

Article VI
Special Use Permit Process and Regulations

§ 245-24 Special Use Permits

- A. The Village Board will review and approve special use permits in accordance with New York State Law Section 7-725B and the relevant provisions of this chapter. The Village Board shall have the power to determine the suitability of proposed special uses based on their compliance with applicable standards, potential impact on the community, and alignment with the Evans-Angola Comprehensive Plan. Special use permitted uses shall not be considered an allowed use until the applicant proves that the use in accordance with the requirements of this code and the Village approves such application.
- B. This authority shall include, but not be limited to, the ability to impose reasonable conditions and safeguards to ensure that the special use is consistent with the public interest and welfare of the Village.
- C. No special use permit shall be authorized by the Village Board unless, in addition to the other requirements specified in this chapter, it finds that special use permit:
 - (1) Will be in harmony with the general purposes and intent of this chapter.
 - (2) Will not create a hazard to health, safety, or the general welfare.
 - (3) Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.
 - (4) Will not otherwise be detrimental to the public convenience and welfare.
- D. Every application for a special use permit shall be made in accordance with the Rules of Procedure of the Village Board and shall, except in the case of alterations of a building which do not affect the size or the location on the lot thereof, be accompanied by copies of a plot plan/site plan containing the same information as required in § 245- XX (site plan review) hereof in connection with an application for a building permit.
- E. In authorizing the issuance of a special use permit, it shall be the duty of the Village Board to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this chapter.

§ 245-25 Application Procedure.

- A. An application for a special use permit shall be submitted to the Code Enforcement Officer, which will include the following components:
 - (1) Application filled out in full,
 - (2) Basic site plan showing location of project, all new or expanded building footprints, parking areas, traffic access and circulation, open spaces, landscaping, and other pertinent information that might be necessary to determine if the proposed special use meets the requirements of this chapter.

- (3) A document describing how the project meets the requirements of this code.
- B. If the Code Enforcement Officer confirms all components are submitted in full, copies of said application will be referred to the Planning Board and Village Board.
 - (1) The Planning Board will review all documents and prepare a report to help inform the Village Board in their decision-making process.
 - (2) The Planning Board may hold a public information meeting, prior to issuing their report to receive general input from the public. After receiving the report from the Planning Board, the Village Board can begin the SEQR process, authorize County Planning referral (if required), and set a public hearing.
 - (3) The applicant and any stakeholders such as, but not limited to, neighbors and surrounding business owners may speak on the project at the Public Hearing.
- C. Applications for special use permits shall be acted on by the Village Board after the public hearing and completion of the SEQR process. Their decision along with any conditions or requirements will be passed onto the Code Enforcement Officer, who will then deliver this decision to the applicant and advise them on the next steps in the project proposal process.
- D. If a special use permit is granted, the applicant will then proceed with site plan approval and with any other required approvals or permits.

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

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

- A. Public utilities. Public utility uses, such as dial equipment centers and substations, but no service or storage yards, may be permitted in any district with a special use permit. No special use permit shall be issued unless the Village Board shall determine that:
 - (1) The proposed installation in a specific location is necessary and convenient for the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the district in which it is located.
 - (3) Adequate and attractive fences and other safety devices will be provided.
 - (4) A buffer strip 10 feet in width shall be provided around the perimeter of the property.
 - (5) Adequate off-street parking shall be provided.
 - (6) All the area, yard, and building coverage requirements of the respective district will be met.
- B. Gasoline Service Stations
 - (1) The site layout shall accommodate safe delivery of fuel and other merchandise without blocking or impeding traffic on the site or on the adjoining streets.

- (2) Fuel, oil, and other materials which are environmentally hazardous, shall be stored, controlled, and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation.
- (3) Pumps, other service devices, and fuel and oil storage shall be located at least 25 feet from all lot lines.
- (4) A curbed landscaped area shall be maintained at least three feet in depth along all street frontage space not used as driveway. The required landscaping and screening treatments of such area shall be determined through site plan review.
- (5) Premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats, or other vehicles.
- (6) No vehicle repair or auto-services shall be permitted.

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

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

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

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

- (2) In addition to the above, in the case of any use located in or directly adjacent to a residential district:
- (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood.
 - (b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- (3) Specific standards.
- (a) Maximum building coverage. The maximum building coverage of the lot shall not exceed 20%, including accessory buildings. The remainder of the lot, excluding necessary parking areas and vehicle access facilities, shall be reserved as open space.
 - (b) Minimum lot size and dimensions:
 - i. Lot size: five acres.
 - ii. Lot width: 350 feet.
 - iii. Lot depth: 350 feet.
 - iv. Side yard: 50 feet.
 - v. Rear yard: 50 feet.
 - vi. Front yard: 50 feet.
 - (c) Maximum height of buildings: 35 feet or 2 1/2 stories.
- (4) Other regulations.
- (a) The maximum density permitted shall not exceed eight dwelling units per acre for one- or two-bedroom apartments and four dwelling units per acre when apartments exceed two bedrooms.
 - (b) The minimum floor area for one-bedroom apartments shall not be less than 600 square feet; the minimum floor area for two-bedroom apartments shall not be less than 800 square feet; and the minimum floor area for three-bedroom and larger apartments shall not be less than 1,000 square feet.
 - (c) One off-street parking space shall be provided for every apartment in housing for the elderly. All other off-street parking shall have three spaces provided for every two apartments or as required by the Zoning Board of Appeals based on a parking report.

- (d) Adequate recreational facilities shall be provided. A minimum of 10% of the total lot area shall be devoted to recreational activities, such as a swimming pool, tennis courts, etc.
- (e) No less than 1/4 of the total lot area shall be professionally landscaped. Landscaping accomplished in connection with protection of parking areas of front yard area may be included as a portion of the required 25%.
- (f) The site shall be designed as a self-contained unit with separate ingress and egress, if possible, to existing Village streets. Access requirements shall be subject to the review and approval of the Zoning Board of Appeals by referral from the Village Board. [Amended 6-14-2021 by L.L. No. 3-2021]
- (g) The erection or anticipated erection of garden apartments or multiple dwellings under this section shall result in the installation of operable public water, sewerage and drainage facilities, including fire hydrants. The developer shall pay for these required improvements necessary to such development.

E. General special use permit requirements for uses in the "I" Industrial District. All industrial uses are permitted by special use permit, subject to the additional standards as hereinbelow set forth:

- (1) All proposed structures, equipment or materials shall be readily accessible for fire and police protection.
- (2) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- (3) In addition to the above, in the case of any use located in or directly adjacent to a residential district:
 - (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with the said residential district or conflict with the normal traffic of the neighborhood.
 - (b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

F. Landscape facility, which are defined as land and building used for the sale and storage of plants, trees, shrubs, soil, stone, mulch, landscape timbers and other material directly related to and customarily used for landscaping, must meet the following additional standards:

- (1) Plants, trees, shrubs, soil, stone, mulch, landscape timbers and other materials shall

not be stored outdoors within 50 feet of any street right-of-way.

- (2) All equipment and machinery used in the connection with such landscaping operation shall be stored indoors.
- (3) Where the landscape facility abuts a residential district, it shall be screened by a buffer no less than 50 feet in depth, composed of densely planted evergreen shrubbery, fencing or a combination of both or other screening as recommended by the Zoning Board of Appeals and approved by the Village Board. Such screening shall be in keeping with the character of the adjacent residential area, and if any shrubbery becomes decayed or fails to provide an adequate screen, the Code Enforcement Officer may direct the owner to replace said shrubbery. In the line between a residential district and a B-2 District lies in a street right-of-way or on a right-of-way opposite the right-of-way line within or closest to the B-2 District, the fifty-foot buffer shall be measured from the right-of-way line within or closest to the B-2 District. [Amended 6-14-2021 by L.L. No. 3-2021]

G. ~~Tourist home.~~

- (1) ~~No special use permit for a tourist home, shall be authorized unless the applicant's project meets the following additional special use permit requirements:~~
 - (a) ~~The applicant shall be the owner and full time resident of the premises, and the tourist home use shall be subordinate and incidental to the residential use of the structure.~~
 - (b) ~~No external modifications of the structure shall be allowed in conjunction with the creation of a bed and breakfast or tourist home use, and no visible evidence of the conduct of the establishment, other than the posting of one sign, in accordance with § 245-11 B(1) of this chapter, shall be present.~~
 - (c) ~~All guest rooms shall be contained within the principal structure and limited to the first and second stories of said structure.~~
 - (d) ~~The length of stay at a tourist home establishment shall not exceed five days per stay.~~
 - (e) ~~Guest room living quarters shall not constitute a separate dwelling unit and shall not be leased or rented as such.~~
 - (f) ~~The number of guest rooms for transient lodgers shall not exceed five, nor be less than three, to accommodate not more than 10 lodgers at any one time.~~
 - (g) ~~The number of occupants per room shall be determined by the provisions of § 127-11, Subsections A and B, of the Village Code.~~
 - (h) ~~The architectural integrity and arrangement of interior spaces must be maintained and the number of guest rooms shall not be increased, except as required to meet health, safety and sanitation requirements.~~
 - (i) ~~Sanitary facilities shall be provided on each floor that contains sleeping accommodations and shall be accessible from any sleeping room without requiring passage through any other sleeping room.~~

- ~~(j) The serving of meals on the premises shall be limited to breakfast for lodgers only; no cooking or cooking facilities and no consumption of meals shall be permitted in individual guest rooms.~~
 - ~~(k) Communal space utilized for dining purposes must contain a minimum of 100 square feet of floor area.~~
 - ~~(l) Hard-wired smoke detectors, carbon monoxide detectors and heat detecting systems shall be installed in each guest room and in adjacent hallways and corridors on each floor. Under certain circumstances, residential sprinkler systems or exterior stairways will be required in conformance with the New York State Uniform Fire Prevention and Building Code. All emergency exits shall be obvious and clearly identified, and a fire safety notice indicating emergency procedures shall be affixed to the occupied side of the entrance door to each guest room.~~
 - ~~(m) Outside activities shall not be permitted by guests where they will create a nuisance or in any way alter the character of the neighborhood.~~
 - ~~(n) All off-street parking shall be regulated in accordance with § 245-24 of this chapter. Parking areas for four or more vehicles may require adequate screening from adjacent residential uses, if deemed necessary by the Zoning Board of Appeals. [Amended 6-14-2021 by L.L. No. 3-2021]~~
 - ~~(o) A certificate of compliance shall be issued by the Building Inspector only after it has been determined that the structure meets all of the requirements of the New York State Uniform Fire Prevention and Building Code and after the special permit has been issued by the Village Board.~~
- ~~(2) All applicants must also register their short-term rental with Erie County and they must meet the requirements set forth in the County's short-term rental provision along with the above-stated requirements.~~

Commented [NZ1]: We'll need to understand what they want to do with their short term rentals-- updated it to make it Airbnb friendly? Or keep the old language?

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

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

§ 245-26 Antennas.

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

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

B. Application.

- (1) This section shall govern the erection or construction of all conventional television and radio antennas and satellite television antennas, the erection or construction of which has not been substantially commenced prior to the enactment of the ordinance creating this section.
- (2) All conventional television and radio antennas and satellite television antennas, regardless of when they were erected or constructed, shall also be governed by all other applicable ordinances of the Village of Angola, including height restrictions found outside of this section.
- (3) Whenever the height or other restrictions of this section conflict with restrictions in other ordinances of the Village of Angola as applied to a particular antenna, the restrictions set out in this section shall control as to that particular antenna.

C. Antenna location.

- (1) No conventional television or radio antenna may be placed in the front yard of any lot in the Village of Angola. For corner lots, such antennas may not be placed in either of the yards that face a street or road.
- (2) Satellite television antennas may be placed on a lot in the Village of Angola only in the following manner:
 - (a) If a usable satellite signal is receivable with an antenna which is located in the rear yard, the antenna may be located only in the rear yard.
 - (b) If the antenna cannot receive a usable satellite signal in the rear yard but can receive such a signal while located in a side yard, the antenna may be located only in a side yard. For corner lots, a side yard is only a yard that does not face a street or road.
 - (c) If the antenna cannot receive a usable satellite signal from either the rear or side yard, the antenna may be located only on the roof of any main or accessory building on the lot.
 - (d) In no event may the antenna be placed in the front yard of the lot.
 - (e) The Zoning Board of the Village of Angola shall determine whether a signal

constitutes a usable satellite signal, based on evidence provided to the Zoning Board by the person seeking a permit to erect or construct the antenna.

- (f) All conventional television and radio antennas and satellite television antennas must be erected or constructed at a location in conformance with the setback requirements of this chapter of the Village of Angola Code.
- (g) No ground-mounted conventional television or radio antenna or satellite television antenna may be erected over a sewer pipe or other underground conduit, wire or apparatus.

(3) Antenna size and number.

- (a) No ground-mounted satellite television antenna may exceed 10 feet in height, as measured from the ground to the highest point of the antenna.
- (b) No roof-mounted satellite television antenna may exceed two feet in height, as measured while it is sitting on the ground.
- (c) The diameter of satellite television antennas shall not exceed eight feet for ground-mounted antennas and two feet for roof-mounted antennas.
- (d) At any one time, no lot may have existing or erected more than one large (i.e., in excess of four feet in diameter) or three small (i.e., less than four feet in diameter) satellite television antennas.

(4) Permit for construction. Before any satellite television antenna or any ground-mounted conventional television or radio antenna that will be placed on a tower may be constructed or erected on any lot in the Village of Angola, the owner or occupant of that lot must procure a special permit from the Zoning Board of the Village of Angola, pursuant to Subsection G of this section.

(5) Miscellaneous.

- (a) The color of any satellite television antenna shall be such that it blends into its surroundings.
- (b) All ground-mounted conventional television and radio antennas and satellite television antennas shall be landscaped so as to screen them from the view of people on streets and surrounding lots. Said screening is not required to be so complete that it interferes with the reception of the antenna.
- (c) All conventional television and radio antennas and satellite television antennas shall be grounded against a direct lightning strike.
- (d) All conventional television and radio antennas and satellite television antennas shall be erected in a secure, wind-resistant manner.
- (e) All wiring necessary for the use of the antenna between any ground-mounted antenna and a building or between the building on which the antenna is located and any other building on the lot shall be buried underground.

(6) Procedures for a permit.

- (a) All applications for a permit to construct or erect an antenna pursuant to Subsection E herein shall be made to the Code Enforcement Officer.
- (b) If the Code Enforcement Officer shall deny the permit, the applicant may appeal to the Zoning Board of Appeals within 10 days of service of notice of such denial. Upon such an appeal, the Code Enforcement Officer shall transmit one copy of all the documents comprising the application to the Zoning Board of Appeals.
- (c) The Zoning Board of Appeals shall conduct a public hearing on any such appeal. The Zoning Board of Appeals shall determine whether to vary from the strict application of this section.
- (d) No variance in the strict application of this section shall be granted unless the Zoning Board of Appeals finds:
 - i. That special circumstances or conditions exist such that strict application of the provisions of this section would deprive the applicant of the reasonable use of his premises.
 - ii. That the granting of the variance is necessary to allow the usable satellite antenna signal or television or radio antenna signal.
 - iii. That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - iv. That the granting of the variance will be in harmony with the aesthetic nature and character of the neighborhood of the applicant.
 - v. That in the granting of the variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

Article VII

Site Plan Approval Process

§ 245-27 Site Plan Approval Process.

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

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

(2) Site Plan Approval Waiver:

1. The purpose of this provision is to streamline the approval process for minor development projects that do not significantly impact the surrounding area, thereby encouraging responsible and efficient growth within the community.
2. Based upon the pre-submittal conference, the applicant may be able to apply for a Site Plan Approval Waiver, if the Village representatives determine that the proposed project is a minor development by meeting the following criteria:
 - a. The proposed project is utilizing an existing building or is proposing an addition than or equal to 10% of the current building's footprint.

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- b. Is a use that does not require a special use permit.
 - c. Changes in use that do not increase the intensity of use or traffic.
 - d. Installations or modifications that do not alter the essential character of the neighborhood.
 - e. Changes in use that do not result in significant changes to site drainage or increase impervious surfaces.
 - f. Generate additional noise, traffic, or other disturbances that would affect neighboring properties.
 - g. Adversely impact natural resources, including wetlands, water bodies, or significant vegetation.
3. A Site Plan Approval Waiver must be signed by the representative member(s) of the Planning Board, the Code Enforcement Officer, and the Village Clerk.
 4. This Site Plan Approval Waiver will allow applicant to immediately apply for the appropriate building permits.
- (3) Site Plan Approval Process
1. If at the pre-submittal meeting, it is determined that the applicant is required to submit a full site plan application, a full application meeting the requirements of this code, must be submitted to the Code Enforcement Officer.
 2. If the application is determined to be complete and addressing any issues raised at the pre-submittal meeting, it shall be placed on the next available Planning Board agenda.
 3. The Planning Board shall review the application, provide input to the applicant, schedule a public hearing and, if needed, begin the SEQR process.
 4. The Planning Board will hold a public hearing and shall notify the public of such hearing in a timely manner in accordance with local and NYS law requirements.
 5. The applicant, and any stakeholders such as, but not limited to, neighbors and surrounding business owners may speak on the project/item at the public hearing. The Planning Board may then close the public hearing or leave it open until the next meeting (if there are outstanding issues).
 6. Applications for site plan approval shall be acted on by the Planning Board after a public hearing and the SEQR process has been completed (if required). The Board of Appeals decision, along with any conditions or requirements will be passed onto the Code Enforcement Officer, who will then deliver this decision to the applicant and advise them on the next steps in the approval process.
 7. If a site plan approval is granted, the applicant will then proceed with any other required approvals or permits, and their building permit application. This process will also include final sign-off from the Village Engineer.