. Purpose & Intent: The purpose of the Downtown Urban Core District is to maintain and promote a more vibrant, pedestrian-friendly downtown to serve as the commercial and cultural center for several attractive and walkable surrounding neighborhoods. In order to accomplish this, the City of Gloversville has chosen to utilize a Form-Based zoning approach. These regulations are intended to encourage a mix of uses that serve the needs of the residents and visitors to the City, retain the most valued historic and cultural qualities of the community, and ensure that new infill development is compatible with the existing urban fabric and character of the surrounding neighborhoods.

In addition, the Form-Based Code is intended to streamline the application and review process, promote economic development, and encourage attractive streetscape amenities and civic spaces designed to create a high quality, walkable urban experience. The regulations in this Article provide specific details on the form of development that is encouraged and allowed in this important area of the City and supplement the regulations found in the rest of this Chapter. In contrast to traditional zoning districts that regulate one use from another, the Downtown Urban Core District is designed to be more flexible with a focus on sound architectural and site design elements to encourage creative and sustainable new and in-fill development. The intent of the Form-Based Zone is to encourage a diversity of complementary uses, promote successful urban form, extend traditional circulation systems with interconnecting streets, reinforce a strong pedestrian emphasis, and provide for civic space.

Unlike conventional zoning, a Form-Based Code addresses not only development but the relationship between public and private spaces such as the interaction between streets, blocks, and buildings in terms of form, scale and massing, and the use of frontage areas. Appropriate architectural design and the

⁶⁷ Added 11-14-2023 by L.L. No. 13-2023

consistent quality of building exteriors directly contribute to the positive value of real property, the enhancement of community character, and the health, safety and general welfare of the City's residents. This district intends to create a predictably designed public realm within the Downtown Urban Core, by including specific architectural standards, and focusing primarily on the physical form of development, with a lesser focus on building use than conventional zoning regulations.

- B. Consistency with Comprehensive Plan: The regulations in this section are in accordance with the following Goals and Action Items outlined in the City of Gloversville Comprehensive Plan provide specific details on the form of development that is encouraged and allowed in this important area of the City.
- (1) Economic Engines Goal 1: To strengthen and diversify the City of Gloversville's industrial base, promote commercial development and increase employment opportunities for City residents by fostering the highest possible density of industrial and business activity.
 - (2) Economic Engine Goal 3: To create a commercially thriving downtown with pleasant, well maintained adjacent neighborhoods that will attract creative people and productive enterprises and increase business activity.
 - (3) Downtown & Surrounding Neighborhoods Goal 1: To encourage the continued development, restoration, and diversification of land uses in the city's urban core and surrounding residential neighborhoods.
 - (4) Action Item A.8 Overlay Zone Urban Core: The city will seek to amend the current zoning language to align with the recommendations and action items identified in the 2015 Comprehensive Plan. The city will also seek to establish a zoning overlay for the area within a ½ mile radius of the corner of Main Street and Fulton Street plus both sides of South Main Street and East Fulton Street with design parameters in keeping with the character of the community and New Urbanist principles.
 - (5) Action Item D.3 Commercial Residential Conversion: the city will encourage commercial residential conversion of structures throughout the urban core and surrounding neighborhoods in an effort to bring residents back into the downtown area thus potentially spurring demand for additional commercial development. The city will promote new mixed-use commercial development, infill construction within and along the corridors of the Downtown Urban Core and surrounding neighborhoods that promote reinvestment in the existing commercial downtown area and surrounding neighborhoods and the expansion of the residential population in and adjacent to the downtown and its corridors.
 - (6) Action Item D.4 Senior Housing Options: The city will encourage the development of mixed use residential structures, modern apartment complexes, and assisted-living/senior housing centers for seniors throughout the community to address the ever growing need for both quality affordable housing for seniors in the community and for middle and upper income elderly housing for those not necessarily income limited. These facilities must blend with the architecture and character of the host neighborhood in which they are to be located. An example of this development strategy is the planned Estee Senior Apartments project aimed at meeting the need for quality affordable housing for seniors.
 - (7) Action Item D.5 Downtown Corridors, Streetscape, Historic Structures and Parking: The city will encourage the reinforcement of the Downtown, as the multipurpose center for the region by promoting the location of government, large scale offices, and arts and entertainment uses along and adjacent to the Main Street and Fulton Street corridors.
 - (8) Action Item D.8 Cultural and Historic Resources, Restoration and Rehabilitation. The city will encourage the restoration and rehabilitation of our community's historic buildings and properties whenever feasible so that these structures can be used as viable residences, office space, retail or industrial ventures.

- C. Supersession of inconsistent laws: The City Council hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation or provision of the City Law that is inconsistent with this section. Except where a use is subject to special permit, in cases where conflicting, standards, procedures or requirements exist within the underlying zoning district category, those of the overlay district shall be applied.
- D. The Planning Board is hereby authorized to review and approve, approve with modifications or disapprove site plans pursuant to the rules and specifications set for herein.
- E. The Historic Preservation Review Board is hereby authorized to serve as an advisory board to the Planning Board for the review of historical and architectural design features of all proposed projects within the Overlay District.

§ 300-14.1 Definition of District & Boundaries.

- A. District Definition: This section establishes the Downtown Urban Core “overlay” district. The overlay district creates a special form-based zoning district which uses physical form (rather than separation of uses) as the organizing principle for the code, applicable to a specific geographic area, which warrants special consideration due to unique characteristics and practical difficulties resulting from the historical development patterns. The overlay district concept is discussed in the Comprehensive Plan as a more flexible method of preserving the urban fabric of an area, and to encourage infill development that is compatible with the existing scale and pattern of surrounding properties.
- B. District Boundary: The Downtown Urban Core Overlay District is illustrated on the City of Gloversville Zoning District Map.

§ 300-14.2 Use Regulations.

- A. Uses subject to a special permit:
 - (1) All uses that require a special permit within the underlying zoning district shall be subject to the special use permit application process in accordance with the procedures outlined in Article XVIII:
- B. Uses permitted with site plan review:
 - (1) All uses shall require site plan approval in accordance with the general objectives, requirements and procedures included herein. The site plan review process is to be conducted pursuant §300-14.3 below.
- C. Prohibited uses
 - (1) Uses incompatible with the purpose of the District.
 - (2) Uses considered dangerous, or unsafe.
 - (3) Uses considered objectionable or a nuisance by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter, airborne or water-carried waste or pathogens.
 - (4) Uses considered objectionable by reason of adverse effects on adjoining units.
 - (5) Uses that create risk to personal safety, and/or may be offensive and/or detrimental to nearby property owners or property users.
 - (6) Uses prohibited by any applicable state statute or this chapter.
 - (7) Code Blue Shelter⁶⁸ The Common Council hereby declares its legislative intent is to supersede any provision of local law, rule, or regulation or provision of the Gloversville City Code that is inconsistent with this section, and in cases where there are conflicting standards, procedures or requirements between the underlying zoning district compared with that of the Form-Based Overlay District, those of the overlay district shall be applied except in cases where a proposed use is subject to a special permit. However, in all instances, including a proposed use that is subject to a special permit, prohibited uses codified at section 300-14.2(C) shall be applicable.⁶⁹

⁶⁸ Added 1-1-2021 by Ord. 1-2021

⁶⁹ Added 1-1-2021 by Ord. 1-2021

§ 300-14.3 Form-Based Site Plan Review Procedures.

- A. Objective: In general, the Overlay District site plan review procedures are intended to promote the following objectives:
- (1) To preserve and enhance the unique character of the City of Gloversville;
 - (2) To promote pedestrian access and activity, as well as a general sense of area security;
 - (3) To restore and maintain the role of streets as civic and social spaces, framed by appropriate active urban uses;
 - (4) To encourage economic development and a convenient mix of uses and services; and
 - (5) To support a sense of design context that appropriately relates historic buildings, general façade and window patterns and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.
- B. Procedure: The following site plan review procedure shall apply to proposals for new structures or substantial alterations to existing structures (including accessory structures) located within the Overlay District:
- (1) The applicant shall meet with the Building Inspector, who shall provide application materials for Site Plan Review as well as for a Certificate of Appropriateness in accordance with the requirements of Chapter 166 (Historic Districts). The review process between the Planning Board and the Historic Preservation Review Board will be conducted simultaneously, and the two Boards will establish an efficient line of communication to ensure that the process is as streamlined as possible.
 - (2) Prior to the formal submission of the application, the applicant is advised to have an informal pre-application meeting with the Planning Board to discuss the proposal and clarify application submission requirements.
 - (3) The Planning Board is authorized to waive any of the submittal requirements outlined in Article XVII (Site Plan Review) if the applicant clearly illustrates that the circumstances warrant a waiver.
 - (4) Unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy, no public hearing will be required. IF a public hearing is required, the Planning Board will follow the review and approval procedures outlined in §300-79.
 - (5) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project.
 - (6) Prior to taking action on the Site Plan, the Planning Board shall refer the Site Plan, when applicable, to the Fulton County Planning Department for advisory review and a report in accordance with General Municipal Law §239-m.
 - (7) The Planning Board shall fulfill the requirements of the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and its implementing regulations.
 - (8) Within 62 days from the day the Planning Board determines an application is complete, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.
 - (9) Site plan amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.

§ 300-14.4 Design Standards.

A. General Design Standards:

- (1) All new structures or substantial alterations to existing structures shall comply with the following design requirements. Standards using the verb “shall” are required, “should” is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance, and “may” means that the standard is an optional guideline that is encouraged but not required.⁷⁰
- (2) Building Placement & Form.
 - a) Building facades within a streetscape should align with adjacent buildings.
 - b) The front yard setback for the building of all new construction shall be compatible with neighboring buildings and general site context.
 - c) New buildings shall have a minimum of two (2) stories, and a maximum of five (5) stories.
 - d) The integrity of existing common wall structures/row buildings should be maintained.
 - e) Ground floor non-residential uses such as eating and drinking establishments, retail, service and offices with walk-in clientele should be encouraged.
 - f) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
 - g) A zero or shallow build-to-line shall be required to maintain a continuous street wall and support pedestrian-friendly streets.
 - h) Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
 - i) Buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
 - j) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 30 feet high. Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky. Accent lighting intended to illuminate architectural features or a landscape design element will be reviewed by the Planning Board and allowed if it is considered to be integral to the aesthetic value of the design.
 - k) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade.
 - l) Drive-through facilities shall be located to the rear of the building and must be adequately screened from public streets.
 - m) Landmark or civic buildings, including government buildings, schools, libraries, or places of worship should incorporate pedestrian-oriented places, such as public greens or plazas.
 - n) New additions should be undertaken such that their construction will not impair the original historic form and integrity of the structure and site.
- (3) Architectural Standards.
 - a) The architectural features of a proposed new structures or substantial alteration to an existing structures located within the Overlay District shall be reviewed by the Historic Preservation Review Board in accordance with the procedure outlined in Chapter 166 of Gloversville City Code.
 - b) The Historic Preservation Review Board shall approve, deny or approve with modification the application for the certificate of appropriateness within 20 days from receipt by the Building Inspector of the completed application, and inform the Planning Board of its decision within 5 days.
 - c) Should the Planning Board disagree with the recommendations of the Historic Preservation Review Board, the Planning Board may reverse the decision by a concurring vote of a majority, plus one, of the total voting membership of the Board.

⁷⁰ Design Standards are provided in Schedule C of the Appendices.

B. Streetscape Standards.

- (1) Streetscape elements such as street trees, shrubs, planters, street lighting or other landscaping may be required to enhance the appearance of the streetscape.
- (2) Chain link, vinyl, and solid fencing shall be prohibited. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space.
- (3) For commercial uses, display areas, outdoor dining and seating areas may be provided to enhance street life.
- (4) When required, street trees should be spaced on average 40 feet on center, depending on site conditions. AT the time of planting, street trees shall measure 15 to 20 feet tall, have a minimum caliper of four inches measured at a point 12 inches above the root ball, and have a minimum branching height of eight feet.
- (5) Historically appropriate decorative streetlights, as approved by the Historic Preservation Board, may be required on all frontages within the overlay district. Streetlight spacing should be 75 to 100 feet on center, depending on site conditions.⁷¹
- (6) The property owner shall be responsible for the maintenance and replacement of all required streetscaping that is included as part of an approved site plan.

§ 300-14.5 Street Access & Parking.

- A. All streets should connect to other streets to form a complete circulation network.
- B. Residential lots should be serviced by side streets and alleys where possible to preserve the pedestrian character of the streets.
- C. Vehicle access to parking and service areas should be from an alley wherever feasible.
- D. Overhead garage doors should not be located on the front of buildings, but should face the side or rear of the property. If placement at the property front is unavoidable, such doors should be positioned at least 20 feet behind the plane of the principal building façade, and should not exceed 2 cars per garage, or 10 feet per garage space in width.
- E. Off-street loading, service or storage areas should be located behind buildings or parking structures, enclosed within the principal building envelope, or screened from view from the street right-of-way.
- F. Parking lots should be located to the rear of the building and must be adequately screened from public streets.
- G. The amount of required off-street parking may be reduced by one off-street parking space for every on-street parking space adjacent to the use. The allowable credit toward off-street parking requirements shall be addressed during site plan review. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a property line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.
- H. Shared parking, defined as one or more parking facilities being used jointly by multiple users, shall be allowed. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking Report, shall be employed to demonstrate shared parking effects. There shall be a shared-use agreement between the parties who will be sharing parking filed with the Planning Board.
- I. Remote Parking:
 - (1) All required parking spaces may be located off-site, if the parking area is located within 660 feet from the primary entrance of the use served.
 - (2) Up to 50% of the required parking spaces may be located more than 660 feet off-site, if the parking area is located within 1,320 feet from the primary entrance of the use served.
 - (3) Specifically designated parking spaces for employees may be located off-site up to 2,640 feet from the primary entrance of the use served.
- J. Parking Lot Landscaping.
 - (1) All surface parking lots with frontage on any portion of a street right-of-way (not including an alley) must be screened with a suitable streetwall or continuous hedge between 3.5 and 4.5 feet in height between the street and parking lot.

⁷¹ Amended 11-14-2023 by L.L. No. 13-2023

- (2) Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.
- (3) Breaks for pedestrian and vehicle access are allowed.
- (4) Openings in such street walls and hedges should be no larger than necessary to allow automobile and pedestrian access.
- (5) Street wall materials should be compatible with the adjacent structures and existing building materials.
- (6) Where otherwise not required, the provision of bicycle parking shall be considered.

§ 300-14.6 Additional requirements for home occupations, cottage industry, and cottage retail.

- A. Purpose: The provisions of this section are to help provide peace, quiet and domestic tranquility with all residential neighborhoods while recognizing that a limited mix of uses can be useful to the general community as well as the resident/proprietor.
- B. Requirements.
 - (1) Permitted home occupations, cottage industry, and cottage retail uses operated in any dwelling unit may be operated only if they comply with the following:
 - a. The business use must be incidental to the use of a dwelling unit for residential purposes and must be carried out by a resident of the dwelling unit.
 - b. The dwelling unit must be owner-occupied.
 - c. Only the person or persons who own and occupy the dwelling, and up to two additional persons, shall be employed by the home occupation, cottage industry or cottage retail.
 - d. Adequate parking shall be provided for the owner-occupants and employees and shall conform to the requirements of Article VIII.
 - e. There shall be no outside evidence of the business use, except that one unanimated, unilluminated, flat or window sign having an area of not more than 2 square feet shall be permitted on the street front of the lot on which the building is located.
 - f. No equipment, materials or commercial trucks to be used in conjunction with the business, shall be stored outside the home, unless within a permitted accessory structure.
 - g. No alteration of the residential appearance of premises to accommodate the business use is allowed.
 - h. An existing accessory structure can be used for a home occupation, cottage industry, or cottage retail use provided that there are no exterior modifications and that the use will not change the residential character of the area.
 - i. In no case shall a home occupation, cottage industry or cottage retail business be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m.
 - j. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

§ 300-14.7 Additional requirements for Bed-and-breakfast establishment.

- A. Requirements.
 - (1) Bed-and-breakfast establishments are owner-occupied and are subject to the following conditions:
 - a) Each establishment shall be limited to 10 guest rooms.
 - b) Each establishment must meet all applicable zoning requirements.
 - c) Adequate parking for the residents as well as the expected number of guests shall be located to the rear of the building and shall be buffered from adjacent residential properties.
 - d) A bed-and-breakfast will be permitted only if it is compatible with its immediate neighborhood.
 - e) No building or structure shall be structurally altered, added to, enlarged or converted to a bed and breakfast establishment unless and until a zoning permit for such work has been issued by the Building Inspector. Site Plan Review may be required, should the Building Inspector feel that site constraints, traffic impacts, or other circumstances warrant a more detailed review.

Article V. Industrial Park Zone

§ 300-15. Applicability.

The use regulations and planning and design standards hereinafter set forth shall apply to the Industrial Park Zone described in §300-5 of the Gloversville City Code.

§ 300-16. Purpose.

The standards for planning and design set forth herein are to guide development for sites and buildings within the industrial park, as well as to protect the adjoining areas. These standards are in addition to the other general zoning controls and are adopted to ensure the continuing stability of land values by:

- A. Providing ample, uncongested space and circulation for all lessees or purchasers.
- B. Protecting each lessee or purchaser so that he may obtain maximum convenience, safety, economy, view, identity and amenity in relation to adjacent sites and in relation to the area location as a whole.
- C. Providing maximum flexibility for expansion, changes in use and adaptation to individual needs of the lessee or purchaser.

§ 300-17. Land coverage and building ratio.

The aim of a standard of land coverage is to provide adequate space for access, parking, off-street loading, internal circulation, landscaping and utilities and adequate space protection for light and air, for insulation from noise and vibration and for fire and police protection in relation to adjacent sites.

- A. The total amount of land occupied for all principal and accessory structures shall not exceed 25% of the lot area.
- B. The ratio of floor space to lot area shall not exceed 1.0:1.0.

§ 300-18. Open space requirements.

- A. The purpose of open space and setback requirements is to provide necessary protection for light, air, noise insulation, fire and other safety from building to building and, in addition, to ensure amenity and individual identity for each building user and to eliminate congestion.
- B. Setback and open space requirements should, however, be applied without creating monotony and the kind of lessee or purchaser.
- C. No parking, paving, outdoor storage or truck maneuvering areas will be allowed on open space setback areas, except that driveways and access routes onto a property may be paved.⁷²
- D. Of primary importance is the open space between major highways and buildings and between buildings. Setbacks shall be as follows:

Type of Area	Required Building Minimum Setback (fee)
Front Yard	30
Side Yard	20
Rear Yard	30
Exterior Boundary	50

⁷² Amended 7-28-1992 by L.L. No. 3-1992

§ 300-19. Off-street parking and loading facilities.

All parking and loading shall be provided on the site, with on-street parking and loading not permitted. Parking and loading areas are to be paved to provide dust-free, all-weather surfaces. To ensure adequate overall parking facilities, space for parking should be related to both the size of the building and the number of expected employees. In addition, adequate space must be allocated to permit the expansion of parking areas upon conversion of use.

- A. Parking spaces with 25 feet of rear maneuvering space, shall be provided as follows: one space for each 1.5 employees, computed on the basis of combined employment of the largest and second largest shifts; or one space for each 3,000 square feet of gross floor area used for warehousing; or one space for each 1,000 square feet of gross floor area used for manufacturing, plus one space for each company-owned truck or vehicle, plus one visitor parking space for each 1,000 square feet of office space.
- B. All loading docks shall be properly screened from access roads, highways and boundary property.
 - (1) There shall be one truck loading space for the first 10,000 feet of floor space and one more for each succeeding 20,000 feet of floor space.
 - (2) The truck loading minimum space shall be as follows:
 - a) Minimum width of 14 feet.
 - b) Minimum depth of 48 feet.
 - c) A clear overhead of 14 feet.
 - d) Plus maneuvering space (105 feet by 14 feet in front of the dock).
 - e) Minimum of 35 feet of inside turning radius.

§ 300-20. Building design and landscape treatment.

The architecture and quality of materials of buildings shall be passed upon by the City of Gloversville Planning Board, so that all buildings, including those adjoining the highways, will enhance the prestige of the park.

- A. Height of structures: three stories or 35 feet.
- B. Signs. No billboards or advertising signs, other than those identifying businesses and products, will be permitted. The location, size and construction of such signs will be in keeping with the character of the industrial park and will be passed upon by the City of Gloversville Planning Board.
- C. Outside storage. All bulk commodities shall be confined to screened locations approved by the City of Gloversville Planning Board.
- D. Grading requirement.
 - (1) Paved areas.
 - a) Roads: maximum grade, 3%.
 - b) Parking areas: maximum grade, 3%.
 - (2) Seeded landscaped areas: maximum slope, 3:1.
- E. Landscape treatment. The appropriateness and quality of materials and their location for aesthetic and safety concerns shall be passed upon by the City of Gloversville Planning Board.
 - (1) All sites shall be attractively landscaped.
 - (2) Planting requirements per two acres (unless existing vegetation is equal) shall be as follows:
 - a) Ten trees, minimum two-inch caliper.
 - b) Thirty shrubs, minimum two and one-half (2½) feet of height or spread.
 - (3) Trees may be substituted for shrubs or shrubs may be substituted for trees, but in no case shall more than 25% of the required number of substituted and only with the approval of the City of Gloversville Planning Board.
 - (4) All disturbed areas not paved shall be loamed and seeded.

§ 300-21. Permitted uses.

- A. There are no uses permitted by right within the Industrial Park Zone.
- B. Uses subject to site plan review shall include all types of office and industrial activities, otherwise permitted by this chapter, employing people, except:
 - (1) Uses considered dangerous or unsafe, such as explosives.
 - (2) Uses considered objectionable or a nuisance by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter or water-carried waste.
 - (3) Uses considered objectionable by reason of adverse effects on adjoining units, such as junk or salvage yards.
 - (4) Warehouses, unless as an accessory use to an industrial or manufacturing use.
 - (5) Junkyards or automobile wrecking yards, scrap iron, scrap paper or rag storage.
 - (6) Residence buildings and dwellings.
 - (7) The keeping, storing, maintaining or pasturing of horses.

Article VI. Crossroads Industrial Park Zone

§ 300-22. Applicability.

The use regulations and planning and design standards hereinafter set forth shall apply to the Crossroads Industrial Park Zone, described in §300-5 of this chapter.

§ 300-23. Purpose.

The standards for planning and design set forth herein are to guide development for sites and buildings within the Crossroads Industrial Park, as well as to promote the adjoining areas. These standards are in addition to the other general zoning controls and are adopted to ensure the continuing stability of land values by:

- A. Providing ample, uncongested space and circulation for all lessees or purchasers.
- B. Protecting each lessee or purchaser so that he may obtain maximum convenience, safety, economy, view, identity and amenity in relation to adjacent sites and in relation to the area location as a whole.
- C. Providing maximum flexibility for expansion, changes in use and adaptation to individual needs of the lessee or purchaser.

§ 300-24. Land coverage and building ratio.

The aim of a standard of land coverage is to provide adequate space for access parking, off-street loading, internal circulation, landscaping and utilities and adequate space protection for light and air, for insulation from noise and vibration and for fire and police protection in relation to adjacent sites.

- A. The total amount of land occupied for all principal and accessory structures shall not exceed 35% of the lot area, unless a greater amount is approved by the City Building Inspector, but in no event shall the total amount of land occupied for all principal and accessory structures exceed 50% of the lot area. The City Building Inspector, in marking this determination, shall consider such factors as drainage, topography, utility placement, parking and landscaping.⁷³
- B. The ratio of floor space to lot area shall not exceed 1.0:1.0.

§ 300-25. Open space requirements.

- A. The purpose of open space and setback requirements is to provide necessary protection for light, air, noise insulation, fire and other safety from building to building and, in addition, to ensure amenity and individual identity for each building user and to eliminate congestion.
- B. Setback and open space requirements should, however, be applied without creating monotony and the kind of uniformity that will reduce or deprive identity for each lessee or purchaser.
- C. No parking, paving, outdoor storage or truck maneuvering areas will be allowed on open space setback areas, except that driveways and access routes onto a property may be paved.⁷⁴

⁷³ Amended 11-14-2023 by L.L. No. 13-2023

⁷⁴ Amended 7-28-1992 by L.L. No. 3-1992

- D. Of primary importance is the open space between major highways and buildings and between buildings. Setbacks shall be as follows:

Type of Area	Required Building Minimum Setback (fee)
Front Yard	30
Side Yard	20
Rear Yard	30
Exterior Boundary	50

§ 300-26. Off-street parking and loading facilities.

All parking and loading shall be provided on the site, with on-street parking and loading not permitted. Parking and loading areas are to be paved to provide dust-free, all-weather surfaces. To ensure adequate overall parking facilities, space for parking should be related to both the size of the building and the number of expected employees. In addition, adequate space must be allocated to permit the expansion of parking areas upon conversion of use.

- A. Parking spaces with 25 feet of rear maneuvering space, shall be provided as follows: one space for each 1.5 employees, computed on the basis of combined employment of the largest and second largest shifts; or one space for each 3,000 square feet of gross floor area used for warehousing; or one space for each 1,000 square feet of gross floor area used for manufacturing, plus one space for each company-owned truck or vehicle, plus one visitor parking space for each 1,000 square feet of office space. In addition, handicapped parking shall be provided as required by law.
- B. All loading docks shall meet the following standards:
- (1) There shall be one truck loading space for the first 10,000 feet of floor space and one more for each succeeding 20,000 feet of floor space.
 - (2) The truck loading minimum space shall be as follows:
 - a. Minimum width of 14 feet.
 - b. Minimum depth of 48 feet.
 - c. A clear overhead of 14 feet.
 - d. Minimum of 35 feet of inside turning radius.

§ 300-27. Building design and landscaping.

The architecture and quality of materials of buildings shall be passed upon by the City of Gloversville Planning Board so that all buildings, including those adjoining the highways, will enhance the prestige of the park.

- A. The maximum height of structures shall be three stories or 50 feet.
- B. Signs. No billboards or advertising signs, other than those identifying businesses and products, shall be permitted. The location, size and construction of such signs will be in keeping with the character of the Crossroads Industrial Park and shall be approved upon by the City of Gloversville Planning Board.
- C. Outside storage. All bulk commodities shall be confined to screened locations approved by the City of Gloversville Planning Board.
- D. Grading requirements are as follows:
- (1) Paved areas.
 - (a) Roads: maximum grade, 6%.
 - (b) Parking areas: maximum grade, 4%.
 - (2) Seeded landscaped areas: maximum slope, 3:12.
- E. Landscape treatment. The appropriateness and quality of materials and their location for aesthetic and safety concerns shall be passed upon by the City of Gloversville Planning Board.
- (1) All sites shall be attractively landscaped.

- (2) Planting requirements per two acres (unless existing vegetation is equal) shall be as follows:
 - (a) Ten trees, minimum two-inch caliper.
 - (b) Thirty shrubs, minimum two and one-half (2½) feet in height or spread
- (3) Trees may be substituted for shrubs or shrubs may be substituted for trees, but in no case shall more than 25% of the required number be substituted and only with the approval of the City of Gloversville Planning Board.
- (4) All disturbed areas not paved shall be loamed and seeded.

§ 300-28. Permitted uses.

- A. There are no uses permitted by right within the Crossroads Industrial Park Zone.
- B. Uses subject to site plan review shall include all types of office industrial activities, otherwise permitted by this chapter, employing people, except:
 - (1) Uses considered dangerous or unsafe, such as explosives.
 - (2) Uses considered objectionable or a nuisance by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter or water-carried waste.
 - (3) Uses considered objectionable by reason of adverse effects on adjoining units, such as junk or salvage yards.
 - (4) Junkyards or automobile wrecking yards, scrap iron, scrap paper or rage storage.
 - (5) Residence buildings and dwellings.
 - (6) The keeping, storing, maintaining or pasturing of horses and other animals.

Article VII. Lot and Building Requirements

§ 300-29. Schedule A.

- A. Regulations governing lot area and lot width, front, side and rear yards; building coverage; and building height for all new and existing buildings is as specified in Schedule A.⁷⁵⁷⁶
- B. The regulations appearing in Schedule A may be modified by the Planning Board during the site plan or special permit review process as needed.

§ 300-30. Additional area regulations.

- A. Lots of less than required dimensions.
 - (1) Any lot with an area or a width less than that required in the district in which said lot is located may be used for any purpose permitted in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this chapter and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.
 - (2) In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of less width than 24 feet, the Board of Appeals shall determine and fix yard and coverage requirements for said lot to permit its reasonable utilization for a permitted use.
- B. Reduction of lot area. No lot area shall be reduced below the district requirements of this chapter.
- C. Corner lot. All corner lots in every district shall provide a front and rear yard which is designated by the owner in his application for a zoning permit. A side yard along a street shall be a minimum of 15 feet. Nothing in this regulation shall be so interpreted as to reduce the building width of a corner lot, facing an intersecting street and of record at the time of the passage of this chapter, to less than 24 feet.
- D. Visibility at street corners. On a corner lot in any district where a front yard is required, no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct the visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines.
- E. Front yard exceptions. The front yard of all buildings and structures hereafter constructed within a residence district shall be not less than the average front yard of all buildings in the block for a distance of 300 feet on each side of such building. An adjacent vacant lot shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.
- F. Transition yard requirement.
 - (1) Where two districts abut on the same street between two intersecting streets and where the front yard requirements of the less restricted district are less than those of the more restricted district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to that of the less restricted district requirement plus one-half (1/2) the difference between the front yard requirements of the less restricted district and the more restricted district.
 - (2) Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there

⁷⁵ Amended 5-22-2007 by Ord. No. 3-2007

⁷⁶ Schedule A is located in the Appendices

shall be provided along such abutting line or lines a side or rear yard equal in depth to that required in the district or in the more restricted district, whichever is greater.

G. Projecting architectural features, terraces, porches and fire escapes.

- (1) The space in any required yard shall be open and unobstructed except for the ordinary projections of windowsills, belt courses, cornices, eaves and other architectural features; provided, however, that such features shall not project more than two feet into any required yards.
- (2) A deck or paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such deck, porch or paved terrace is unroofed and without walls, parapets or other form of enclosure exceeding six feet in height.⁷⁷
- (3) In determining the percentage of building coverage or the size of yards for the purpose of this chapter, enclosed porches, or porches open at the side but roofed, shall be considered part of the building.
- (4) An open stairway or fire escape may extend into any required yard not more than six feet; provided that such fire escape shall not be closer than four feet at any point to any lot line.
- (5) Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six feet.
- (6) Pools. A pool shall not be considered an accessory structure, but shall be considered accessory equipment and shall only be placed in side or rear lots. A pool shall maintain a five-foot setback from side and rear property lines and, in the case of a corner lot, shall be placed no closer to the side property than the principal building would be allowed in that particular district. A pool shall also maintain a five-foot setback from any primary or accessory building.⁷⁸

H. Walls, fences and hedges.

- (1) The yard requirements of this chapter shall not prohibit any necessary retaining wall or any fence, wall or hedge, provided that in any residence district no fence or wall shall exceed four feet in height for any front yard or six feet in height in any side or rear yard, and in any commercial or industrial district, no fence or wall shall exceed four feet in height for any front yard or eight feet in height in any side or rear yard, and provided further that such fence or wall shall be no closer to any front line or any public right-of-way than two feet and shall comply with visibility at street corners as provided in §300-30D above.⁷⁹
- (2) It shall be unlawful for any owner, operator or occupant to allow or permit an electric or barbed wire fence to be installed, erected or maintained in the City of Gloversville.

I. All vehicles located on a motor vehicle sales lot or yard must maintain a five-foot setback from any public right-of-way, and no vehicle shall be placed in the visibility triangle provided in Subsection D above.

J. A maximum of 65% of any lot may be under a hard surface (roof and/or pavement). This may be increased to 75% under a hard surface with the installation of a stormwater collection and removal system previously approved by the City Building Inspector. As proposed increase in hard surface above 75% shall be subject to a special permit review by the Planning Board.⁸⁰

§ 300-31. Additional height requirements.

A. Chimneys, spires, etc. The height limitations of this chapter shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; or to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; or to flagpoles, monuments, transmission towers and cable, radio and television antenna or towers or satellite dishes and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever

⁷⁷ Amended 10-26-2004 by Ord. 10-2004

⁷⁸ Amended 9-27-1993 by L.L. No. 1-1993

⁷⁹ Amended 9-27-1993 by L.L. No. 1-1993

⁸⁰ Added 5-22-2007 by Ord No. 3-2007; Amended 11-14-2023 by L.L. No. 13-2023

shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.⁸¹

- B. Through lots. On through lots 120 feet or less in depth, the height of a building may be measured from the grade of either street. On through lots more than 120 feet deep, the height regulations and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than 120 feet from that street.

§ 300-32. Accessory structures and equipment.

- A. Accessory structures in residence districts.
 - (1) Number. There shall be not more than two accessory structures on each zone lot intended or used for residential purposes, except that dwelling groups and large-scale developments shall not be subject to the provisions of this section.
 - (2) Height. The maximum height of accessory structures shall be 18 feet. Any proposed accessory structure exceeding 18 feet in height shall be subject to a site plan review by the Planning Board.⁸²
 - (3) Location. Accessory structures may be erected in accordance with the following requirements:
 - (a) Within the rear yard, at least three feet from the side and rear lot lines, except when abutting an alley, then 1 feet from the lot line.
 - (b) For a corner lot abutting two streets, depending upon the orientation of the principal structure, no accessory structure shall project beyond the minimum front or rear yard setback requirements of the lot, or nearer to the street than the principal structure.
 - (c) Not closer to a principal building than 10 feet.
 - (d) Accessory structures in commercial and manufacturing districts shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than 10 feet.
- B. Any accessory structure, including temporary accessory structures that are 100 square feet or more in size, shall require a zoning permit to regulate location and the number of such structures on a given lot.
- C. No more than one temporary accessory structure shall be erected on a lot that is already occupied by one permanent accessory structure.
- D. For the purposes of this section, an R-C District is to be considered a residence district.
- E. Accessory equipment.
 - (1) Satellite dishes.
 - (a) Freestanding satellite dish shall be located within the in the side or rear yard at least three feet from the side and rear lot lines.
 - (b) Satellite dishes attached to buildings shall not face a public right-of-way.
 - (c) Dishes attached to buildings shall not project more than four feet beyond building lines over sidewalk areas and be maintained at a height no less than seven feet six inches over sidewalk areas.
 - (2) Solar Energy Equipment & Systems in any Residential or Commercial District.
 - (a) Utility-scale solar collector systems are not permitted within any Residential district.
 - (b) Rooftop-mounted solar systems for personal use shall be allowed as of right in non-historic districts, provided that panels do not extend past the roofline. Placement of solar collectors on a gabled, hipped or mansard roof shall be mounted parallel to and no more than 12 inches from the roof surface.
 - (c) Installation in designated Historic Districts shall require a Certificate of Appropriateness from the Historic Preservation Review Board.
 - (d) Solar energy equipment shall be located in a manner to minimize view blockage for surrounding

⁸¹ Amended 8-26-1997 by L.L. No. 7-1997

⁸² Amended 7-28-1992 by L.L. No. 3-1992

properties and shading of property to the north, while still providing adequate solar access for collectors.

- (e) The solar collectors shall not emit unreasonable glare and negatively impact adjacent properties.
- (f) Freestanding or ground-mounted solar energy systems for personal use shall be located within the in the side or rear yard at least three feet from the side and rear lot lines.
- (g) The height and the total surface area of all freestanding or ground-mounted solar collectors on the lot shall require approval from Planning staff prior to the issuance of building permits and take into account potential impacts on neighboring properties. If denied, the Building Inspector shall issue a letter of denial, and the applicant may appeal this decision to the Board of Zoning Appeals.
- (h) If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.

Article VIII. Off-Street Parking and Loading

§ 300-33. Off-street parking.

- A. Any residential building shall be required to have one off-street parking space available for each residential unit. All buildings for commercial, industrial, or manufacturing use shall not be subject to any mandatory minimum off-street parking spaces and shall be subject to the discretion of the Gloversville Planning Board as set forth in subsection (C) herein.^{83 84}
- B. Each off-street space shall consist of at least 162 square feet, with a minimum width of 9 feet and a length of 18 feet for a perpendicular parking space, and 198 square feet (9 x 22) for a parallel parking space. Backup and maneuvering aisles between rows of parking spaces shall be at least 24 feet wide, except where the Planning Board approves a lesser dimension as adequate to serve parking space arranged at less than a ninety-degree angle and/or where landscaped areas replace parking spaces and a narrower aisle will function as required for one or two-way traffic.
- C. During the site plan review process, with respect to off-street parking, the Planning Board shall take into account the proposed use, pedestrian accessibility and other reasonable indications that the amount of parking is adequate to meet estimated parking needs.⁸⁵
- D. The following parking requirements shall apply to all districts, except as otherwise provided for the Industrial Park Zone, Crossroads Industrial Park Zone, and Crossroads Park Zone in §300-19, §300-26 and §300-98.
 - (1) For a mixed use establishment, parking spaces shall be required for each use.
 - (2) Required parking space for residential uses shall be located in the side or rear back of the building setback line and on the same lot or tract as the principal use. Parking spaces required for other uses may be located within 200 feet of the principal use, subject to the approval of the Planning Board.
 - (3) Floor areas for the purpose of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.
 - (4) All surface parking lots for more than five vehicles with frontage on any portion of a street right-of-way (not including an alley) shall be effectively screened on each side as follows:
 - (a) A minimum 6-foot wide, landscaped area with a continuous row of shrubs must be provided between the street and parking lot.
 - (b) Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within 3 years of planting.
 - (c) Where appropriate, a 36-inch masonry wall with a 3-foot planting strip may be substituted for the continuous row of shrubs.
 - (d) Breaks for pedestrian and vehicle access are allowed.
 - (e) All plantings shall be maintained in a vigorous growing condition throughout the duration of the use, and plants not so maintained shall be replaced with new plants at the beginning of the growing season.
 - (5) Every off-street parking area and access driveways thereto shall have a durable and dustless surface, i.e., blacktop, concrete or pavers appropriate for such a use, and shall be so graded and drained as to dispose of all surface water accumulation on site or through storm drains connected to public storm sewers.⁸⁶
 - (6) Any fixture used to illuminate any off-street parking area shall be so arranged as to direct the light away from adjoining premises used for residential purposes or situated in any R Residence District.

⁸³ Amended 7-28-1992 by L.L. No. 3-1992; Amended 10-13-2020 by Ord. 10-2020

⁸⁴ Schedule B is located in the Appendices

⁸⁵ Amended 10/13/2020 by Ordinance 10-2020

⁸⁶ Amended 5-22-2007 by Ord. No. 3-2007

The intensity of lighting shall not be such as to interfere unreasonably with any such premise.

- (7) Access to and from public streets shall be subject to approval by the City Building Inspector.⁸⁷
 - (8) Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the requirements of this subsection and shall be considered in the application thereof as the equivalent of a parking area for more than five vehicles.
 - (9) Required parking areas in the side and rear yard shall be of a sufficient size to allow for backup and turning space for all vehicles. Any vehicle behind vehicle parking shall not be permitted for required new or converted residential premises unless said premises is a single-family dwelling or so approved by the Planning Board through the special permit process.⁸⁸
- E. Upon recommendation of the City Building Inspector, the Planning Board may waive any or all of the foregoing off-street parking requirements.

§ 300-34. Loading and Delivery Areas.

- A. Adequate provision for safe and accessible loading and delivery areas shall be provided to avoid obstruction of the public right-of-way, and long-term obstruction of public on-street parking areas during peak parking demand times for the neighborhood. Loading and delivery areas may be shared between nearby uses, and the need for off-street loading areas shall be determined by the Planning Board on a case-by-case basis depending upon the number of expected deliveries per day.
- B. Off-street loading standards for the Industrial Park Zone, Crossroads Industrial Park Zone, and Crossroads Park Zone are specified in §300-19, §300-26 and §300-98.
- C. When provided, each facility shall be subject to the following minimum requirements:
 - (1) Each berth shall be not less than 12 feet wide, 33 feet long and 14 feet in height when covered.
 - (2) Space for such berth may occupy any part of any required side or rear yard, except that no such berth shall be located closer than 100 feet to any lot in any residence district unless wholly within a completely enclosed building.

§ 300-35. Community garages in residence districts.⁸⁹

The City Planning Board may allow in any R-1 Residence District, R-C Residence-Commercial District or C Commercial District a community garage that shall conform to the requirements for accessory uses and structures in the district in which it is constructed and to the requirements for off-street parking listed in §300-19 above.

⁸⁷ Amended 11-14-2023 by L.L. No. 13-2023

⁸⁸ Added 5-22-2007 by Ord. No. 3-2007

⁸⁹ Amended 7-28-1992 by L.L. No. 3-1992

Article IX. Planned Unit Development

§ 300-36. Purpose and objectives.

The purpose of the planned unit development (PUD) regulations are to encourage flexibility in the design and development of land in order to promote its most appropriate use, to facilitate the adequate and economical provisions of streets and utilities and to preserve the natural and scenic qualities of open space. In order to realize the purpose of this Article, a planned unit development shall achieve the following objectives:

- A. To provide a maximum choice of housing environment and type, occupancy, tenure (e.g., cooperatives, individual ownership, condominium, leasing), lot sizes and common facilities.
- B. To provide more usable open space and recreation areas.
- C. To provide a development pattern which preserves natural topography and geologic features, scenic vistas and trees and prevents the disruption of natural drainage patterns?
- D. To provide an efficient use of land resulting in similar networks of utilities and streets.
- E. To provide a development pattern in harmony with the land use intensity, transportation facilities and community facilities objectives of the Master Plan.

§ 300-37. General requirements.

- A. A planned unit development can be proposed in all R-1 and R-C Districts.⁹⁰
- B. The minimum project area for a planned unit development shall be 25 contiguous acres of land. The Planning Board may consider projects of lesser acreage if the applicant can demonstrate that the characteristics of his holdings meet the purpose and objectives of this Article.
- C. The land for a planned unit development shall be owned either by a single person or corporation or by a group of individuals or corporations. The approved project plan shall be binding on the project land and owners.
- D. A planned unit development shall be for residential developments only. Customary accessory uses, such as private garages, storage spaces and recreational and community activity centers, shall be permitted.
- E. The planned unit development shall result in a permitted number of building plots or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of this chapter applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.
- F. A common area in a planned unit development is property, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the planned development unit. Common areas shall comprise a minimum of 25% of the total land area of all planned unit developments. Such common areas shall be either public or private. Common areas maintained privately shall be covenanted, subject to the review and approval of the City Planning Board, to insure that such areas shall not be utilized for future building sites and also to insure that said lands shall be maintained in a manner specified in the covenant. In the computation and determination of common areas, lands shall be of such location and configuration that they shall adequately serve and be accessible to all building sites within the planned unit development and comprise lands that are suitable

⁹⁰ Amended 7-28-1992 by L.L. No. 3-1992.

for open space use.

- G. The planned unit development shall comply with all applicable provisions of the city's subdivision regulations, except as modified herein.

§ 300-38. Application.

An application for a planned unit development shall be submitted to the City Planning Board in accordance with procedures outlined in the city's subdivision regulations. In addition, the applicant will be required to submit the following information:

- A. A map, drawn to scale, showing the number, size and type of dwelling units proposed as well as open areas. This description shall include a calculation of the land use intensities pursuant to §300-37 of this Article.
- B. A written description of how common areas shall be owned, administered and maintained.
- C. If the planned development unit is to be staged, a clear indication of how the staging is to proceed.
- D. A completed environmental assessment, with a determination of the environmental significance of the proposed development, as it pertains to the State Environmental Quality Review Act (SEQR).⁹¹

§ 300-39. Planning Board review.

When considering an application for planned unit development, the Planning Board shall review the subdivision proposal in accordance with guidelines established in the city's subdivision regulations. In addition, the planned unit development proposal shall meet the following criteria:

- A. Satisfy the objectives of §300-36 of this Article.
- B. Comply with all of the general requirements outlined in §300-37 of this Article.
- C. Demonstrate that the proposal is conceptually sound in that it meets a community need and conforms to accepted design principles in the proposed roadway system, land use configuration, open space system and drainage system.
- D. Demonstrate that there are adequate services and utilities available or proposed to be made available in the construction of the development.

⁹¹ Please refer to Article 8 of the Environmental Conservation Law.

Article X. Signs

§ 300-40. Definitions and word usage.

The following signs and situations will be subject to the provisions of this article. As used in this article, the following terms shall have the meanings indicated:⁹²

ADVERTISING SIGN: A sign which directs attention to a business, commodity, service, entertainment or profession conducted upon the premises. A “for sale” or “to let” sign relating to the property on which it is displayed shall be deemed a “business sign.”

APPENDAGES: Any physical or structural additions or enlargements to an existing sign.

AWNING SIGN: Any sign painted or sewn directly on a roof-like covering of fabric, metal, vinyl, etc., that is mounted on the exterior of a building and located over a window or door.

BANNER SIGN: Any sign constructed of fabric or other flexible material. Pennants and flags (excluding the American flag) are considered to be banner signs.

BARN OR YARD SALE SIGN: Any sign advertising a barn or yard sale.

BUSINESS DEVELOPMENT SIGN: Any sign located at the entrance to a commercial development that identifies the development name and/or individual businesses located in that development.

BUSINESS SIGN: Any sign advertising or identifying a business or directs attention to a business, commodity, service, entertainment or profession conducted upon the premises. A “for sale” or “to let” sign relating to the property on which it is displayed shall be deemed a “business sign”.

CONSTRUCTION/HOME IMPROVEMENT SIGN: Any sign that advertises or informs the public of businesses that are working on the premises.

DIRECTIONAL SIGN: A sign limited to providing information on the location of any activity, business or event.

FREESTANDING SIGN: Any sign structurally separate from a building that is attached to or part of a self-supporting structure.

HISTORIC PLAQUES AND BUILDING MARKERS: A sign whose purpose is to indicate some significant fact about a site or building, or to identify a building for historic purposes rather than commercial purposes.

ILLUMINATED SIGN: Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, including reflective and phosphorescent light.

INCIDENTAL SIGN: An informational sign such as “no parking”, “entrance”, “exit” or “additional parking in the rear” that has a purpose other than identifying the occupancy or use of the site. No sign with a commercial message shall be considered incidental.

MULTIFLOOR/MULTITENANT INDUSTRIAL STYLE BUILDING: Any commercial building with more than one floor and/or more than one tenant.

⁹² Amended 4-25-1995 by L.L. No. 4-1995; 7-28-1992 by L.L. 3-1992; 8-26-1997 by L.L. No. 7-1997

NEIGHBORHOOD IDENTIFICATION SIGN: Any sign located at the entrance to a residential development that identifies the development name and/or individual residents.

OFF-PREMISES SIGN: Any sign which announces, advertises or gives directions to a business, commodity, service, activity or person occupying the premises, available on the lot or in the building where the sign is located.

POLITICAL SIGN: Any sign that advertises a candidate for election to a public office or that relates to a referendum or to a religious, philosophical or political position.

PORTABLE SIGN: Any freestanding sign not permanently affixed, anchored or secured to the ground, or any sign designed to be transported.

PRODUCT SIGN: Any sign that directly or indirectly names, advertises or calls attention to a business, product, service, sale, logo, trademark or other commercial activity which is not the actual name of the business. Logos of national chains are considered to be produce signs.

PROFESSIONAL/HOME OCCUPATION SIGN: Any sign that announces a home-based business located on that site.

PROJECTING SIGN: Any sign supported by a building wall that is to be attached perpendicularly or at an angle to the wall on which it is mounted.

PUBLIC SERVICE SIGN: Any sign placed by a governmental entity.

REAL ESTATE SIGN: Any temporary sign that is placed upon property for the purpose of advertising the sale or lease of that property.

REPRESENTATION SIGN: A three-dimensional sign built so as to physically represent the object advertised.

RESIDENTIAL MARKER SIGN: Any sign that identifies the name of the residential premises on which the sign is located and/or the name and address of the residents.

RESIDENTIAL-STYLE COMMERCIAL BUILDING: Any building that is being used for commercial purposes that was built as a residential building or built to look like a residential building.

ROOF SIGN: Any sign which extend wholly or in part above exterior walls or which is located in front of or on any roof surface.

SEASONAL SIGN: Any sign that promotes, announces or advertises a seasonal business.

SIGN: Any permanent or temporary material, structure, light, letter, word, representation, insignia, model, banner, pennant, declaration, demonstration, illustration, flag (excluding the American flag) or device or part thereof displaying an advertisement, announcement, notice or names used to convey information, advertise, promote the interests of any person or business or cause, or attract the attention of the public when placed in view of the general populace.

SIGN DIRECTORY: A listing of two or more business enterprises, consisting of a matrix and sign components.

SIGN STRUCTURE: The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides where the angles formed between any two of the sides or the projections thereof exceed 30°, each side shall be considered a separate sign structure.

SIGN SURFACE AREA: The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting the sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of the double-faced sign shall be included as surface or area of such a sign.

SPECIAL EVENT SIGN: Any temporary sign that advertises for a cultural or nonprofit event.

STREET FURNITURE SIGN: Any sign painted on, incorporated in or affixed to street furniture. Benches, waste receptacles and umbrellas are examples of street furniture.

STRIP MALL STYLE BUILDING: A multiunit, single-floor commercial building with a separate entrance for each tenant.

SUPPORTS: The material with which the sign is attached to a building or placed in the ground that keeps the sign in place.

SYMBOL SIGN: A three-dimensional representation of a produce or service.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted. Posters, construction signs, seasonal business signs, real estate signs, barn or yard sale signs, special event signs, political signs and the Main Street banners are all considered to be temporary signs. Hand-held signs are excluded.

VENDING MACHINE SIGN: Any sign displayed on or as part of a vending machine.

WALL SIGN: Any sign painted on, incorporated in or affixed to a building wall and parallel to it.

WINDOW SIGN: Any sign that is placed inside or upon a window and visible from the outside.

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency or of any civic, charitable, religious, patriotic, fraternal or similar organization.

§ 300-41. Compliance required.

The size, type and location of any sign or advertising device shall be in accordance with the following regulations in §300-42 through 300-44.4 below.

§ 300-42. Signs in R-1 and R-1A Districts.

The following sign regulations shall apply in the R-1 and R-1A Districts:⁹³

- A. Nameplate and identification signs indicating the name and address of the occupant or permitted home occupation in any residence shall be permitted, provided that such sign shall not exceed two square feet in area and shall not emit any flashing or intermittent illumination.
- B. Business pertaining only to a legal nonconforming use of the premises on which they are located shall be permitted, provided that such signs shall not exceed 20 square feet in area and shall not emit any flashing or intermittent illumination.
- C. Temporary signs advertising the sale, rental, construction or improvement of the premises on which they are located shall be permitted, provided that such signs shall not exceed six square feet and shall not be illuminated, and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply.
- D. Signs advertising functions, uses, products or services not pertaining to the premises on which they are located, and mobile advertising or distracting devices, shall not be permitted in District.

⁹³ Amended 11-14-2023 by L.L. No. 13-2023

§ 300-43. Signs in R-C and C Districts.

The following sign regulations shall apply in the R-C and C Districts:

- A. Signs permitted in the R-1 and R-1A Residence Districts shall be permitted.
- B. Business signs pertaining only to a permitted use, produce or service on the premises on which they are located shall be permitted, provided that the aggregate area of all signs on the premises shall not be greater than three square feet for each foot of frontage actually occupied by such use, but not exceeding 200 square feet of aggregate sign area. Signs may be permitted in excess of 200 square feet of aggregate sign area if the Planning Board feels that the circumstances are warranted.
- C. Temporary signs advertising the sale or rental or construction or improvement of the premises on which they are located shall be permitted, provided that such signs shall not exceed 10 square feet in area and shall promptly be removed by the property owner when the circumstances leading to their erection no longer apply.
- D. Signs advertising functions, uses, products or services not pertaining to the premises on which they are located shall not be permitted in any C Commercial District.
- E. Directional signs up to two square feet in size, per face, are permitted in a C Commercial District, provided that the total area of all such signs shall not exceed eight square feet per establishment.

§ 300-44. Signs in M-1 Districts.

The following sign regulations shall apply in the M1 District:⁹⁴

- A. Signs permitted in R-C and C Commercial Districts shall be permitted.
- B. Signs pertaining to functions, uses, products or services, whether or not pertaining to the premises on which they are located, shall be permitted, provided that such signs shall not exceed 300 square feet in area and shall not direct any source of illumination toward any public street or adjacent residential property.
- C. Temporary signs advertising the sale or rental or construction or improvement of the premises on which they are located shall be permitted, provided that such signs shall not exceed 100 square feet in area and shall be promptly removed by the property owner when the circumstances leading to their erection no longer apply.

§ 300-44.1. General requirements.

- A. Signs shall be constructed of durable materials and shall be maintained in good condition. Signs which are permitted to deteriorate shall be removed upon direction of the City Building Inspector following notification to the owner.⁹⁵
- B. No sign attached to a building shall project more than four feet beyond building lines over sidewalk areas.
- C. No sign shall be located higher than the building to which it is attached.

⁹⁴ Amended 11-14-2023 by L.L. No. 13-2023

⁹⁵ Amended 11-14-2023 by L.L. No. 13-2023

- D. No sign shall be erected which, in the opinion of the City Building Inspector may cause hazardous or unsafe conditions. Such signs shall be removed upon direction of the City Building Inspector following notification to the owner.
- E. No sign shall have a source of illumination directed toward a public street or adjacent property.
- F. No billboard or outdoor advertising sign shall be permitted which faces the front or side lot line of any residential district within 100 feet of such lot line, or which visibly faces any public parkway, public square or entrance to any public park, church or similar institution within 300 feet thereof.
- G. All signs to be located in one of the city's historic districts shall also be subject to the rules and regulations of the Historic District Signs Chapter of the City of Gloversville Code.
- H. No sign or other structure over the sidewalk except movable awnings shall be erected or maintained at a height of less than seven feet six inches in the clear above the sidewalk and the outer extremity of such structure, except that a marquee or a sign over a marquee shall not extend beyond a point nearer than 12 inches to a line perpendicular to the outside curb line.
- I. A flashing or intermittent, rotating or moving light located within six feet of a window or door and directly visible from the public right-of-way shall be deemed a sign and regulated as such.
- J. Representational signs shall not project in any direction more than four feet beyond the principal structure to which they are attached and shall not exceed 15 square feet. Only one such sign per establishment shall be permitted, with the area of such sign structure included within the total sign area permitted.
- K. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature, or barber poles.
- L. No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color or placement. No sign shall impair visibility for a motorist at a street corner or intersection.
- M. Only temporary signs shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
- N. Portable signs. A new business or a business in a new location awaiting installation of a permanent sign may utilize a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such portable sign must meet all the construction standards of the municipality. A separate permit for such a sign shall be required.
- O. No streamers, banners, flags, spinners, balloons or strings of lights are permitted on permanent signs for purposes of advertising.
 - (1) One "open" flag will be permitted for businesses.
 - (2) Decorative flags will be permitted on residences.
- P. Multi-occupancy buildings may have two signs on each street it fronts:
 - (1) A sign denoting or identifying the building by address or name.
 - (2) A wall sign or sign directory listing the occupants of the building. All occupant signs must be the same size. The entire sign is not to exceed 20 square feet.
 - (3) Total signage on a building is not to exceed allowable square footage for the district in which the building is located.
- Q. No advertising message shall be extended over more than one sign placed along a street or highway.
- R. No sign shall be attached to fences, utility poles or trees.

S. Signs in right-of-way line.⁹⁶

- (1) No sign other than an official traffic sign or a city-approved historic or directional sign shall be erected within the right-of-way line of any public street. No such historic sign shall exceed a total of six square feet. No directional sign shall exceed a total of one square feet.
- (2) Any illegally placed sign within the right-of-way line of any public street may be confiscated by the Building Inspector and/or his agent. Any sign so seized shall be held by the Building Inspector and/or his agent for a minimum of 15 days before it is disposed of in any manner.

§ 300-44.2. Temporary signs.

- A. All temporary signs must be installed with the permission of property owners and must be removed within specified periods of time. They are not to be attached to utility poles, fences, trees or other vegetation or upon a public way.
- B. Temporary signs can only be displayed for less than 30 days in a calendar year. They must meet the same standards of compatibility, readability, non-distractibility and safety as permanent signs. Temporary signs to be placed on city property require the approval of the Common Council. No temporary sign shall exceed 20 square feet.
- C. A temporary sign is permitted for a seasonal or short-time business. The seasonal sign shall be no larger than the allowable permanent sign for that site. Seasonal business signs displayed for more than 30 days require a permit. Seasonal business signs may not be displayed for more than 90 days in a calendar year. Businesses with permanent signs may not have additional seasonal business signs.

§ 300-44.3. Removal of signs.

- A. Any sign existing on or after the effective date of this chapter which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed.
- B. If the Building Inspector shall find that any sign regulated by this chapter is not used, is abandoned, unsafe or insecure or is a menace to the public, the Building Inspector shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within 30 days from the date of the notice. If the sign is not removed or repaired within said time period, the Building Inspector may, at the direction of the Common Council, remove or repair the sign and assess the owner for all costs incurred for such service.⁹⁷

§ 300-44.4. Nonconforming signs.

- A. In the event that a sign lawfully erected prior to the effective date of this chapter does not conform to the provisions and standards of this chapter, then such sign may continue in use until the sign no longer advertises an existing business conducted or product sold on the premises upon which such sign is located.
- B. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.
- C. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 50% of the current depreciated value of the sign as of the date of alteration or repair.

⁹⁶ Amended 5-22-2007 by Ord. No. 3-2007

⁹⁷ Amended 5-22-2007 by L.L. 3-2007

Article XI. Nonconforming Uses

§ 300-45. Continuation of existing uses and structures.

Any nonconforming use, building or structure which existed lawfully at the time of enactment of this chapter may be continued subject to the regulations which follow in this Article.

§ 300-46. Nonconforming use of land.

The nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this chapter. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this chapter. A nonconforming use of land shall not be changed to another nonconforming use. If a nonconforming use of land is discontinued for a period of 12 consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

§ 300-47. Additions.

A building occupied by a use which does not conform to the use regulations enumerated in Article IV shall not be added to or enlarged in any manner unless the use thereof is made to conform to all the regulations of the district in which it is located. A building occupied by a conforming use but not conforming to other regulations of the chapter may be added to or enlarged if the proposed addition or enlargement does not increase the degree of nonconformity.

§ 300-48. Alterations and repairs.

No structural alterations shall be made to any building occupied by a nonconforming use unless such alterations are required by law: provided, however, that such maintenance and repairs as are required to keep said building or structure in sound condition shall be permitted. Alterations and repairs intended and designed to decrease or eliminate nonconformance to the provisions of this chapter shall be permitted.

§ 300-49. Changes in use.

A nonconforming use of a building may not be changed except to a conforming use or to a use that decreases or eliminates nonconformance to the provisions of this chapter. When so changed, such nonconforming use or any use which increases nonconformance with the provisions of this chapter may not be resumed thereafter.

§ 300-50. Discontinuance of use.

A nonconforming use of a building or structure or any portion thereof which is discontinued for a period of 12 consecutive months shall not be reestablished, and any subsequent use shall conform to the use regulations of the district in which the premises is located. A use shall be deemed to have been discontinued under any of the following conditions:

- A. Vacancy of a nonconforming use building or discontinuance of a nonconforming use for a period of 12 consecutive months.
- B. Manifestation of a clear intent on the part of the owner to abandon the nonconforming use.

§ 300-51. Extension.

A nonconforming use may not be extended to any other part of such building.

§ 300-52. Restoration.

A building devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other natural cause to the extent less than 75% of its true value at the time of such damage, as adjusted from assessed value, based upon State Board of Equalization rates, may be replaced, provided that application for a building permit is made within three months subsequent to the date of such damage or destruction, and further provided that such restoration shall be diligently carried out and completed within a time specified by the Common Council. A building devoted to a nonconforming use destroyed or damaged by fire, wind, explosion, structural failure or other natural cause to an extent greater than 75% of its true value at the time of such damage, as adjusted from assessed value, based upon State Board of Equalization rates, shall not be rebuilt except in conformity with the regulations of the district in which such use is located.

§ 300-53. Removal of building housing nonconforming use.

If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of the land on which such building was located and the subsequent use of any building erected thereon shall conform with the regulations of the district.

§ 300-54. Permits issued prior to adoption of provisions.

Any building for which a permit has been lawfully granted and on which the construction has been stated and diligently prosecuted before the effective date of this chapter may be completed.

Article XII. Administration and Enforcement

§ 300-55. Enforcement officer designated.

The provisions of this chapter shall be administered and enforced by a person designated by the City of Gloversville Building Inspector, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. No zoning permit or certificate of occupancy required hereunder shall be issued by the Building Inspector except in compliance with the provisions of this chapter or as directed by the Board of Appeals under the provisions of Article XIII.

§ 300-56. Zoning permit.

- A. No building or structure shall be erected, moved, structurally altered, added to or enlarged or demolished and no excavation for any building shall be begun unless and until a zoning permit for such work has been issued by the Building Inspector.
- B. Application for zoning permits shall be submitted on a form provided by the Building Inspector. Each application shall set forth the purpose for which the building or structure is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and the building or structure and dimensions of required and proposed yards. The Building Inspector may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building or structure, its use and the use of the land are in conformity with the provisions of this chapter.⁹⁸
- C. An accessory structure less than 100 square feet in size shall not require a permit.
- D. Any new sign erected within the city requires a permit.⁹⁹
 - (1) A certificate of appropriateness from the Historic Preservation Board shall accompany the permit application for any sign in any historic district.
 - (2) Exempt signs. The following types of signs may be erected and maintained without permits or fees provided that such signs comply with the general requirement of this chapter and other pertinent regulations.
 - (a) Historical markers, tablets and statues, memorial signs and plaques, names of buildings and dates of erection, when cut into any masonry surface or when constructed of bronze, stainless steel or similar material, and emblems installed by governmental agencies or religious or nonprofit organizations, not exceeding six square feet in area.
 - (b) Flags and insignias of any government, except when displayed in connection with commercial promotion.
 - (c) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exists and similar signs, internally illuminated or non-illuminated, not exceeding two square feet per face and four feet in height. Business names and personal names shall be allowed, excluding advertising messages.
 - (d) Non-illuminated warning, “private-drive,” “posted” or “no trespassing” signs not exceeding two square feet per face.
 - (e) Numbers mounted on a house, apartment or mailbox.
 - (f) Private-owner merchandise sale signs for garage sales, auctions and the like, not exceeding four square feet for a period not exceeding seven days.

⁹⁸ Amended 11-14-2023 by L.L. No. 13-2023

⁹⁹ Added 8-26-1997 by L.L. No. 7-1997

- (g) Holiday decorations, including lighting. These decorations are exempt from the provisions of this chapter and may be displayed without a permit.
- (h) At gasoline stations: integral graphics or attached price signs on gasoline pumps, and one portable sign per station, not exceeding 12 square feet and four feet in height.
- (i) Temporary directional signs for meetings, conventions and other assemblies. Said signs may be displayed seven days prior to said event, and said signs shall be removed within three days after the conclusion of said event.
- (j) Banners of upcoming events or fund-raisers of community organizations.

§ 300-57. Certificates of occupancy.

- A. A certificate of occupancy is required for any of the following:
 - (1) Occupancy and use of a building hereafter erected, altered, moved or extended.
 - (2) Change in the use of an existing building.
 - (3) Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar agricultural use.
 - (4) Change in the use of land, except for any use consisting primarily of tilling the soil or similar agricultural use.
- B. A certificate of occupancy may be obtained, on application, from the Building Inspector. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this chapter. The Building Inspector shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within five days from the date of application, Saturdays, Sundays and legal holidays excepted. Failure to make such inspection and determination within the specified period of time shall be deemed to be disapproval of the application for a certificate of occupancy.

§ 300-58. Penalties for offenses.

- A. Any person, association, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be punished by a fine of not less than \$50 nor more than \$250 for each offense, and each day that the violation is permitted to exist shall constitute a separate offense.
- B. In case of violation of this chapter, the city and its officers may, in addition to any other remedies conferred by law or ordinance, institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversation, maintenance 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. Board of Appeals

§ 300-59. Board established; membership.

A Board of Appeals is hereby established in accordance with §C-47 of the Charter of the City of Gloversville. The Board of Appeals shall consist of five members.¹⁰⁰ Vacancies for the unexpired term of any member shall be filled for such unexpired period only.¹⁰¹

§ 300-60. Organization.

The Board of Appeals shall choose its own Chairman and an Acting Chairman to serve in his absence. The Board shall adopt rules of procedure governing the organization of the Board and the conduct of its meetings.

§ 300-61. Meetings.

- A. Meetings of the Board shall be held as provided in rules of procedure adopted by the Board. The Board shall keep minutes of its proceedings showing the vote of each member on each question and shall keep records of its hearings and other official actions. If any member is absent or fails to vote, the minutes shall indicate such fact. The concurring vote of a majority of the total voting membership of the Board shall be necessary to reverse any order or decision of the Building Inspector or to decide in favor of any applicant on any matter over which the Board has jurisdiction.¹⁰²
- B. All hearings of the Board shall be open to the public, and the minutes of Board meetings and hearings shall be a public record. Every rule or regulation, amendment or repeal thereof, order, requirement, decision or determination of the Board shall be filed immediately with the Building Inspector and shall be a public record.

§ 300-62. Appeals.

- A. An appeal from a determination of the Building Inspector may be taken by any aggrieved person or by an officer, department or board of the City of Gloversville. Such appeal shall be taken within 30 days of the date of the decision by filing with the Building Inspector a notice of appeal specifying the grounds thereof.
- B. An appeal shall be made in writing on forms provided by the Board. The Building Inspector shall then transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. The Board of Appeals shall set a public hearing date within 30 days of its receipt of all of the information constituting the record upon which the action appealed from was taken.¹⁰³
- D. The Board shall give public notice of a hearing in the official newspaper of the city at least 10 days before

¹⁰⁰ L.L. passed at referendum November 2010

¹⁰¹ Amended 7-25-2000 by L.L. No. 6-2000; 8-24-2010 by L.L. No. 4-2011 at referendum November 2010

¹⁰² Amended 7-25-2000 by L.L. No. 6-2000

¹⁰³ Amended 7-28-1992 by L.L. No. 3-1992

the hearing. In addition to the public notice of a hearing, notice shall be given by first class mail to all property owners of land immediately adjacent extending 100 feet from or directly opposite thereto a property which is subject to a request before the Zoning Board of Appeals at least 10 days prior to the hearing. The Zoning Board of Appeals shall give its decision within 60 days from the date of a hearing.¹⁰⁴

- E. Referral to County: Any application for a use or area variance affecting real property within five hundred (500) feet of the City boundary; or the boundary of any existing or proposed County or State park or other recreational area; or the right-of-way of any existing or proposed County or State roadway; or the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines; or the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district as defined by article twenty-five AA of the agriculture and markets law (except that this subparagraph shall not apply to area variances) shall be referred to the Fulton County Planning Department for an advisory review and report in accordance with General Municipal Law §239-m.
- F. Referral to Adjacent Municipality(s): The Board shall give notice to the Clerk of the adjacent municipality at least 10 days before the hearing for any use variance on a property that is within 500 feet of an adjacent municipality in accordance with General Municipal Law §239-m.
- G. All actions taken by the Board shall comply with the provisions of the State Environmental Quality Review Act (“SEQRA”) under Article 8 of the New York Environmental Conservation Law and its implementing regulations.
- H. Time periods set forth in this section may be modified to coordinate with SEQRA review as provided in New York State City Law Town Law §81-a.

§ 300-63. Powers and duties.

- A. The Board of Appeals shall have the following powers and duties prescribed by statute and by this chapter:
 - (1) Interpretation: on appeal from a determination of the Building Inspector, to hear and decide on questions where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector involving the interpretation of any provision of the chapter.
 - (2) Use variances.¹⁰⁵
 - (a) The Board of Appeals, on appeal from a decision or determination of the Building Inspector, shall have the power to grant use variances authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that:
 - a. Under these zoning regulations, the applicant is deprived of all economic use or benefit from the property in question which deprivation must be established by competent financial evidence.
 - b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
 - c. The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - d. The alleged hardship has not been self-created.
 - (b) All applications for use variances that are made to the City of Gloversville Zoning Board of Appeals shall be sent to the City of Gloversville Planning Board for a recommendation prior to

¹⁰⁴ Amended 7-28-1992 by L.L. No. 3-1992

¹⁰⁵ Amended 7-28-1992 by L.L. No. 3-1992

any Board of Appeals action.

(3) Area variances.

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Building Inspector to grant area variances from the area or dimensional requirements of this chapter. In making this determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

In making such determination, the Board shall also consider:

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property will be created by the granting of the area variance.
- b. Whether the benefits sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.
- c. Whether the requested area variance is substantial.
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- e. Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

(b) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(4) Imposition of conditions. The Board of Appeals shall, in the granting of both use and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.¹⁰⁶

B. The Board may deny permits if the proposed use fails to meet the specified standards. All provisions of this chapter relating to the Board of Appeals shall be strictly construed, provided that none of the provisions shall be deemed to limit any power of the Board of Appeals conferred by statute.

§ 300-64. Decisions.

All decisions of the Board shall be in writing, and a copy of each decision shall be sent to the applicant and to the Building Inspector. The Board shall also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Board and the findings of fact on which the decision was based. Such findings and reasons shall include references to the standards of appropriate subsections of §300-63A(2) and (3), where the appeal is for a variance.

¹⁰⁶ Added 7-288-1992 by L.L. No. 3-1992

Article XIV. Amendments

§ 300-65. Initiation of amendments.

- A. The Common Council may from time to time, on its own motion, amend, supplement, repeal or change the regulations and district boundaries established by this chapter.
- B. Whenever the owners of 50% or more of the frontage in any district or part thereof shall present a petition, duly signed and acknowledged, to the Common Council, requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Common Council to vote upon said petition within 30 days from the time such resolution is filed with the City Clerk.
- C. The Planning Board may, by resolution, propose an amendment, supplement or change of the regulations to the Common Council. Within 60 days from the time such resolution is filed with the City Clerk, it shall be the duty of the Common Council to vote on such proposed amendment.

§ 300-66. Referral of proposed amendments.

- A. Referral to Planning Board. All proposed amendments, supplements or changes originating by petition, or by motion of the Common Council, shall be referred to the Planning Board for a report and recommendations thereon. The Planning Board shall submit its report within 21 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be approval of the proposed amendment.
- B. Referral to County. Any proposed amendment affecting real property within five hundred (500) feet of the boundary of the city; or the boundary of any existing or proposed County or State park or other recreational area; or the right-of-way of any existing or proposed County or State roadway; or the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines; or the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district as defined by article twenty-five AA of the agriculture and markets law shall be referred to the Fulton County Planning Department before final action is taken pursuant to §239-m of the General Municipal Law.
- C. No action shall be taken on proposals referred to the County Planning Department until its recommendation has been received, or thirty (30) days have elapsed after its receipt of the full statement of the proposed amendment, unless the County Department and the City Council agree to an extension beyond the thirty (30) day requirement for the County Department's review.

§ 300-67. Hearings on proposed amendments.

- A. Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon upon public notice of at least five days. Such hearing may be held by the Common Council, by a committee of the Council or by the Planning Board on request of the Common Council. In addition to the public notice of a hearing, notice shall be given in writing, either personally or by mail, to all property owners of the land included in such proposed change, and the land immediately adjacent extending 100 feet therefrom, and the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, as said property owners and addresses appear on the latest completed assessment roll of the city.

- B. Where more than 12 properties are included in such change and the Common Council, by resolution, determines that notice, in writing, to each property owner is not feasible, the notice of hearing shall be posted prominently in public places in the city, including such places in the area affected.

§ 300-68. Adoption of amendment.

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Common Council shall be required to amend this chapter, except as described in §300-66.

§ 300-69. Protests against proposed amendments.

If a protest against a proposed amendment, supplement or change is presented to the Common Council, duly signed and acknowledged by the owners of 20% or more of the area of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 1000 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendments shall not be passed except by the favorable vote of three-fourths (3/4) of the Common Council.

§ 300-70. Periodic review.

Every year, the Planning Board shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the Common Council recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

Article XV. Construal of Provisions; Repealer

§ 300-71. Construal of provisions.

In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of public health, safety and general welfare. When this chapter imposes a greater restriction on the use of buildings or land or on the heights of buildings or requires larger open spaces or makes any other greater requirement than is imposed or required by any other ordinance, rule or regulation or by easements, covenants or agreements, the provision of this chapter shall govern.

§ 300-72. Repealer; effect on pending actions and nonconforming uses.

The current Zoning Ordinance of the City of Gloversville, adopted July 12, 2016, as amended, is hereby repealed. The adoption of this chapter, however, shall not affect any pending or prevent any future prosecution of or action to abate any existing violation of said ordinance, as amended, if the use so in violation is in violation of the provisions of this chapter. Nothing herein shall be deemed to change the status of nonconforming uses heretofore created by virtue of the existing Zoning Ordinance, if such uses remain nonconforming under the provisions of this chapter.

Article XVI. Fees

§ 300-73. Fees established; permit issuance.

A. Fees established.¹⁰⁷

- (1) For a permit for the removal of a building or structure from one lot to another or to another location within the same lot, the fee shall be \$10.
- (2) For a permit for the demolition of a building or structure, the fee shall be \$5 for the first \$1,000 of demolition cost, or fraction thereof, and \$ for each additional \$1,000 of demolition cost, or fraction thereof.
- (3) A fee of \$3 for each \$1,000 or fraction thereof shall be charged for each zoning permit.
- (4) State Environmental Quality Review (SEQR) process:
 - (a) Full form environmental assessment form review: \$100
 - (b) Draft environmental impact statement: \$500, plus \$10 per page over 20 pages.
 - (c) Final environmental impact statement: \$250 plus \$10 per page for new material.
 - (d) Engineering review fees: cost plus \$50 coordination fee.
- (5) Site plan, special permit and planned unit development:
 - (a) Conceptual review: \$50.
 - (b) Residential.
 - a. One- or two-family: \$75
 - b. Multiple dwelling: \$100 plus \$10 per unit
 - (c) Mixed use: \$125 plus \$10 per dwelling unit and \$75 per commercial/industrial use.
 - (d) Commercial/industrial (based on value of project):
 - a. Up to \$10,000: \$75.
 - b. \$10,001 up to \$100,000: \$200.
 - c. \$100,001 up to \$500,000: \$400.
 - d. \$500,000 and above: \$700.
- (6) Area variances:
 - (a) One- and two-family: \$75.
 - (b) Multiple dwellings: \$100.
 - (c) Mixed use: \$100.
 - (d) Commercial/industrial: \$125.
- (7) Use variances:
 - (a) One- and two-family: \$100.
 - (b) Multiple dwellings: \$125.
 - (c) Mixed use: \$150.
 - (d) Commercial/industrial: \$175.
- (8) Interpretation: \$75.
- (9) Subdivision.
 - (a) Conceptual review: \$50.
 - (b) Residential.
 - a. Minor (two lots): \$50.
 - b. Major (over two lots): \$100 plus \$10 per lot.
 - (c) Commercial/Industrial: \$100 plus \$25 per lot.
- (10) NYS General Municipal Law (GML) §239 Coordination fee: \$50.
- (11) Any other reviews required by either the Planning or the Zoning Boards subsequent to another chapter of the City Code (i.e. Maintenance Code, Historic Preservation): \$50.
- (12) All monies collected shall be placed in the proper planning and zoning accounts to help cover any and all out-of-pocket expenditures by the City relative to the activities of the Planning or the Zoning Boards (i.e. letters, public announcements, engineering fees, county planning services).

¹⁰⁷ Amended 3-23-2004 by L.L. No. 3-2004

- B. The term “estimated cost,” as used in this section, means the reasonable value of all services, labor and materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work to ready a building or structure for occupancy, provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost.

- C. No permit, as required by this chapter, shall be issued until the fee prescribed shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building shall have been paid.

Article XVII. Site Plan Review

§ 300-74. Purpose.

The purpose of this Article is to allow the proper integration into the community of those uses listed in Article IV of this chapter which have been determined to be suitable within a zoning district only on certain conditions and only at appropriate locations. Because of their characteristics or the special characteristics of the area in which they are to be located, these uses require special consideration so that they may be properly located and planned with respect to:

- A. The objectives of this chapter.
- B. Their effect on surrounding properties.
- C. The ability of the city to accommodate the growth resulting from the proposed use without undue, adverse effect on the city or its citizens and taxpayers.
- D. The protection of the health, safety and general welfare of the city and its citizens.
- E. The objectives of the City's Master Plan.¹⁰⁸

§ 300-75. Applicability.

- A. Uses requiring a site plan review are listed in Article IV of this chapter. No zoning, building, use or certificate of occupancy permit shall be issued by the Building Inspector for any use listed, nor shall any building be erected, moved, structurally altered, added to or enlarged, and no excavation for any building shall begin until a site plan review has been approved by the Planning Board in accordance with this Article.
- B. Any proposed additions to an existing building or lot or any proposed changes in the use of an existing building or lot that are subject to site plan review may require a public hearing. IF the Planning Board determines that a proposed application shall not require a public hearing, the fee identified in §300-77 shall be waived. However, the applicant shall still be responsible for providing the Planning Board with a detailed drawing of his or her proposed addition or change in the use of an existing building or lot. Any project which only entails the construction of a fence shall not trigger a site plan review. However, a fence that is erected as part of a new building or an addition to an existing building, or as part of the change in the use of a building, shall be subject to a site plan review.¹⁰⁹

§ 300-76. Planning Board review authorized.

In accordance with §30-a of the General City Law, the City Council does hereby authorize the Planning Board to review and approve, approve with modifications or disapprove site plan documents prepared to specifications set forth in this chapter and in accordance with regulations set forth by the Planning Board. Such site plan review shall be made of all development required under the terms of this Article.

§ 300-77. Application; fee; contents.

- A. An application for a site plan review shall be submitted to the Planning Board Secretary or Chairman at least 10 working days in advance of a regularly scheduled Planning Board meeting. A nonreturnable fee shall be submitted with the application; see §300-73. Said application shall be on a form provided by the Planning Board and shall contain all of the information desired by said Board to properly conduct its

¹⁰⁸ The City of Gloversville's Master Plan is located in the Building Officer's Office or www.cityofgloversville.com

¹⁰⁹ Added 9-27-1993 by L.L. No. 1-1993

review. Attached to said application shall be 10 copies of the site plan documents which have been prepared by a licensed engineer or surveyor and which shall include a minimum of 10 drawings. The drawings to be provided and the information to be identified on each of the drawings is identified below.¹¹⁰

- (1) Site plan. Requirements for site plans shall be as follows:
 - (a) The title of the drawing, including the name and address of the applicant and person responsible for preparing said plan.
 - (b) Unless otherwise allowed by the Planning Board, a scale of one inch equals 50 feet, with two-foot contours showing the topography of the lot and areas within 100 feet of the lot.
 - (c) A North arrow, scale and date.
 - (d) Boundaries of the property plotted to scale. Current zoning classification of property, including the exact zoning boundary if in more than one district.
 - (e) Existing watercourses.
 - (f) Locations and widths of driveways on the site and access to existing roads and highways, locations of all parking and/or truck loading areas, including access and egress.
 - (g) Locations and dimensions for pedestrian access.
 - (h) Locations for outdoor storage, if any.
 - (i) Locations of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - (j) Locations of all proposed signs.
 - (k) The location and amount of building area proposed for retail sales of similar commercial activity.
 - (l) The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within the adjoining property.
 - (m) The location of dumpsters and garbage collection and pickup areas with required fencing and screening.
- (2) Grading Plan. Requirements for grading plans shall be as follows:
 - (a) A grading plan showing existing and proposed contours.
- (3) Utilities Plan. Requirements for utilities plans shall be as follows:
 - (a) The location and size of water and sewer lines and appurtenances.
 - (b) Locations of fire and other emergency zones, including the location of fire hydrants. Locations of all energy distribution-facilities, including electrical, gas and solar energy.
 - (c) Locations of outdoor lighting facilities.
- (4) Building Elevation Plans. Requirements for building elevation plans shall be as follows:
 - (a) Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- (5) Detail Plans. Requirements for detail plans shall be as follows:
 - (a) The design and type of construction of all driveways, parking areas and/or truck loading areas.
 - (b) The design and construction materials of all proposed site improvements, including drains, culverts, retaining walls and fences.
 - (c) The design and construction materials to be used for all water and sewer lines and appurtenances.
 - (d) The design of all fire hydrants.
 - (e) The design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 - (f) The design and type of construction of all proposed signs. The design of outdoor lighting facilities.
- (6) Landscaping Plan. Requirements for landscaping plans shall be as follows:
 - (a) The location and proposed development of all buffer areas, including existing vegetative cover.
 - (b) A general landscaping plan and planting schedule, which landscaping plan shall include size and type of plantings.¹¹¹

B. In addition to these drawings, an applicant must submit the following information:

- (1) An estimated project construction schedule that includes start-up and completion dates and any interim dates of significance.
- (2) State Environmental Quality Review (SEQR) information and forms.

¹¹⁰ Amended 3-23-2004 by L.L. No. 3-2004

¹¹¹ Amended 5-22-2007 by Ord. No. 3-2007

- (3) A description of all existing or proposed deed restrictions or covenants applying to the property must be submitted.
 - (4) Coordination of a Knox Box (lock box) with the Fire Department, if applicable.¹¹²
- C. The Planning Board may waive any of the preceding submittal requirements if circumstances are warranted. If the applicant fails to submit sufficient information to the Planning Board, said application will be deemed incomplete and returned to the applicant. Once an application is determined to be complete, the Planning Board shall set a date for a public hearing. The Planning Board shall not take final action on any site plan proposal until all SEQR requirements have been addressed in accordance with 6 NYCRR Part 617.

§ 300-78. Review of site plan documents.

The Planning Board's review of the site plan documents shall include, as appropriate, but is not limited to, the following general considerations:

- A. The location, arrangement, size, design, and general site compatibility of buildings, lighting, and signs.
- B. The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
- C. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience.
- D. The location, arrangement, appearance, and sufficiency of off-street parking and loading.
- E. The adequacy of stormwater and drainage facilities.
- F. The adequacy of water supply and sewage disposal facilities.
- G. The adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- H. In the case of an apartment complex, townhouses, condominiums, cooperatives or other multiple dwellings, the adequacy of usable open space for recreation.
- I. The protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- J. The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- K. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- L. The adequacy of setbacks in regard to achieving maximum compatibility and protection to adjacent properties and residential districts.
- M. The structure or structures, to be aesthetically compatible with existing and planned uses of adjacent properties and districts.
- N. Consistency with the city's Master Plan.

§ 300-79. Public hearing.

The Planning Board shall fix a time, within 62 days from the day the Planning Board determines an application for site plan review to be complete, for a public hearing on the application for site plan approval. A public notice of such hearing shall be published in the city's official newspaper at least five calendar days prior to the date thereof. In addition to the public notice of a hearing, notice shall be given by first class mail to all property owners of land immediately adjacent, extending 100 feet from and directly opposite thereto, a property which has a site plan review pending before the Planning Board, at least five days in advance of the hearing. If the site plan application is located on a property that is within 500 feet of an adjacent municipality, the Board shall also give notice to the Clerk of the adjacent municipality at least 10 days before the hearing in accordance with General Municipal Law §239-nn.

¹¹² Amended 11-14-2023 by L.L. No. 13-2023

§ 300-80. Planning Board action.

- A. Referral to County. Any site plan application affecting real property within five hundred (500) feet of the boundary of the city, or the boundary of any existing or proposed County or State park or other recreational area, or the right-of-way of any existing or proposed County or State roadway; or the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines; or the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated, or the boundary of a farm operation located in an agricultural district as defined by article twenty-five AA of the agriculture and markets law shall be referred to the Fulton County Planning Department before final action is taken pursuant to §239-m of the General Municipal Law.
- B. All actions taken by the Board shall comply with the provisions of the State Environmental Quality Review Act (“SEQRA”) under Article 8 of the New York Environmental Conservation Law and its implementing regulations.
- C. Time periods set forth in this section may be modified to coordinate with SEQRA review as provided in New York State City Law Town Law §81-a.
- D. Within 62 days after such public hearing, the Planning Board shall approve, approve with modifications or disapprove the application for site plan approval. The Planning Board, in conjunction with its approval of any site plan review proposal, may impose such requirements and conditions as are deemed necessary, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenants or other similar appropriate means. Failure of the Planning Board to act on an application within 62 days after the public hearing shall constitute approval of the application.

§ 300-81 Filing of decision; commencement and completion timeframes.

- A. The Planning Board shall prepare a written decision on an application for site plan review and shall have such decision immediately filed in the office of the City Clerk and the City Building Inspector and a copy thereof mailed to the applicant.¹¹³
- B. Commencement and completion of work.
 - (1) The applicant has six months from the date of the Planning Board decision to commence work on the approved site plan, unless otherwise stipulated by the Planning Board in the decision.
 - (2) All work on the approved site plan must be completed within one year of the date of the Planning Board decision, unless otherwise stipulated by the Planning Board in the decision.

§ 300-82. Administration; inspections.

The provisions of this Article shall be administered and enforced by the Building Inspector, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Article. No zoning permit or certificate of occupancy required hereunder shall be issued by the Building Inspector except after compliance with the provisions of this Article.

¹¹³ Amended 10-26-2004 by Ord. No. 10-2004

§ 300-83. Changes to drawings.

No site plan drawings approved by the Planning Board shall be changed, modified or altered in any way until the City Building Inspector reviews said proposed change, modification or alteration. If the City Building Inspector determines that a proposed change, modification or alteration is minor, the City Building Inspector shall approve, approve with conditions or disapprove of said change.

If the City Building Inspector determines that the proposed change, modification or alteration of a final site plan drawing is significant, he shall not take any action and shall direct the property owners to obtain written approval from the Planning Board. The property owner shall submit to the City Building Inspector an application requesting a modification to an approved site plan. Said application shall outline the details of the proposed changes, the reasons for the proposed changes and the possible impacts of the proposed changes. The Planning Board may schedule and hold a public hearing on any proposed changes to approved site plan drawings.

Any proposed changes to approved site plan drawings shall be reviewed by the Planning Board within 30 calendar days of the receipt of a complete application by the City Building Inspector. The Planning Board shall approve, approve with modifications or disapprove the request for said changes. Failure of the Planning Board to act on such matter within 30 days shall constitute conditional approval of said changes. The Planning Board may, however, table such request for changes to site plan drawings if the Planning Board feels that the applicant has not provided sufficient information regarding the changes being proposed.

§ 300-84. Performance guaranties.

No certificate of occupancy shall be issued until all improvements shown on the site plan drawings are installed or a sufficient performance guaranty has been posted for improvements not yet complete. The sufficiency of such performance guaranty shall be determined by the Planning Board after consultation with the Building Inspector or other competent persons.

Article XVIII. Special Permit Approval

§ 300-85. Planning Board review.

- A. On application or when supplementing an application to the Building Inspector for a zoning permit or a certificate of occupancy, the Planning Board may grant a permit for any use for which approval of the Board is required under this chapter. Included as part of the permit, shall be a schedule containing deadlines for the commencement and completion of the work involved based upon the Board's findings as to what time period would be reasonable therefor. The Board may also establish additional deadlines for the completion of a portion of the work when the Board, in its discretion, finds such additional deadlines to be reasonable and in the public interest. Failure of the permittee to meet any of the deadlines so established shall result in the automatic revocation of the permit, and no further action on such permit may be taken until the holder of the permit so revoked shall have reapplied for the permit in the same manner as is utilized for an original application. In addition, in granting such permit, the Board may specify appropriate conditions in harmony with the following standards:¹¹⁴
- (1) The use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts.
 - (2) The location and size of the use, the nature and intensity of the operation involved or conducted in connection therewith, its site layout, including curb cuts, and its relation to streets giving access to it shall be such that traffic to and from the use and the assembly of persons in connection with it will not be hazardous or inconvenient to the neighborhood or conflict with the normal traffic of the neighborhood. In applying this standard, the Board shall consider, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares, and to street and road intersections and the general character and intensity of development of the neighborhood.
 - (3) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use shall not hinder or discourage the proper development and use of adjacent land and buildings or impair the value thereof.
 - (4) The location, intensity and nature of night lighting requirements.
- B. The Board may deny permits if the proposed use fails to meet the specific standards. All provisions of this chapter relating to the Planning Board shall be strictly construed, provided that none of the provisions shall be deemed to limit any power of the Planning Board conferred by statute.
- C. All uses that require a special use permit by the Planning Board shall also require Site Plan approval in accordance Article XVII of this Chapter, and shall conform to the general objectives, requirements and procedures included herein. In addition, accessory uses or structures used in connection with a special use permit shall be subject to the same approval requirements as the principal structure or use.
- D. Sufficient garage pickup areas must be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter.
- E. In residential uses there shall be a minimum common storage area in each building and/or an accessory building for bicycles, perambulators and similar types of equipment, with a minimum height of six feet and a minimum area of 30 square feet per dwelling unit.
- F. Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and plating not otherwise specified herein may be attached as conditions by the Planning Board as circumstances indicate they will further the purposes and intent of this chapter.

¹¹⁴ Added 7-28-1992 by L.L. No. 3-1992

§ 300-86. Public hearing.

The Planning Board shall fix a time within 62 days from the day the Planning Board determines an application for a special permit to be complete, for a public hearing on the application for special permit approval. A public notice of such hearing shall be published in the city's official newspaper at least five calendar days prior to the date thereof. In addition to the public notice of hearing, notice shall be given in writing to all property owners of land immediately adjacent extending 100 feet from and directly opposite thereto a property which has a special permit review pending before the Planning Board, at least five days in advance of the hearing. If the special permit application is located on a property that is within 500 feet of an adjacent municipality, the Board shall also give notice to the Clerk of the adjacent municipality at least 10 days before the hearing in accordance with General Municipal Law §239-nn.¹¹⁵

§ 300-87. Planning Board action.

- A. Referral to County. Any special use permit application affecting real property within five hundred (500) feet of the boundary of the city; or the boundary of any existing or proposed County or State park or other recreational area; or the right-of-way of any existing or proposed County or State roadway; or the boundary of any existing or proposed right-of-way for a stream or drainage channel owned by the County for which the County has established channel lines; or the boundary of any existing or proposed County or State-owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district as defined by article twenty-five AA of the agriculture and markets law shall be referred to the Fulton County Planning Department before final action is taken pursuant to §239-m of the General Municipal Law.
- B. All actions taken by the Board shall comply with the provisions of the State Environmental Quality Review Act ("SEQRA") under Article 8 of the New York Environmental Conservation Law and its implementing regulations.
- C. Time periods set forth in this section may be modified to coordinate with SEQRA review as provided in New York State City Law Town Law §81-a.
- D. Within 62 days after such public hearing, the Planning Board shall approve, approve with modifications or disapprove of the application for special permit approval. The Planning Board, in conjunction with its approval of any special permit application, may impose such requirements and conditions as are deemed necessary, including the restriction of land against further development of principal buildings, whether by deed restriction or restrictive covenants or other similar appropriate means. Failure of the Planning Board to act on an application within 62 days after a public hearing shall constitute approval of the application.

§ 300-88. Filing of decisions; commencement and completion timeframes, effect and expiration.¹¹⁶

- A. Filing of decision. The Planning Board shall prepare a written decision on the application for a special permit approval and shall have such decisions immediately filed in the office of the Planning Board Secretary and the Building Inspector and a copy thereof mailed to the applicant.

Commencement and completion of work.

¹¹⁵ <https://codes.findlaw.com/ny/general-municipal-law/gmu-sect-239-nn.html>

¹¹⁶ Amended 10-26-2004 by Ord. No. 10-2004

The applicant has six months from the date of the Planning Board decision to commence work on the approved special permit, unless otherwise stipulated by the Planning Board in the decision.

All work on the approved special permit must be completed within one year of the date of the Planning Board decision, unless otherwise stipulated by the Planning Board in the decision.

Renewal and Expiration of special use permit approval.

The Planning Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon specific determination by the Planning Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been, or are no longer being, complied with. If the Building Inspector finds a violation of the special use permit, he or she may refer the application to the Planning Board for further proceedings. In such cases, a period of 60 calendar days shall be granted for full compliance by the applicant prior to revocation of the special use permit.

A special use permit shall expire if the use or uses cease for more than one year for any reasons, if the applicant fails to obtain the necessary building permits, fails to comply with the conditions of the special use permit, or if the time limit imposed on certain special uses expires without renewal.

A special use permit authorizes only the particular use or uses expressly specified in the resolution approving the special use and shall expire if the use permitted by the special use permit activity is not fully implemented within six calendar months of the date of the resolution approving the special use. Upon prior written request to the Planning Board, the time period to implement fully the special use activity in the special permit may be extended for a maximum period of one additional calendar year for a total of eighteen months from the date of the resolution approving the special use, either through a single extension of one calendar year or the combination of two or more extensions. The Planning Board may hold a public hearing prior to granting any extensions.

§ 300-89. Enforcement; inspection; compliance required.

- A. The provisions of this article shall be administered and enforced by the Building Inspector, who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Article.
- B. No zoning permit or certificate of occupancy required hereunder shall be issued by the Building Inspector except after such special use permit has received Planning Board approval and a copy of the resolution to that effect has been presented to the Building Inspector.
- C. No certificate of occupancy shall be issued for any structure or use of land covered by this section until the structure is completed or the land developed in strict accordance with the Planning Board resolution of special permit approval and other applicable requirements of this chapter.

Article XIX. Crossroads Park Zone

§ 300-90. Applicability.

The use regulations and planning and design standards hereinafter set forth shall apply to the Crossroads Park Zone described in §300-5 of this chapter.¹¹⁷

§ 300-91. Purpose.

The standards for planning and design set forth herein are to guide development of sites and buildings within the Crossroads Park Zone as well as to protect adjoining areas. These regulations are designed to provide for an office park that would include high-technology businesses, light industry, research facilities and business, professional and medical office development. The provisions of this article are intended to:

- A. Establish and maintain high aesthetic standards.
- B. Preserve the area's natural beauty and visual character by ensuring that improvements are properly related to their sites and to surrounding environment.
- C. Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design.
- D. Encourage development to be compatible with and complimentary to adjacent land uses.
- E. In the event housing is created within Crossroads Park, they will be at market-rate.¹¹⁸

§ 300-92. Permitted uses.

- A. There are no uses permitted by right within the Crossroads Park Zone. All allowed uses in the Crossroads Park Zone shall be subject to the provisions of Article XVII, Site Plan Review, of this chapter.
- B. Allowed uses within the Crossroads Park Zone, subject to site plan review, shall include¹¹⁹
 - (1) Professional and administrative offices.
 - (2) Research laboratory.
 - (3) Photographic processing facilities.
 - (4) Printing and publishing facilities.
 - (5) Processing and compounding of drugs and other medicinal and pharmaceutical products.
 - (6) Retail and service uses that are designed to primarily serve the shopping and service needs of employees and businesses of the park.
 - a. Exception: Specifically allowed are retail and service businesses on the five lots with frontage along South Kingsboro Avenue Extension in the Crossroads Park.¹²⁰
 - (7) Telemarketing operations.
 - (8) Conference centers. Data-processing centers.
 - (9) Computer software and hardware companies.
 - (10) Health-care facilities.
 - (11) Accessory uses such as day-care centers, health clubs, satellite dishes or towers when located on a site with an allowed use where the primary user is the business sharing the property/building with the accessory use.

¹¹⁷ Added 5-27-1998 by L.L. No. 3-1998; Amended 11-14-2023 by L.L. No. 13-2023 originally Crossroads Business Park Zone

¹¹⁸ Added 11-14-2023 by L.L. No. 13-2023

¹¹⁹ Amended 7-25-2000 by L.L. No. 6-2000

¹²⁰ Added 2/8/2011 by L.L. No. 3-2011

- (12) Utility-scale solar collector systems and associated solar energy equipment for private, commercial or utility use.
- (13) Single-family dwellings.¹²¹
- (14) Townhouses.¹²²
- (15) Condominiums.¹²³

C. Prohibited uses.¹²⁴

- (1) Structures which do not have persons regularly working therein.
- (2) Retail and service uses designated to serve the general public as a whole and thereby serve the park incidentally.
- (3) Warehousing and distribution facilities, unless they are accessory and incidental to a telemarketing operation.

§ 300-93. Land coverage and building ratio.

- A. The total amount of land occupied by all principal and accessory buildings shall not exceed 25% of the lot area.
- B. The maximum percent of the lot occupied by buildings, parking, roads or any other impervious surface shall not exceed 50% of the lot.

§ 300-94. Lot size and yard requirements.

- A. Minimum lot size shall be one acre.
- B. Minimum lot width shall be 175 feet as measured at the front yard setback line.
- C. Minimum lot depth shall be 250 feet.
- D. Setbacks within the Crossroads Park Zone shall be as follows:
 - (1) Front yard: 25 feet
 - (2) Side yard: 25 feet
 - (3) Rear yard: 50 feet
 - (4) Exterior boundary: 50 feet
- E. No parking, paving, outdoor storage or truck-maneuvering areas shall be allowed to encroach upon more than one of the setback areas on an individual lot. However, driveways and access routes onto the lot shall be paved and shall not be considered an encroachment on the setback areas.

§ 300-95. Building design.

The following standards shall apply to all buildings:

- A. The maximum height of structures shall be 35 feet.
- B. All outdoor storage areas shall be confined to screened locations approved by the City of Gloversville Planning Board. In no case shall an outdoor storage area encroach upon the setback requirements.
- C. The architecture and quality of materials and buildings shall be reviewed and approved by the City of Gloversville Planning Board. All buildings shall enhance the prestige of the park. The design and citing of buildings shall compliment the natural terrain and significant vegetation.
- D. All exterior building walls and structures shall be constructed with attractive, durable materials such as textured concrete, masonry, stone, brick, wood, stucco, glass or steel. Exterior building walls shall have a positive visual effect when viewed from adjacent areas.

¹²¹ Added 11-14-2023 by L.L. No. 13-2023

¹²² Added 11-14-2023 by L.L. No. 13-2023

¹²³ Added 11-14-2023 by L.L. No. 13-2023

¹²⁴ Added 7/25/2000 by L.L. No. 6-2000

- E. Roof vents, chimneys and fans must be screened from ground view by parapet walls or other design features architecturally integrated with the design of the building.
- F. All ground-mounted mechanical equipment such as heating, ventilating and air conditioning (HVAC) units, utility meters, transformers, propane tanks, etc., shall be located to the rear of a building and be adequately screened.

§ 300-96. Signage.

- A. No billboards or advertising signs other than those identifying businesses and products shall be permitted. The location, size and construction of all signs shall be in keeping with the character of the Crossroads Park and shall be approved by the City of Gloversville Planning Board.
- B. Park identification signs shall be allowed in the Crossroads Park.
- C. Only one sign may be erected on an individual lot. However, multi-tenant signs will be allowed on the lot. These types of signs can be used to identify the firm or firms that are located within a building or the chief products that are being produced by each business. This sign can be used to identify the firm or its chief product. The sign can be located in the front yard or attached to the building. In no case shall the area of the sign exceed 100 square feet. The sign can be illuminated, but must be non-flashing, non-blinking and non-moving.

§ 300-97. Grading and landscaping requirements.

- A. The grading requirements for the Crossroads Park are as follows:
 - (1) The maximum grade for a public or private road shall be 8%, unless otherwise permitted by the Planning Board.
 - (2) The maximum grade for a driveway shall be 8%.
 - (3) Parking areas shall not exceed a maximum grade of 4%.
 - (4) Seeded or landscaped areas shall not exceed a maximum slope of 3 to 1.
 - (5) If topographic conditions warrant, the Planning Board may require front yard areas to be sodded prior to occupancy of the building.
- B. All lots shall be attractively landscaped. The quantity, type and location of plantings shall be approved by the Planning Board.
- C. All disturbed, undeveloped portions of the lot shall be seeded, mowed and maintained.
- D. Landscaped islands may be integrated into parking areas to visually break up large expanses of paving and provide shading.
- E. Landscaping shall be provided between all buildings and streets and between all buildings on adjacent lots.
- F. All plantings on each lot shall be complimentary to that of adjacent developments and/or the existing natural vegetation.
- G. All parking areas shall be attractively landscaping, and a landscaped berm, masonry wall or mass plantings of sufficient height to screen the view of loading and truck-maneuvering activity from view of access roads and other properties must be provided.
- H. At least 20% of each individual lot must be landscaped with:
 - (1) Trees and/or natural vegetation in the form of wooded areas.
 - (2) Shrubs.
 - (3) Flower beds.
- I. No more than 5% of the lot area can be covered with nonliving durable materials commonly used in landscaping, including such items as rocks, pebbles, sand, berms, fountains or fences.

§ 300-98. Off-street parking and loading facilities.

- A. Off-street parking and loading shall be provided for each lot. No on-street parking and loading shall be permitted. All parking and loading shall be paved. To ensure overall adequate parking facilities, space for parking shall be related to the size of the building, the number of expected employees, the number of expected visitors and future expansion. Off-street parking does not have to be located on the same lot as the principal use for which the parking spaces are being provided.¹²⁵
- B. Parking spaces with 25 feet of rear maneuvering space shall be provided.
- C. The minimum number of parking spaces for certain uses shall be as follows:
 - (1) Business or professional offices: one space for each employee, plus one space for each 1,000 square feet of gross floor area.
 - (2) Medical offices: one space for each employee, plus one space for each 500 square feet of gross floor area, or one space for each 200 square feet of gross floor area, whichever is greater.
 - (3) Health-care facility: one space for every two beds, plus one per doctor, plus one per employee on the largest shift, plus one per hospital vehicle.
 - (4) Day care: one per staff member and one per five students.
 - (5) Health club: 10 spaces, plus one space for each 200 square feet of floor area in excess of 1,000 square feet.
 - (6) Conference centers: one space per guest room, plus one space for each 400 square feet of public meeting area and restaurant space, or one space for each 200 square feet of gross floor area, whichever is greater.
- D. All loading docks shall meet the following standards:
 - (1) The truck loading minimum space shall be as follows:
 - (a) Minimum width of 14 feet.
 - (b) Minimum depth of 52 feet. A clear overhead of 14 feet.
 - (c) Minimum of 35 feet of inside turning radius.
 - (2) No loading dock shall be closer than 25 feet to any lot line or 50 feet to any exterior boundary line.
 - (3) All loading docks and truck maneuvering areas shall be screened from public streets and adjacent properties by use of berms, landscaping, fencing or masonry walls.

¹²⁵ Amended 7-24-2012 by L.L. No. 1-2012

Article XX. Adult Entertainment Business

§ 300-99. Purpose.

The purpose of this article is to establish reasonable and uniform regulations that will protect the health, safety and general welfare of the people of the City of Groversville. The provisions of this article acting along or together with other applicable chapters of the Code of the City of Groversville have neither the purpose nor effect of imposing a limitation or restriction on the content of communicative materials, including adult material. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to adult materials or expressions protected by the First Amendment or to deny access by distributors and exhibitors of adult uses to their intended market. However, the City of Groversville Common Council feels that it is necessary to regulate the establishment of such adult entertainment businesses within close proximity to residentially zoned areas, schools and churches in order to eliminate the potential adverse impact these types of businesses could potentially have upon surrounding neighborhoods.¹²⁶

§ 300-100. Additional use restrictions.

- A. No adult entertainment business as defined in §300-3 of this chapter shall be established within the Downtown Urban Core Overlay District, within 200 feet of a residential zone, or 500 feet of any church, school or licensed day-care facility.
- B. For the purpose of this section, measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as part of the premises for an adult entertainment business to the nearest property line of a residentially zoned area, church or school.
- C. The hours of operation for any adult entertainment business shall be limited to 12:00 noon to 2:00 a.m.
- D. It shall be a violation of this chapter for an operator of an adult entertainment business, regardless of whether it is licensed under this chapter, to advertise the presentation of any activity prohibited by any applicable state statute or this chapter.
- E. The owner/operator of any adult entertainment business must opaquely cover each no opaque area through which a person outside the establishment may otherwise see inside the establishment. All activities of adult uses involving either the display of anatomical areas of sexual activities at an adult entertainment business as defined in §300-3 of this chapter must be inside the establishment and not visible to a person outside the establishment.
- F. No adult entertainment business 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 entertainment business. This provision shall apply to any display, decoration, sign, show window, screen or other opening.

¹²⁶ Added 12-17-1998 by L.L. No. 6-1998

Article XXI. Wireless Telecommunications Towers

§ 300-101. Purpose.

In order to accommodate the communications needs of residents and businesses while protecting the public health, safety and general welfare of the community, the City of Gloversville finds that these regulations are necessary in order to:¹²⁷

- A. Facilitate the provision of wireless telecommunications services to residents and businesses of the City.
- B. Minimize adverse visual effects of towers through careful design and siting standards.
- C. Avoid potential damage to adjacent properties from tower failure.
- D. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community.

§ 300-102. Legislative authority.

The Telecommunications Act of 1996 contains important provisions for towns concerning the development of wireless telecommunications facilities. The 1996 Act establishes a comprehensive framework for the exercise of jurisdiction by state and local authorities. Section 704 of the 1996 Act governs federal, state and local government oversight of wireless telecommunications facility sightings. Section 704 clearly preserves local zoning authority over personal wireless service facilities by stating that “nothing in this Act shall limit or affect the authority of a state or local government or instrumentality thereof over decisions regarding the replacement, construction and modification of personal wireless service facilities.” The limitations of Section 704 on local government are that a local government shall:

- A. Not discriminate among providers of functionally equivalent services.
- B. Not prohibit or have the effect of prohibiting the provision of personal wireless services.
- C. Act on any request for authorization to place, construct or modify personal wireless service facilities within a reasonable period of time after the request is filed.
- D. Put any decision to deny a personal wireless service facility into writing and support such decision by substantial evidence contained in a written record.
- E. Not regulate personal wireless service facilities on the basis of the environmental effect of radio frequency emission to the extent that such facilities comply with the FCC guidelines for such emissions.

§ 300-103. Shared use of tower space.

To discourage the proliferation of wireless communications towers, shared use of tower structures is both permitted and encouraged. If feasible, wireless telecommunications service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. All site plan applications for new wireless telecommunications towers must include documentation regarding the availability of any existing or approved, but unbuilt, communications towers within the transmission area that may meet the needs of the applicant. Evidence of the written contract with all wireless service providers who supply service within one mile of the proposed tower must be provided. The applicant should inquire about potential collocation opportunities at all technically feasible locations. The contracted providers shall be requested to respond in writing to the inquiry within 30 days. The applicant’s letter, as well as the responses that are received, shall be presented to the Planning Board as part of the site plan application package.

¹²⁷ Added 7-25-2000 by L.L. No. 6-2000

§ 300-104. Standards.

- A. Tower height. The City of Gloversville shall not impose a limitation on the height of wireless telecommunications towers, as long as all setback requirements can be adequately addressed.
- B. Security fencing. Security fencing six feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually as determined by the Planning Board.
- C. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- D. Equipment shelters. Equipment shelters for wireless telecommunications towers shall be either located in underground vaults or be camouflaged behind an effective year-round landscaped buffer.
- E. Landscaping. Landscaping shall be provided around and above any equipment shelter and along any security fencing that fronts along a public road or is adjacent to a residential area.
- F. Setbacks. All wireless telecommunications towers shall be located a distance from adjacent property lines which is equivalent to at least 100% of the tower height.
- G. Lighting. All lighting for wireless telecommunications towers shall meet the minimum requirements of the FAA and/or FCC. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower. Lighting for equipment shelters shall be limited to manually operated or motion-detector-controlled lights, which shall be kept off, except when personnel are actually present at night.
- H. Accessory or principal use. A wireless telecommunications tower may constitute an accessory use on a lot containing a separate principal use. If the tower constitutes a principal use, then it must be located on a parcel (including a leased parcel) which meets the minimum lot size requirements of the district in which the tower is located and which is large enough to accommodate the tower, accessory structures, landscaping, parking and other required improvements.

§ 300-105. Abandoned tower removal.

The property owner shall be responsible for the removal of unused communications towers within 12 months of cessation of use. If such a tower is not removed by the property owner, then the city may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower and, after removal, may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.^{128 129}

¹²⁸ Added 7-28-1992 by L.L. No. 3-1992

¹²⁹ Former Article XX, Moratorium on Issuance of Building Permits for Construction of Multiple Dwellings Within Residential Zoning Districts, added 10-23-2012 by L.L. No. 2-2012, which consisted of §300-106 – 300-111 and immediately followed this section, was removed as expired.



APPENDICES

Schedule A: Lot and Building Requirements

Schedule B: Off-Street Parking Requirements

Schedule C: Downtown Urban Core Form-Based Overlay District

Illustrative Guide

Schedule D: Zoning Map

Schedule A: Lot and Building Requirements

District ¹	Minimum Lot Size		Lot Coverage ² (percent)	Building Height (feet)	Yard Dimensions (feet) ³			
	Area (square feet)	Width (feet)			Front	Rear	Side	
							One	Both
R-1 Residence District								
Single-Family detached dwelling	6,000	50	30	40	20	35	10	20
Multifamily dwellings	3,000 per unit	60	20	40	20	35	10	25
All other uses	6,000	50	25	40	20	35	10	25
R-1A Residence District								
Single-family detached dwelling	12,000	80	25	40	30	50	10	25
Multifamily dwellings	6,500	100	25	40	30	50	10	25
All other uses	12,000	100	25	40	30	50	10	25
R-C Residence-Commercial District								
Single-family detached dwelling	5,000	50	30	40	20	35	10	20
Multifamily dwellings	2,000 per unit	60 – 70 ⁴	35	40 – 50 ⁵	20	35	10	25
All other uses	5,000	50	25	40	20	35	10	25
C Commercial District								
Single-family detached dwelling	6,000	50	35	50	15	25	10	20
Multifamily dwellings	1,500 per unit	60	35	60	10	40	10	20
All other uses	6,000	50	35	50	10	25	10	20
M Manufacturing District								
To be determined by Site Plan Review (see §300-11)								
IPZ Industrial Park Zone					30	30		20
To be determined by Site Plan Review (see Article V)			25	35				
CIP Crossroads Industrial Park Zone					30	30		20
To be determined by Site Plan Review (see Article VI)			50	50				
CBP Crossroads Business Park Zone								
To be determined by Site Plan Review (see Article XIX)	1 acre	175	25	35	25	50		25

Notes:

1. The lot and area requirements for properties located within the Downtown Urban Core Form-Based Overlay District will be determined by Planning Board. See §300-12.
2. The lot coverage percent is to be determined by dividing the total area of land under a roof by the total lot size.
3. No building shall be erected, reconstructed or altered so as to project beyond the average setback line observed by the buildings on the same side of the street within the same block. Where appropriate, a zero or shallow build-to-line may be encouraged to maintain a continuous street wall and support pedestrian-friendly streets.
4. The maximum lot width applies only to multifamily dwellings with 5 or more dwelling units.
5. The maximum building height standard applies only to multifamily dwellings with 5 or more dwelling units.

Schedule B: Off-Street Parking Requirements

Use	Spaces Required
One or Two-Family Dwellings	2 per dwelling unit including enclosed garage space if provided
Multi-Family Dwellings or Apartments	1 per studio/efficiency apartment. 1.5 per one-bedroom apartments. 2 per two-bedroom or larger apartment.
Day-care center	1 per staff member and 1 per 5 students
Senior Citizen Development	For dwellings designed to be occupied at least 90% by persons 62 years of age or older. 0.5 per apartment plus an additional 20% of the total required spaces for visitor parking in all cases.
Home occupation, cottage industry, or cottage retail	As determined by the Planning Board
Bed-and-breakfast and rooming house	1 per guest room, plus 2 per permanent residence
Home for the aging	1 per 2 bedrooms
Townhouses	2 per dwelling unit including enclosed garage space if provided
Church or other place of worship	1 per 6 seats in the main assembly room or 1 per 12 feet of bench length. On-street parking within 500 feet of the building, except in residential areas, may be used towards fulfilling this requirement.
School	1 per teacher, employee or administrator, plus 1 per 2 classrooms
Nursing or convalescent home	1 per 6 patient beds, plus 1 per employee on largest working shift
Hospital	1 per 2 beds, plus 1 per doctor, plus 1 per employee on the largest shift, plus 1 per hospital vehicle
Community health service center	1 per 800 square feet or gross floor area, plus 1 per employee working during shift of greatest employment
Assisted living facilities	1 per every 2 units, plus 1 per employee during the shift of greatest employment
Library	1 per 400 square feet of gross floor area, plus 1 per employee working during shift of greatest employment
Funeral home	1 per 50 square feet of floor area in the public rooms; 1 per each vehicle maintained on the premises; and 1 per each employee
Club or lodge	1 per 50 square feet of assembly area
Professional or other business office	1 per 200 square feet of floor area

Schedule B: Off-Street Parking Requirements (Continued)

Use	Spaces Required
Restaurant, tavern, bar or brew pub (excluding those that provide live entertainment)	1 per 25 square feet of assembly area or 1 per 3 seats, whichever is greater, plus 1 per employee working during shift of greatest employment
Restaurant or nightclub (with live entertainment)	1 per 50 square feet of floor area, plus 1 per employee working during the shift of greatest employment
Bank or monetary institution	1 per 200 square feet of gross floor area, plus 2 spaces per teller station within the bank
Convenience store	1 per 100 square feet of retail floor area, plus 1 per employee working during the shift of greatest employment
Gasoline service station	4, plus 2 for each service stall and 1 for each employee working during the shift of greatest employment
Retail stores or personal services	1 per 250 square feet of sales floor area
Franchise automobile, boat or trailer sales and service establishment	1 for each employee, plus 1 for every 200 square feet of usable floor area of salesroom and 1 for each auto-service stall in the service room
Warehouses	1 for each employee or 1 for each 3,000 square feet of floor area, whichever is greater
Manufacturing facilities	1 for each 1.5 employees computed on the basis of combined employment of the largest and second-largest shifts or 1 for each 1,000 square feet of gross floor area used for manufacturing, plus 1 for each company-owned truck or vehicle, plus 1 visitor parking for each 1,000 square feet of office space, whichever is greater
Dry cleaning	1 for each 200 square feet of gross floor area used by the general public
Laundromat	3, plus 1 for each 200 square feet of gross floor area used by the general public
Automobile repair, painting and collision services	1 per service bay, plus 1 per mechanic
Conference center, theater or other place of public assembly	1 for each 3 seats or in places where capacity is not determined by the number of seats, 1 per 40 square feet of floor area devoted to patron use
Hotel	1.25 for each unit of occupancy, plus 1 per employee working during the shift of greatest employment
Indoor recreation facility	1 for each 3 memberships
Mixed-use establishments and all other non-residential uses	As determined by the Planning Board

Schedule C

Downtown Urban Core Form-Based Overlay District: Illustrative Guide

	<p>Canvas-type awnings and canopies are encouraged.</p> <p>Shallow build-to-line supports a pedestrian-friendly street.</p> <p>Ground floor non-residential uses such as eating and drinking establishments, retail, service and offices with walk-in clientele are encouraged.</p>
	<p>The historic top floor cornice feature provides architectural interest.</p> <p>Primary window proportions are greater in height than in width.</p> <p>Storefront and second-story cornice provides horizontal architectural articulation.</p>
	<p>Shingle signage and lighting are historically appropriate.</p> <p>Front entrance door faces the primary street and is connected to the sidewalk with a canopy-covered stoop providing weather protection for customers.</p> <p>Open porches, stoops, bay windows, balconies and other similar building features may encroach over the sidewalk.</p>
	<p>Buildings incorporate breaks in the facades and rooflines at intervals of no more than 35 feet. Facades are broken up through the use of windows, recessed or protruding doorways, canopies, and other architectural treatments.</p> <p>Front entrance doors/retail storefronts are accentuated and attractive to customers.</p>



Façade alteration is inconsistent with surrounding historic buildings. Storefront windows and doors should be cohesive in appearance and complimentary to the adjacent well-maintained historic façade.

The second-story cornice is covered by the new façade treatment and the window and door replacements are not historically appropriate. When necessary, replacement windows should match the original windows in style, configuration and size, and storefronts should have a consistent and cohesive pattern.



The new addition neglects to consider the adjacent/attached historic structure, is proportionally out of scale, and interrupts the existing architectural rhythm of the street.

Roof lacks historically appropriate decorative cornice or parapet.

Windows lack historically appropriate architectural treatments



The façade treatment covers the original doorways and windows.

The primary building entrance should be accentuated.

Galvanized metal siding should be permitted only as a roofing material. Blank facades without windows and/or doors should be discouraged on any exterior wall facing the public right-of-way.

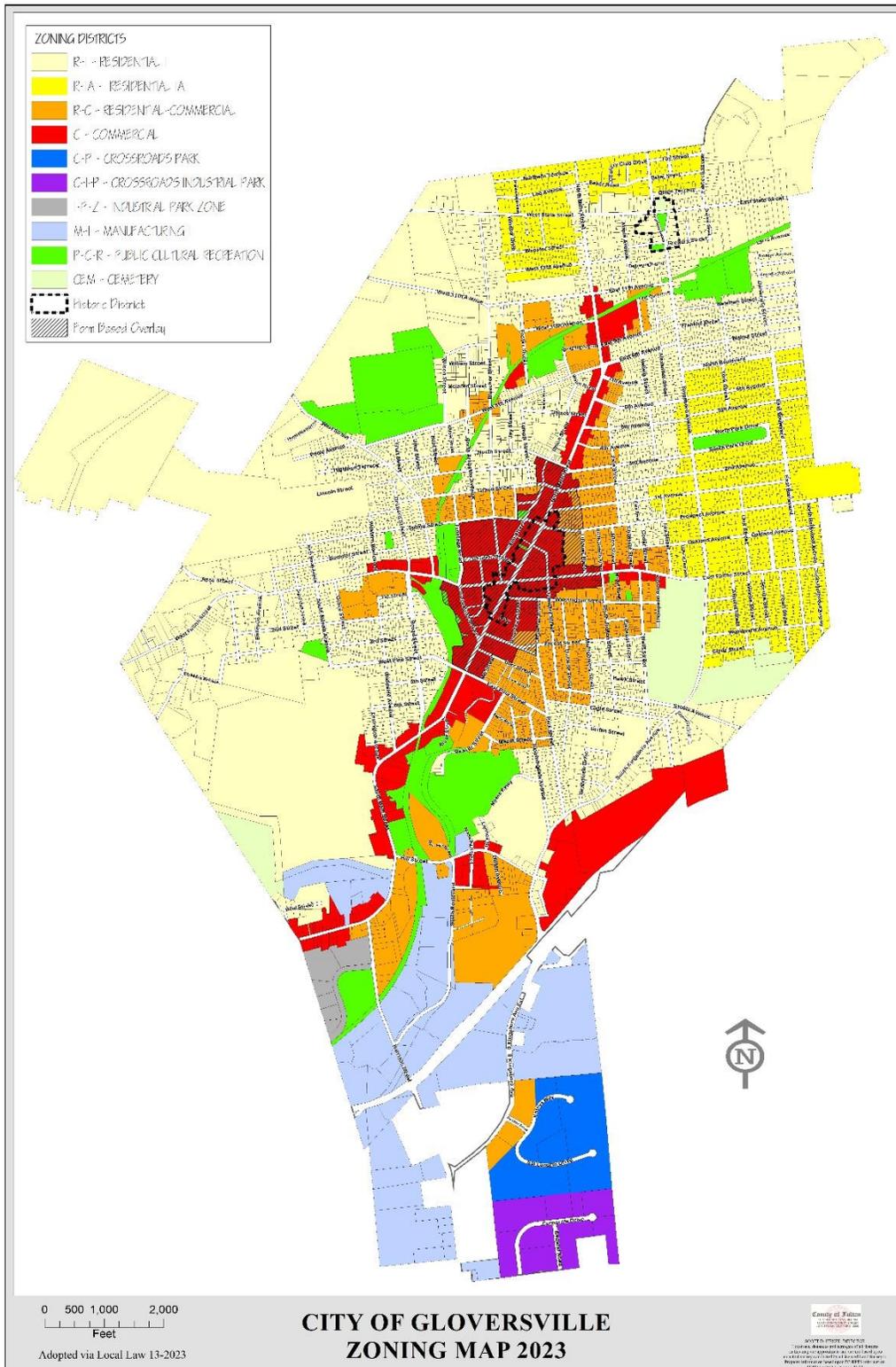


Façade alterations should employ architectural detailing that is Compatible with the architecture of the adjacent buildings.

Sign type and placement are incompatible with the character of the building.

New façade covers a portion of the second-story windows, as well other important architectural details.

Schedule D: Zoning Map (2023)



A larger version is available in the Building Inspector's Office or by visiting <http://www.cityofgroversville.com/>