

Sent 12/27/21

Local Law Filing

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

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

County City Town Village
(Select one.)

of Ravena

Local Law No. 4 of the year 2021

A local law to amend the Village of Ravena Zoning Ordinance to accord with the Village
(Insert Title)
Comprehensive Plan and provide for the continued protection and promotion of the public
health and welfare of the Village of Ravena.

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

County City Town Village
(Select one.)

of Ravena as follows:

Village of Ravenna

Local Law No. 4 of 2021 – Introductory Version

A Local Law Amending the Village of Ravenna Zoning Ordinance and Zoning Map

Be it enacted by the Village Board of the Village of Ravenna as follows:

SECTION 1: Legislative intent and purpose

The purpose of this local law is to amend the Village of Ravenna Zoning Ordinance to accord with the Village Comprehensive Plan and provide for the continued protection and promotion of the public health and welfare of the Village of Ravenna.

SECTION 2. Authority. This local law is adopted pursuant to Article 7 of the N.Y. Village Law and N.Y. Municipal Home Rule Law §§ 10 and 20.

SECTION 3. Amendments. The Village of Ravenna Zoning Ordinance shall be amended as follows:

- (A) Article II, Section 119-3 (“Definitions”) shall be amended to add the following new definitions:

ASSEMBLY HALL - A structure where large numbers of individuals collect to participate or to observe programs of participation, including but not limited to an auditorium, stadium, gymnasium, banquet room, field house, or comparable facilities under different names that are not otherwise defined under this Code.

AUTO SALES - An area or building, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

CULTURAL FACILITY - An establishment that documents social, religious, intellectual and artistic structures and manifestations that characterize a society, and includes but is not limited to museums, art galleries, botanical and zoological gardens, and structures related to historic, educational or other artistic interests.

DRIVE-IN RESTAURANT OR DRIVE-THRU FACILITY - Any building or lots used to pursue the sale, dispensing or serving of any retail commodity, food, refreshments or beverages, or the entertainment of persons, in automobiles; including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the lot and food trucks or vehicles from which such commodities, food, etc. are sold. Includes drive-in outdoor theaters and the like where patrons enter the premises and are entertained in automobiles.

FUNERAL HOME - A building or portion thereof, used for human funeral services. Such a building may contain space and facilities for: embalming and performance of other services used in preparation of the dead for burial (excluding cremating and/or the performance of autopsies and other surgical procedures); the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

HELIPORT - A landing place for helicopters.

INDUSTRIAL AND MANUFACTURING - The use of land or structures to manufacture or process products. This includes making, altering, assembling, bottling, canning, finishing, handling, mixing, packaging, repairing and similar operations.

MINING - Any excavating or breaking of the surface soil which involves an amount equal to or greater than 100 yards of material movement within any 12 successive months, including, but not limited to quarrying, the removal of gravel, and any subsoil or topsoil removal, whether for profit or not.

PERSONAL SERVICE - Establishments primarily engaged in providing services to the public, including barbershops, health clubs, shoe repair, appliance repair, building trades and banks, and excluding all other uses that are separately defined herein.

PUBLIC RECREATION BUILDINGS, STRUCTURES AND PARKS - A location, building or structure where leisure activities are performed, often requiring equipment and taking place at prescribed places, sites or fields. Active recreation includes but is not limited to swimming, tennis, and other court games, baseball and other field sports, golf and playground activities. Passive recreational activities generally do not require a developed site. This generally includes such activities as hiking and picnicking.

RECREATION, COMMERCIAL - A place designed and equipped for the conduct of sports and leisure-time activities, operated as a business and open to the public for a fee.

RETAIL STORE - An establishment selling goods to the public for consumption/ use, but not for resale, primarily in small quantities, as well as services incidental to the sale of said goods.

RESTAURANT - A retail business (excluding DRIVE-IN RESTAURANT OR DRIVE-THRU FACILITY) where food and beverages are sold to customers for consumption at a table or counter, or on a patio, or off the premises as carry-out orders, and, further, where, under proper authority, alcoholic beverages may be served.

SCHOOL - Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge. See definition of **NURSERY SCHOOL**.

WINERY/DISTILLERY/BREWERY PRODUCTION, TASTINGS, SALES - A facility for the fermenting and production of alcoholic beverages on premises which may include on-premises for retail sale, tasting and consumption during regular

business hours as defined in the Alcoholic Beverage Control (ABC) Law. A Winery/ Distillery/Brewery may also include a farm Winery/ Distillery/ Brewery licensed under the ABC Law that is a farm operation subject to the requirements and guidelines of the New York State Department of Agriculture and Markets associated with a farm operation which markets farm products consistent with guidelines of the New York State Department of Agriculture and Markets. Unless regulated or otherwise required by this Ordinance or any other applicable Law, the term Brewery shall also include Microbrewery.

(B) Article III, Section 119-4 (“List of Districts”) shall be amended as follows:

- (1) Delete reference to the “CF-1 Community Facility Zoning District”.
- (2) Add a new “MUN – Municipal” Zoning District
- (3) Delete reference to the “B-1 General Business” and “C-1P Planned Commercial”.
- (4) Add a new “BC - Business/ Commercial” Zoning District.

(C) Article III, Section 119-5 (“Zoning Map”) shall be amended as follows:

A. Said districts are bounded as shown on a map or maps entitled "Zoning Map, Village of Ravena, New York," adopted Tuesday, October 10, 1961 and amended on Nov. 16, 2021, which has been certified by the Village Clerk and which, with all explanatory matter thereon, is hereby made a part of this chapter.

(D) Article VI, Section 119-8 (“Schedule of District Regulations”) shall be amended as follows:

- A. The attached schedule of use and bulk regulations is part of this section and is referred to as “Schedule of District Zoning Regulations”.
- B. There shall be no more than one building housing a permitted or permissible principal use erected on a single lot.

(E) Article V (“Supplemental Regulations”) shall be amended to add a new Section 119-24.33 (“Winery/ Distillery/ Brewery Production, Tasting, Sales”) as follows:

§119-33 WINERY/DISTILLERY/BREWERY PRODUCTION, TASTINGS, SALES

- A. The winery, brewery or distillery shall sell and serve on site its own wines, beers or spirits, as applicable.

- B. If a Restaurant is proposed on the premises the Restaurant shall comply with all requirements for a Restaurant use.
- C. The restaurant shall be open during, and not to exceed, the normal operating hours of the winery/ distillery/ brewery.
- D. There shall be adequate ingress and egress lanes (wide enough, open view of road, etc.) from the parking lot of the business.
- E. The use shall be compatible with the general character of the Village, the zoning district and with nearby developments.
- F. The use shall be designed, located and proposed to be for the advantage of the health, safety, welfare and convenience of the public.

(F) Article V, Section 119-26(A) relating to signs in residential districts, shall be repealed in its entirety and replaced with the following:

- (A) Signs in residence districts shall be limited to one nonilluminated nameplate not exceeding 1 ½ square feet in area, except for signs advertising the premises for sale or rent, which shall not exceed six square feet in area. Off-site advertising signs shall be prohibited in all residential districts.

(G) Article V, Section 119-26(B)(1) relating to signs in nonresidential districts, shall be amended as follows:

- (1) Signs attached to buildings. Not business sign attached to any building shall exceed in area 25% of the area of the wall to which such sign is attached or 200 square feet, whichever is less, not shall such sign project more than 36 inches beyond the exterior face wall. A projecting sign suspended over a pedestrian traffic area shall have a clearance of not less than seven feet six inches.

(H) Article V, Section 119-26(B)(5) relating to signs in nonresidential districts, shall be amended as follows:

- (5) Moving or flashing signs. Moving or flashing signs or advertising devices shall be prohibited. Electronic message boards that display only static messages of time and/or temperature or gasoline prices shall not be considered a moving or flashing sign for purposes of this regulation. For purposes of this section "static messages" shall mean electronic messages that change infrequently (generally less than two or three times within 24 hours).

(I) Section 119-37.1 shall be amended as follows:

“The Village Board shall appoint a Zoning Inspector, who may be the same official appointed to act as the Village Code Enforcement Officer or Building Inspector, who shall be charged with the authority to administer and enforce the zoning provisions of this chapter throughout all areas of the Village, and who shall have the power and authority to make inspections of buildings and premises necessary to enforce zoning provisions of this chapter as well as Chapter 57, Art. IV, Horses, cattle and fowl; Chapter 65, Fences; Chapter 71, Licensed occupations; Chapter 85, Property maintenance; Chapter 90, Recreation vehicles; Chapter 108, Abandoned vehicles; and parking violations as prescribed in Chapter 110, Vehicles and traffic.”

(J) Article VII (“Board of Appeals”), Section 119-44(A) shall be deleted in its entirety and replaced with the following:

A. Appeals.

(1) The Board of Appeals shall have the power to hear and decide appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Building Inspector. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the Village.

(2) Application. An application for appeal to the Board of Appeals shall be in the form and manner prescribed in the rules of procedure adopted by the Board of Appeals. Every appeal shall refer to the specific provision of the chapter involved, the decision, requirement, act or failure to act of the Building Inspector, as the case may be.

(3) Time of Appeal. An appeal to the Zoning Board of Appeals shall be taken within sixty (60) days after the filing in the Village Clerk’s office of any order, requirement, decision, interpretation or determination of the Building Inspector. The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

(4) Decisions.

a) Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Village Clerk by case number and under appropriate headings, together with all other documents pertaining thereto.

b) The Board of Appeals may reverse, affirm, wholly or partly, or modify any order, requirement or decision, as it deems necessary, in any case referred to it, and therefore shall have all the powers of the Building Inspector from whom the appeal was taken. The concurring vote of the

majority of the members of the Board of Appeals shall be necessary to reverse or modify any decision of the Building Inspector.

- c) Stay of proceedings. Any appeal, properly filed, shall stay all actions under such action appealed from unless the Building Inspector, from whom the appeal is taken, certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to person or property.
- d) Restraining order. The Board of Appeals shall have the power to grant a restraining order to stay all proceedings in furtherance of the action appealed from, over any action by the Building Inspector from whom the appeal is taken, upon notice to said officer and on due cause shown.

(K) Article VII (“Board of Appeals”), Section 119-44(B)(2)(“Referral to Zoning Board of Appeals/ Planning Board”) shall be deleted in its entirety

(L) Article VII (“Board of Appeals”), Section 119-44(B)(3)(“Types of special permits”) shall be renumbered to Section 119-44(B)(2)(“Types of special permits”).

(M) Article VII (“Board of Appeals”), Section 119-44(C)(“Variances”) shall be deleted in its entirety and replaced with the following:

C. Variances

(1) Use Variances.

- a) The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this local law shall have the power to grant Use Variances, as defined herein.
- b) No such Use Variance shall be granted by a 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 for each and every permitted use under the Zoning regulations for the particular district where the property is located,
 - i) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - ii) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

iii) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

iv) That the alleged hardship has not been self-created.

c) The Board of Appeals, in the granting of Use Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Area Variances

a) The Zoning Board of Appeals shall have the power, upon an appeal from decision or determination of the administrative official charged with the enforcement of this local law, to grant area Variances as defined herein.

b) In making its 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:

i) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

ii) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

iii) Whether the requested area variance is substantial;

iv) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

v) 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.

c) 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.

- (3) Imposition of Conditions. The Board of Appeals shall, in the granting of both Use Variances 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. Such conditions shall be consistent with the spirit and intent of this local law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

(N) A new Article VII (“Board of Appeals”), Section 119-44(E) (“Zoning Board of Appeals Procedure”) shall be added as follows:

E. Zoning Board of Appeals Procedure

- (1) All applications to the Zoning Board of Appeals shall be in writing on forms established by the Zoning Board of Appeals.
- (2) Every application shall refer to the specific provision of the ordinance involved and provide an explanation as to why the variance, appeal or special use permit should be granted.
- (3) A completed Environmental Assessment Form (EAF) must be submitted with all special use permit and variance applications. Notwithstanding the foregoing, if it is determined the application is a Type II action exempt from review under SEQRA, an EAF will not be required.
- (4) Upon receipt of a completed application, the Zoning Board of Appeals shall:
 - a) Schedule a public hearing within sixty-two (62) days.
 - b) Arrange publication of notice of public hearing in the Village’s official newspaper at least ten (10) days prior to the public hearing.
 - c) Arrange to notify in writing all landowners within 500-feet of the applicant's parcel by First Class Mail.
 - d) Refer application to the County Planning Board as required by General Municipal Law, Section 239-m, to allow the County thirty (30) days to review the proposed action and to file its report.
 - e) Review the Environmental Assessment Form (EAF) for actions subject to SEQRA and determine if a coordinated review should be initiated.

- f) Within sixty-two (62) days of the public hearing, the Zoning Board of Appeals shall render a decision and file the written decision in the Village Clerk's Office.
 - g) The ZBA shall file a report of its final action with the County Planning Board within thirty (30) days after final action and set forth in writing the reasons for the contrary action.
- 5) Any person aggrieved by any decision of the Zoning Board of Appeals, may apply to the Supreme Court for a review by a procedure under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after filing of a decision in the office of the Village Clerk.
- (O) The Schedule of District Zoning Regulations (Attachment 2) shall be amended as follows:
- 1) The Schedule shall be renamed: Attachment 2, "Village of Ravenna Schedule of District Zoning Regulations –Business Commercial, Industrial, Municipal".
 - 2) The "B-1 General Business", "C-1P Planned Commercial", and "CF-1 Community Facility" Zoning District categories shall be deleted in their entirety.
 - 3) A new "Business-Commercial Zoning District" category shall be added.
 - 4) The list of "Permitted", "Accessory" and "Permissible Upon Issuance of a Special Permit" zoning district shall be amended to add a new list of "Principal", "Accessory" and Permitted Upon Issuance of a Special Permit" for the Business-Commercial Zoning District (B-C), Industrial District (I-1) and Municipal District (MUN). The new list is attached to this proposed local law as Schedule A.
 - 5) Bulk requirements for the newly created "Business-Commercial Zoning District" shall be added to the chart as follows:
 - (i) Revise the minimum lot size to 20,000 area square feet (Area) / 80' foot (Width), but include an Asterix (*) with footnote that states "the minimum lot size for all lots in the Business-Commercial Zoning District as of the date this local law is adopted shall be 10,000 area square feet (Area) / 80' foot (Width)"; and

- (ii) Maximum height in feet and stories shall be: 60 feet / 5 Stories.
- (iii) no other specific bulk restrictions for the Business-Commercial Zoning District are being adopted which will be indicated by a “ – “ symbol in every other column; and
- (iv) Site plan review and approval for all listed uses and be indicated in the last column.

SECTION 4. Each provision of this local law is severable from the others, so that if any provision is held to be invalid or void by a court of competent jurisdiction, such illegal or void provision shall be severed from this local law which shall nonetheless remain in full force and effect. In the event that a provision is determined to be invalid or void for any reason, any repealer/ rescission provision set forth in this local law in regard to the provision shall not apply or otherwise be given effect.

SECTION 5. This local law shall take effect immediately upon filing in the office of the Secretary of State in accord with the provisions of §27 of the Municipal Home Rule Law.

| B-C Business/ Commercial | Principal | Accessory | Permitted Upon Issuance of Special Use Permit |
|--------------------------------|---|--|---|
| | Auto Sales | Private garage and sheds | Shopping Centers |
| | Retail stores and Personal services | Parking and loading areas | Commercial and Residential Recreational Facilities |
| | Banks | Storage for merchandise in stock | Auto Sales and Motor Vehicles Repair Shop |
| | Restaurants and caterers | Customary vehicle storage | Home occupations |
| | Public transportation building | Permanent and temp. commercial concessions- incident to principal permit | Lumber & building supply houses |
| | Government and community service facilities | Club buildings | Funeral homes |
| | Hotels and apartment housing | Locker rooms | Theater/assembly halls |
| | Schools, Nursery | Storage Buildings | Drive-In Restaurant or Drive-Thru Facility |
| | Schools and Places of Worship | Residential custodial housing | Theaters and assembly halls |
| | Professional Offices | | Cultural Facility |
| | Apartment houses | | Trailer parks |
| | Private clubs | | Drive-In Restaurant or Drive-Thru Facility |
| | Commercial Laundry | | Trucking terminals |
| | Banks | | Lumber & building supply houses |
| | Printing and publishing | | Winery/Distillery/Brewery Production, Tastings, Sales |
| | | | Gasoline Station w/ or w/out Retail Store |

| I-1 Industrial | Permitted | Accessory | Permitted Upon Issuance of Special Use Permit |
|----------------|---|--|---|
| | Warehousing Public utilities facilities Research and development facilities Wholesale with storage Printing and publishing Public Transportation Building | Any customary use- Incidental to permitted use Repair shops Outdoor storage- Incidental to principal use | Winery/Distillery/Brewery Production, Tastings, Sales Building material processing Chemical processing Clothing manufacturers Heliports Mining Solar Farms and Solar Power Plants |

| | |
|-----------------|---|
| Mun – Municipal | The MUN District is designed to contain public schools, public libraries, emergency service organizations and all governmentally owned parcels that are dedicated to a public or civic use. Such uses are considered permitted uses under the Municipal Zoning Designation. |
|-----------------|---|

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2021 of the (County)(City)(Town)(Village) of Ravena was duly passed by the Board of Trustees on December 21 2021, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

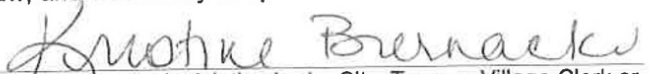
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

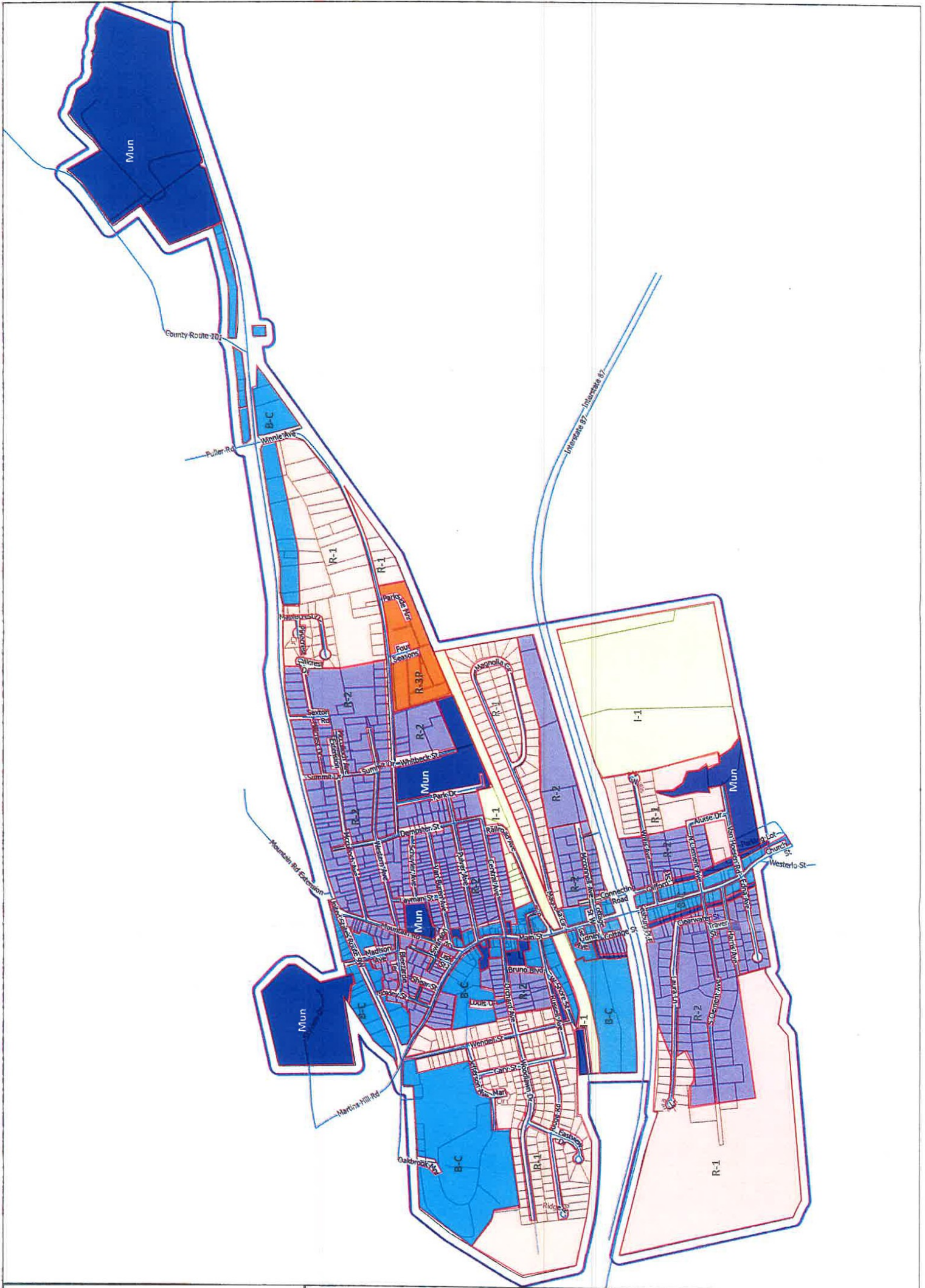
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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


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

Date: 12/22/21

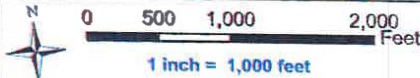
(Seal)



Zoning Revision 2021

Village of Ravena

Albany County, NY



Map Note: The locations and features depicted on this map are approximate and do not represent a field survey.

- B-C Business / Commercial
- I-1 Industrial
- Municipality

- Village Roads
- Ravena Tax Parcels 2017
- Village Outline (100 ft buffer)
- Zoning Types**
- Zoning Types
- R-1 Single Family Residential
- R-2 Two Family Residential
- R-3P Mobile Home Park