Minutes
Village of Orchard Park
Board of Trustees

The regular meeting of the Board of Trustees of the Village of Orchard Park was held on Monday, June 22, 2026 in the Municipal Center, 4295 South Buffalo Street, Orchard Park, New York. Mayor Clinton called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.

Members present:
Mayor Jo Ann Litwin Clinton
Trustee Matthew J. Hartung
Trustee David N. Even

Others present:
Clerk-Treasurer Heather Tucciarone-Richeal
Code Enforcement Officer John Gullo
Manager of Public Works Wittmeyer
Attorney John C. Bailey

Members Excused:
Trustee Christine M. Popek
Trustee Dale T. Pyne

Mayor Clinton made the following announcement:
"Fire exits are located at the rear in the Board Room. In the event of a fire, you will be notified by announcement on the public address system. If notified, please move in a calm and orderly fashion to the nearest exit."

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending the Village of Orchard Park Municipal Code, Chapter 169, entitled "Property Maintenance". Mayor Clinton opened the meeting at 7:08 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Hartung, seconded by Trustee Even to close the hearing at 7:09 p.m.

On the question:	3 voting "Aye" Mayor Clinton	0 voting "Nay"	Carried

Trustee Hartung
Trustee Even

Moved by Trustee Even, seconded by Trustee Hartung to approve Local Law #6 of 2026 as presented:

SECTION I:

§ 169-1 "**Prohibited Acts."**

No owner or occupant of any real property located within the Village of Orchard Park shall allow such real property to become overgrown with brush, grass or weeds, or to allow the unlawful accumulation on such property of rubbish or trash.

Any other property maintenance violations which include affecting the exterior within their boundaries are subject to the same.

SECTION II:

§ 169-2 "**Duty of owner or occupant."**

It shall be the duty of the owner or occupant of any real property located within the Village of Orchard Park to maintain the structures, infrastructure, cut, trim, remove or cause to be cut, trimmed or removed from said lot, plot or property, or any portion thereof, all brush thereon, so the general height is no greater than six inches during the months of May through October of each year and to remove from such real property any accumulation of rubbish or trash thereon.

SECTION III:

§ 169-3 "**Failure of owner or occupant to comply; enforcement procedures."**

In case the owner or occupant of real property located within the Village of Orchard Park shall fail to comply with §§ **169-1** and **169-2** of this chapter, the Village Code Enforcement Officer upon direction of the Board of Trustees, shall cause to be served upon owner or occupant, by mail, a written notice requiring such owner or occupant to comply within five days after service of such notice, the Director of Public Works shall cause the repairs to the structure or infrastructure, cutting and/or removal of the brush, grass, weeds or rubbish and trash. In any such case, the owner or occupant of such real property shall pay to the Village all costs in connection with such cutting and/or removal, together with a service charge of 50% thereof to cover supervision and administration, within thirty (30) days after completion thereof. Upon failure of such owner or occupant to pay such costs, the Director of Public Works shall report same to the Board of Trustees, who shall certify such costs to the Erie County Department of Real Property Tax, and thereupon such costs shall become a lien upon the real property involved and shall be added to and become a part of the taxes next to be assessed and levied upon such real property and shall bear interest at the same rate as and be collected and enforced in the same manner as taxes.

SECTION IV:

§ 169-4 "**Penalties for offenses".**

Any person who shall violate any provision of this chapter shall be punished as provided in Chapter **1**, Article **III**, of this Code.

SECTION V: Effective Date

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

On the question:	3 voting “Aye” Mayor Clinton Trustee Hartung Trustee Even	0 voting “Nay”	Carried

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending the Village of Orchard Park Municipal Code, Chapter 225, entitled “Zoning”. Mayor Clinton opened the meeting at 7:10 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Even, seconded by Trustee Hartung to close the hearing at 7:11 p.m.

On the question:	3 voting “Aye” Mayor Clinton Trustee Hartung Trustee Even	0 voting “Nay”	Carried

Moved by Trustee Hartung, seconded by Trustee Even to approve Local Law #7 of 2026 as presented:

SECTION 1:
Article 1
§225-2 **Legislative intent.**

Pursuant to §7-700 of the Village Law, the intent of this chapter is to establish comprehensive controls for the development of land in the Village of Orchard Park based on the Comprehensive Plan for the Village and enacted in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.

§225-3 **Purposes.**

Such regulations are made in accordance with the Comprehensive Plan and designed to lessen congestion in the streets, to secure safety from panic, fire, floods, and other dangers; to promote the health and general welfare; to facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations are made with reasonable consideration, among other things as to the characteristics of the district and its peculiarities for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village.

§225-5 **Definitions.**
Add:
BASEMENT
That portion of a building that is party below grade and which has more than half of its height, measured from floor to ceiling, above the average established finished grade of the ground adjoining the building.

Replace BED AND BREAKFAST FACILITY with
SHORT TERM RENTAL
A dwelling in which overnight accommodations are provided or offered for compensation. The accommodations shall be contained within the confines of the principal building. Refer to 225 Attachment 1, Schedule 1, for allowable locations.

Remove BOARDING HOUSE

BUILDING, PRINCIPAL
A structure in which is conducted the principal use of the site on which it is situated. In R-1 and R-2 Zones, only one principal building on a lot of record is permitted. In R-3, R-4, R-5, B-1, B-2 and I-1 Zones, more than one principal building on a lot of record is permitted as a special use. (See also “accessory building,” supra).

Add:
CELLAR
That portion of a building that is partly or entirely below grade and which has more than half of its height, measured from floor to ceiling, below the average established finished grade of the ground adjoining the building.

Replace COMMUNITY FACILITIES with
PUBLIC UTILITIES

Public utilities and other essential equipment structures and accessories reasonably necessary for the furnishing of gas, electricity, steam, water, communications, supply and disposal systems, and other similar community related systems or improvements for the promotion of public health, safety or general welfare.

Add:

DAY CARE CENTER and/or DAY NURSERY

A place for the care only, of five or more children away from their own residence who stay for a period of three or more but less than 24 hours during any day irrespective of compensation, reward or otherwise.

Remove DWELLING

Replace DWELLING, MULTIPLE with:

DWELLING

A building used as the living quarters for one or more families, but not including a building of mixed occupancy.

A.

SINGLE-FAMILY DWELLING A building containing one dwelling unit and designed or used exclusively for occupancy by one family.

B.

TWO-FAMILY DWELLING A building containing two dwelling units and designed or used exclusively for occupancy by two families living independently of each other; or two one-family dwellings having a party wall in common.

C.

MULTI-FAMILY DWELLING A building containing three or more dwelling units designed or used for occupancy by three or more families living independently of each other.

Add:

EMERGENCY EGRESS WINDOW – BASEMENT

A basement emergency egress window is a code-compliant, operable window designed as a secondary emergency exit for lower-level habitable spaces, such as bedrooms. It must be large enough for na adult to pass through, allowing safe escape or firefighter entry, as required in the New York State Building Code, These assemblies should be installed so as to meet the required setbacks in 225 Attachment 2, Schedule II.

HOME OCCUPATION

Studio or office of a resident medical or osteopathic physician, dentist, chiropodist, podiatrist, physiotherapist, chiropractor, lawyer, engineer, architect, landscape architect, accountant, insurance agent or real estate agent, provided that:

A. Is carried on wholly within the principal building; and
B. Is carried on by only members of the family residing in the dwelling unit; and
C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes not exceeding 25% of said building, with no exterior display, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal building; and
D. Produces no offensive noise, vibrations, smoke, dust, odors, heat, glare or traffic hazard or congestion.

HOTEL
A building other than a Short-Term Rental, containing rooms which are rented or hired out for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building.

Add:
KENNEL, DOG
A building and/or area for the purpose of boarding for compensation more than three dogs that are more than six months old.

Remove **TOURIST HOME**

SECTION 2:

Article II
§225-7 **Zoning Map**.

The districts are bounded as shown on the map entitled, "Zoning Map of the Village of Orchard Park", and certified by the Village Clerk-Treasurer, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Chapter.

SECTION 3:

Article IV
§225-11 **Lot, height, yard and maximum coverage requirements.**

A. (1) (c) Front, exterior side yard and rear yards. No structure shall be constructed on a nonconforming lot unless it shall have front and rear yards conforming to the minimums requires for the R-District in which said lot is located.

C. (4) (a) Exterior side yard of a corner lot. The exterior side yard of any corner lot of record at the time of the adoption of this chapter shall have a setback matching the front yard setback.

§225-12 **Accessory uses and structures**

B. Erection of a garage before dwelling. A private garage may be erected prior to the erection of the dwelling to which it is accessory, provided:
(1) The garage is not occupied as a dwelling but it used only for the protection of supplies and equipment.
(2) Construction of the dwelling to which said garage is accessory is started within six (6) months from the date of issuance of the building permit and is completed within twelve (12) months from the date of the issuance of the building permit, inside and out to such a point that said building would be eligible for the issuance of a certificate of occupancy.

C. (2) Plumbing and electrical. All plumbing and drainage connection therewith shall comply with the New York State Residential and Fire Codes. For purposes of interpretation, the water supply system is part of the main dwelling's water service and the drainage system of private swimming pools shall be part of the main dwelling's drainage system when available.

§225-16 **Public Utilities**
A. Essential public utilities enclosed or permanent structures. Such uses when in R-Districts shall be subject to the following regulations:

(1) Such facility shall not be located on a residential street (unless no other site is available) and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

(2) The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.

(3) Adequate fences, barriers and other safety devices shall be provided and shall be landscaped in accordance with the provisions in § **225-13.**

B. Essential public utility, open. Such uses shall be limited to the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signs, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for

the public health or safety or general welfare, but not including buildings. (NOTE: see also §225-19A). Where applicable, the landscaping regulations of §225-13 shall apply.

§225-17 **Parking and automotive services.**
A. Off-street parking.
(1) In all districts in connection with any use, there shall be provided at the time any new building or structure is erected or the use changed off-street parking spaces open to the public at no charge for automobiles in accordance with the requirement set forth herein.
(b) Parking spaces may not be located in any front or exterior side yards.

(2) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Planning Board or Village Board as empowered by this Code, shall apply.

SECTION 4:

Article V
Remove §225-27 (E) **Satellite Antennas**

§225-27
A. (2) (e) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, materials and general construction thereof. In addition, there shall be attached a legal property survey, plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.
SECTION V:

Article VI
§225-32 **Historical buildings and structures**
The historic buildings and structures which are subject to the provisions of this article are hereby designated as follows:

Building or Structure	**Location**
Millie Michelfelder (Dr. Joll's home) Buffalo Street	S4287 South
Quaker Meeting House	East Quaker Street and Freeman Road
Old B & O Depot	South Buffalo Street

SECTION 5:

Article VIII
§225-35
N. Application fees. At the time that a person submits an application for a small wireless facility, such person shall pay a nonrefundable application fee in an amount as determined by the Village Board and as set forth in the Village fee schedule, in addition to any other fee required by law.

Q. Liability Insurance
(1) An applicant for a small wireless facility permit shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the small wireless facilities permit in amounts as set forth below:
(a) For co-location on an existing wireless telecommunications facility structure, the insurance policies shall be in the following amounts:
[1] Commercial general liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;
[2] Automobile coverage: $1,000,000
[3] Workers' compensation and disability; statutory amounts.
(b) For all other large wireless facilities, the required insurance policies shall be in the following amounts:
[1] Commercial general liability covering personal injuries, death and property damage: $5,000,000 per occurrence;
[2] Automobile coverage: $1,000,000
[3] Workers' compensation and disability: statutory amounts.

§225-44
A. Notice of violation. Upon finding violations of the provisions of this chapter, the Code Enforcement Official shall serve written notice, either by personal service or first class mail, addressed to the premises of such violation, on the person committing or permitting such violation or on the owner of the property. Such notice shall specify the nature of such violations as exist and specify a reasonable time limit, of not less than five days in which compliance should be achieved.

SECTION 6: Effective Date
This local law shall take effect immediately upon filing with the Secretary of State.

On the question:	3 voting "Aye"	0 voting "Nay"	Carried
	Mayor Clinton		
	Trustee Hartung		

Trustee Even

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending the Village of Orchard Park Municipal Code, Chapter 225, entitled "Zoning". Mayor Clinton opened the meeting at 7:12 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Even, seconded by Trustee Hartung to close the hearing at 7:13 p.m.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

Moved by Trustee Hartung, seconded by Trustee Even to approve Local Law #8 of 2026 as presented:

SECTION 1:

Add §225-36 Battery Energy Storage Systems

§225-36.1 Legislative Authority; Purpose.

§225-36.2 Definitions.

§225-36.3 Applicability.

§225-36-4 General Requirements.

§225-36-5 Permitting requirements for Tier 1 battery energy storage systems.

§225-36-6 Permitting requirements for Tier 2 (2A and 2B) battery energy storage systems.

§225-36-7 Permitting requirements for Tier 3 battery energy storage system.

§225-36-8 Safety.

§225-36-9 Permit time frame and abandonment.

§225-36-10 Construction inspections (Tier 2 projects).

§225-36-11 Ownership changes (Tier 2).

§225-36-12 Enforcement; Penalties for offenses.

2§25-36-13 Stop-work orders.

§225-36.1 Legislative Authority; Purpose

A. Authority. This article is adopted pursuant to Article IX of the New York State Constitution,

S and (10), New York Statute of Local Governments, S 10(1) and (7); S 261-263 of the Town Law and S 10 of the Municipal Home Rule Law of the State of New York, which authorize municipalities to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

B. Statement of purpose. This article is adopted to advance and protect the public health, safety, welfare, and quality of life of the Village of Orchard Park by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

(I) To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems.

(2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems.

(3) To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.

(4) To project the public health and safety of the residents of the Village of Orchard Park and to provide for the training and supplying Qf first responders in the event of any emergency.

(5) To regulate the development of battery energy storage systems in accordance with the Village's Comprehensive Plan.

§225-36.2 Definitions

As used in this article, the following terms shall have the meanings indicated: ANSI American National Standards Institute.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1, Tier 2 (Tier 2A and 2B) or Tier 3 battery energy storage system as follows:

A. Tier 1 battery energy storage systems have an aggregate energy capacity less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. These are accessory uses to a principal use in a residential and small commercial setting (for onsite and/or vehicular use) and are intended for energy use by the principal use and do not exceed storage of 110% of two days of energy for the user (as determined by the Village Code Enforcement Office).

B. Tier 2 battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area (a Tier 2A system) or in an outdoor area (a Tier 2B system). These are accessory uses to a principal use and are intended for energy use by the principal use and do not exceed storage of 1 10% of two days of energy for the user (as determined by the Village Code Enforcement Office).

C. Tier 3 battery energy storage systems (utility grade system) are systems that are designed independent of a user, with a purpose to store energy and then put that energy back into the power grid. They can be an accessory or primary use on a site. They also include any system not meeting the definition/requirements of a Tier 1 or Tier 2 system.

BATTERY(IES) A single cell or a group of cells connected electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this article, batteries utilized in consumer products are excluded from these requirements.

CELL The basic electrochemical unit, characterized by an anode and a cathode used to receive, store, and deliver electrical energy.

COMMISSIONING A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F[u] l occupancy as defined in the International Building Code, and complies with the following:

A. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

B. No other occupancy types are permitted in the building.

C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:

(1) The areas do not occupy more than 10% of the building area of the story in which they are located.

(2) A means of egress is provided from the administrative and support use areas to the public way directly outside of any structure that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

ENERGY CODE The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC National Electrical Code.

NFPA National Fire Protection Association.

NON-DEDICATED-USE BUILDING All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NONPARTICIPATING PROPERTY Any property that is not a participating property.

NONPARTICIPATING RESIDENCE Any residence located on nonparticipating property. **OCCUPIED COMMUNITY BUILDING** Any building in Occupancy Group A, 8, E, l, R, as defined in the International Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

PARTICIPATING PROPERTY A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property, except for additional property purchased, but not leased, solely for setback purposes. Participating property shall not include nonowned property upon which solely transmission lines exist without more.

RESIDENTIAL PROPERTY Property wholly or partially located in any zoning district in the Village of Orchard Park that permits the land to be, as a primary or secondary use, residential structures.

UL Underwriters Laboratory, an accredited standards developer in the U.S.

UNIFORM CODE The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

SECTION 2:

§225-36.3 Applicability

A. The requirements of this article shall apply to all battery energy storage systems permitted, installed, or modified in Village of Orchard Park after the effective date of this article, excluding general maintenance and repair,

B. Battery energy storage systems constructed or installed prior to the effective date of this article shall not be required to meet the requirements of this article.

C. Modifications to or retrofits or replacements of an existing battery energy storage system that modify, in any way, the total battery energy storage system designed discharge duration or power rating shall be subject to this article.

§225-36-4 General Requirements

A. building permit, site plan review, a special use permit, and an electrical permit shall be required for installation of all battery energy storage systems.

B. Issuance of permits and approvals by the Orchard Park Village Board and Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].

C. All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that 1) contain or are otherwise associated with a battery energy storage system and 2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Village Code.

D. Fees. Fees as set by the Village Board periodically by resolution must be paid at the time of submission of an application for site plan approval, special use permit, a building permit, for an amended building permit, or for renewal of a building permit. The applicant, for Tier 2 or 3 projects, shall be required to pay the costs of the engineers and attorneys or outside professional consultants for time spent reviewing and analyzing the application.

E. The Village of Orchard Park Office and Emergency Management shall review all applications for battery energy storage systems prior to submission to the Planning Board.

F. All setbacks shall be measured from BESS structures or equipment.

G. No Tier 2 BESS shall be located on property abutting any waterway nor shall same be located on property where an aquifer has been designated.

§225-36-5 Permitting requirements for Tier 1 battery energy storage systems.

Tier 1 battery energy storage systems shall be permitted in all zoning districts, subject to the Uniform Code, all other applicable codes and the battery energy storage system permit and are exempt from site plan review.

§225-36-6 Permitting requirements for Tier 2 (2A and 2B) battery energy storage systems.

Tier 2A battery energy storage systems that are located within a structure shall be permitted in all M-1 and M-2 Zoning Districts, subject to the Uniform Codey all other applicable codes the battery energy storage system permit, and an operating permit. Tier 2B battery energy storage system that are located exterior of the primary building on site shall be permitted through the issuance of site plan approval within all manufacturing zoning districts, provided same shall not be located within 500 feet of any residential zoning districts (those districts where residential is allowed) and residential property lines (as measured from the residential property line to the BESS structures/equipment) or located within 1,000 feet of any educational facility property line, or located within 11000 feet of any nursing home/skilled nursing facility or hospital, or within 1 ,OOO feet of any waterway and shall be subject to the Uniform

Code and the site plan application requirements set forth in this section. Tier 2B battery energy storage systems associated with a solar or wind energy project shall also only be allowed in conformance with the Village laws associated with these type projects (only allowed in the zoning districts that allow a solar and/or wind project). Applications for the installation of a Tier 2B battery energy storage system have the following requirements:

A. They shall be reviewed by the Code Enforcement Officer and the for completeness. An application shall be complete when it addresses all matters listed in this article, including, but not necessarily limited to, i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and ii) matters relating to the proposed battery energy storage system and floodplain, utility lines and electrical circuitry, signage, fire safety, lighting, vegetation and tree-cutting, noise, decommissioning, site plan and development special use and development, ownership changes, safety, and permit time frame and abandonment. Any deficiencies in the application must be addressed prior to substantive review.

B. They shall be referred to the County Planning pursuant to General Municipal Law S 239-m, if required.

C. They shall be referred to any fire company/district which would provide fire protection services for the property.

D. The Planning Board shall engage in site plan review on the application after the SEQR process is completed, which can include approval, approval with conditions, or denial. A full EAF shall be submitted by the applicant.

E. Utility lines and electrical circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including, without limitation, any poles, with new easements and right-of-way.

F. Signage.

(1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

(2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

G. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. In accordance with Village law, there shall be no light spillage onto adjoining properties.

H. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 2 battery energy storage systems shall be cleared of combustible vegetation and other combustible growth in accordance with all applicable codes. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible and shall only be done with prior Village approval.

l. Noise. The one-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 45 dBA as measured at the outside wall of any nonparticipating residence or occupied community building. Applicants may submit equipment and component manufacturers' noise ratings to demonstrate compliance. The

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applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

J. Decommissioning.

(I) Decommissioning plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan may be required to include the following (Planning Board or Village Board to determine the extent of this plan depending on size and location of the installation):

(a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, ancillary equipment and below ground infrastructure, security barriers, and transmission lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(c) The anticipated life of the battery energy storage system.

(d) The estimated decommissioning costs and how said estimate was determined.

(e) The method of ensuring that funds will be available for decommissioning and restoration.

(f) The method by which the decommissioning cost will be kept current.

(g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

(h) A listing of any contingencies for removing an intact operational energy storage system from service and for removing an energy storage system from service that has been damaged by a fire or other event.

(i) Provision of a bond or other financial security acceptable to the Village to be held by the Village to ensure compliance with any decommissioning.

K. Site plan application. For a Tier 2 battery energy storage system, the site plan application shall include the following information:

(1) Property lines and physical features, including roads, for the project site, together with detailed drawings showing the existence of any properties within 1 ,000 feet of all property lines encompassing the proposed development.

(2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.

(3) A one- or three-line (as determined by the Village) electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

(4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

(5) Name, address, email, emergency telephone number, and other contact information of the proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information for the final system installer shall be submitted prior to the issuance of building permit.

(6) Name, address, phone number, email address, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.

(7) Zoning district designation for the parcel(s) of land comprising the project site and all properties within 1,000 feet of the parcel.

(8) Commissioning plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, battery energy storage system commissioning shall be conducted by a New York State (NYS) licensed professional engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Village prior to final inspection and approval and maintained at an approved onsite location. Conditional approval subject to final review and inspection with a further review by the Planning Board may be considered. No building permit shall be granted absent final approval by the Village.

(9) Fire safety compliance plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code and that full training shall be provided to all first responders and fire companies within the Village.

(10) Operation and maintenance manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

(11) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established in the Village of Orchard Park and by the Village Board through the approval process.

(12) Prior to the issuance of the building permit, but not required as part of the application, engineering documents must be signed and sealed by a NYS licensed professional engineer.

(13) Emergency operations plan. A copy of the emergency operations plan shall be given to the system owner, the local fire department, and Code Enforcement Officer prior to issuance of a building permit. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

(a) Procedures for safe shutdown, deenergizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

(b) Procedures for inspection and testing of associated alarms, interlocks, and controls, (c) Procedures to be followed in response to notifications from the battery energy storage management system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

(d) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, deenergizing equipment, and controlling and extinguishing the fire.

(e) Response considerations similar to a safety data sheet (SOS) that will address response safety concerns and extinguishment when an SOS is not required.

(f) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility. (g) Other procedures as determined necessary by the Village to provide for the safety of occupants, neighboring properties, and emergency responders.

(h) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

L. Additional standards (Tier 2 projects).

(1) Setbacks. Tier 2 battery energy storage systems shall comply with the setback requirements of the underlying zoning district for principal structures, or as prescribed in the following subsections, whichever is greater: (a) Shall not be placed in the front yard.

(b) Except as otherwise provided, shall be set back a minimum of 100 feet from any side yard or rear yard if abutting a nonresidential district.

(c) Shall be set back a minimum 500 feet from a side yard or rear yard abutting any residential district or a residential use.

(d) Parking and pavement setbacks shall be at least 10 feet from any property line and shall maintain a grass/natural vegetation area of no less than 10 feet measured from any abutting property line.

(2) Height. Tier 2 battery energy storage systems shall comply with the building height limitations for accessory structures of the underlying zoning district, or as required by the Fire Code.

(3) Fencing requirements. Tier 2 battery energy storage systems, including all mechanical equipment, shall be enclosed by an eight-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports, or as otherwise required by any federal, state or local laws or codes. Access shall be provided to all fire companies and the Village Code Enforcement, (4) Screening and visibility. Tier 2 battery energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

(5) Camera systems shall be installed to cover the entire site and shall remain continuously monitored. Such systems shall be approved by the Village of Orchard Park Police Department and the Code Enforcement Office.

(6) Must have fully monitored fire alarm systems compliant with all local, state and federal codes, regulations, and standards as determined by the Planning Board. Additional fire hydrants may be required by the Planning Board.

M. A bond shall be put in place to ensure that in the event of a fire or other emergency situation, the developer and/or company using a Tier 2 system shall provide for the cost of any required evacuations of residential properties as so determined by the Village or any emergency first responder agency. Such costs shall include, but not be limited to, emergency housing/shelter and food.

§225-36-7 Permitting requirements for Tier 3 battery energy storage systems.

Tier 3 battery energy storage systems are not permitted in any zoning district in the Village of Orchard Park.

§225-36-8 Safety

A. System certification. Battery energy storage systems and equipment shall be listed by a nationally recognized testing laboratory to UL 9540 (Standard for Battery Energy Storage Systems and Equipment) with subcomponents meeting each of the following standards as applicable, as amended:

(1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail Applications), as amended.

(2) UL 1642 (Standard for Lithium Batteries), as amended.

(3) Other standards for other battery types, as revised.

(4) UL 1741 or UL 62109 (Inverters and Power Converters), as amended,

(5) Certified under the applicable electrical, building, NFPA, and fire prevention codes as required.

(6) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

(7) All systems shall comply with NFPA 855, as amended.

B. Site access maintenance. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and the Code Enforcement Officer.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

§225-36-9 Permit time frame and abandonment.

A. The special use permit and site plan approval for a battery energy storage system shall be valid for a period of 18 months, provided that a building permit is issued for construction and/or construction is commenced. In the event construction is not

completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 18 months after approval, the Village may extend the time to complete construction for 180 days. If the owner and/or operator fails to complete construction after 24 months, the approvals shall expire. For good cause shown as solely determined by the Village Board, such times may be extended.

B. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than six months. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Village may, at its discretion, enter the property and utilize the available bond and/or security for the removal of a Tier 2 or Tier 3 energy storage system and restoration of the site in accordance with the decommissioning plan. The Village retains the sole right to make the determination site decommission completion (whether by the site owner or by the Village through the security). Any costs borne by the Village to make the determination that the site is decommissioned fully may be passed on to the developer/site owner.

§225-36-10 Construction inspections (Tier 2 projects).

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or their designee. The permit holder shall notify the Code Enforcement Officer when any element of work described in

Subsection B of this section is ready for inspection. In the event that an outside inspector is used by the Village, the developer shall be responsible for the costs associated with such inspector.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit.

(2) Footing and foundation.

(3) Preparation for concrete slab.

(4) Framing.

(5) Building systems, including underground and rough-in.

(6) Fire-resistant construction.

(7) Fire-resistant penetrations.

(8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents.

(9) Energy Code compliance.

(10) Inspection after all work authorized by the building permit has been completed and signed off by the Village Code Enforcement Officer.

(11) A final inspection by the fire inspector and West Seneca OEM must be completed prior to activation.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any

applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code reinspected, and found satisfactory as completed.
D. At the completion of construction, the applicant shall have an engineer inspect and certify (PE stamped) that the project has been constructed in accordance with all required standards and in accordance with Village approvals.

§225-36-1 1 Ownership changes (Tier 2).

A. If the owner (or lessee) of the battery energy storage system changes or the owner of the property changes, the special use permit and/or operating permit shall remain in effect, provided that the successor owner or operator assumes, in writing, all of the obligations of any special use permit operating permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Village of Orchard Park of such change in ownership or operator within 20 days of the ownership change. A new owner or operator must provide such notification to the Village in writing.
B. The successor owner or operator shall assume, in writing, all of the obligations within the decommission plan. Proof of acknowledgement of the decommission plan and proof of bond may be requested by the Village at time of ownership change. The new owner should sign the acknowledgement regarding the costs exceeding the bond. The special use permit and/or operating permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Village in the required time frame. Reinstatement of a void special use permit and/or operating permit will be subject to the same review and approval processes for new applications under this article.

§225-36-12 Enforcement; Penalties for offenses.

A. This section shall be enforced by the Village Code Enforcement Officer.
(1) Any person owning, controlling, or managing any building, structure or land who shall undertake an energy storage system in violation of this section, or who operates such facility in noncompliance with the terms and conditions of any permit issued pursuant to this section, shall be guilty of a violation and subject to a fine of not more than $3,000 or to imprisonment for a period of not more than 15 days, or to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. (2) The Code Enforcement Officer may, after notice of violation, enter into a consent order with the applicant/owner/operator to remedy the violation with specifications to be taken and an agreed schedule.
B. Special proceeding. In addition to any other remedy, the Village Board may institute an action or proceeding in equity, correct or abate any unlawful construction, erection, structural alteration, reconstruction, modification and/or use of a battery energy storage system, and shall be entitled to injunctive relief, including a temporary restraining order and a temporary injunction as the court deems appropriate. BESSs requiring an operating permit shall be required to

submit a certified report by the owner and be inspected annually, and shown to be in accordance with the operating permit and any other approvals.

§225-36-13 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, the Zoning Code or any other general or local laws, ordinances, rules or regulations without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work;

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall:

(1) Be in writing;

(2) Be dated and signed by the Code Enforcement Officer;

(3) State the reason or reasons for issuance; and

(4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order,

or a copy thereof, to be served on the owner of the affected property and, if the owner is not the permit holder, on the permit holder personally or by registered mail or certified mail. Service by registered or certified mail shall be sufficient if addressed to the address set forth in the building permit application. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any new applicant, owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to

issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under 225-36-12 Enforcement; penalties for offenses, of this article or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

SECTION 3: Effective Date
This law shall take effect immediately upon filing with the Secretary of State.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending the Village of Orchard Park Municipal Code, Chapter 225, entitled "Zoning". Mayor Clinton opened the meeting at 7:14 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Even, seconded by Trustee Hartung to close the hearing at 7:14 p.m.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

Moved by Trustee Hartung, seconded by Trustee Even to approve Local Law #9 of 2026 as presented:

SECTION 1:
Amend Chapter 225-18 to read:
§225-18.1. **Purpose and intent.**

A. Purpose. The primary purpose of these sign regulations for the Village of Orchard Park is to permit the erection and display of signage within the Village, while protecting public health, safety and general welfare. All signs and sign systems are subject to the regulations that follow in this article.

B. Objectives. These regulations also serve to achieve the following objectives:
(1) Ensure the right to free speech as protected under the Constitution;
(2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
(3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
(4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
(5) Minimize the adverse effect of signs on nearby public and private property;
(6) Avoid personal injury and property damage from unsafe or confusing signs; and
(7) Establish a clear and impartial process for those seeking to install signs.

C. Applicability. The regulations of this article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation and removal of all signs within the Village visible from any street, sidewalk, public right-of-way, or public space.

§225-18.2 Sign permit required.
Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated any sign without first having obtained a sign permit from the Code Enforcement Officer.
A. Application requirements. The following information shall be provided to the Code Enforcement Officer for a sign permit application:
(1) Name, address, contact information, and signature of the applicant.
(2) Name, address, and signature of the building and/or property owner (if not the applicant).
(3) Dimensions and drawings indicating the size, shape, construction, materials, and layout of the sign(s).
(4) Site plan and elevations indicating the proposed location and size of the sign(s), to scale.
(5) Any additional site and/or sign information as requested by the Code Enforcement Officer.

B. Situations not requiring sign permit. The following situations shall not require the issuance of a sign permit, provided such maintenance, changes, or alterations do not in any way alter the physical size, design, or nature of the sign.
(1) The repainting, repairing, changing of parts, and maintenance of signs.
(2) Repainting of supports and sign area.

C. Planning Board review. New and updated signs are subject to review and approval by the Planning Board, at the request of the applicant, may have proposed signage reviewed and approved as part of the special permit or site plan review process. In the event of such review, all required sign permit application materials shall be provided to the Planning Board as part of the complete application.

D. Alteration. Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the Code Enforcement Officer.

E. Expiration. A sign permit shall expire if the sign for which the permit has been issued is not fully constructed within 180 days from the date of issuance of the sign permit.

F. Revocation. The Code Enforcement Officer or designee may, at any time for a violation of this regulation, issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property and/or building owner. Said violation must be corrected within 30 days of the date of notice; otherwise, the sign permit shall be revoked and the sign in question shall be required to be removed.

§225-18.3 Measurement.

A. Sign area.

(1) Single sign face. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed (see Figure 1).

(2) Multifaced signs. In the case of a multifaced sign, only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45° or less.

(3) Structural support not included. The supporting structure or bracing of a sign shall not be computed as part of the sign area, unless such supporting structure or bracing is made a part of the message with the inclusion of any text or graphics. If such is the case, a combination of regular geometric shapes which can encompass the area of said text or graphics shall be included as part of the total sign area computation.

B. Sign height.

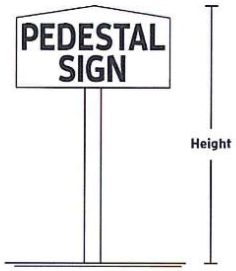
(1) Freestanding sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign (see Figure 2).

(2) Other signs. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face (see Figure 1).

(3) Structural support included. Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

Figure 1: Letters & Sign Boards
The area of signs made up of individual copy shall be measured by the largest shape or combination of shapes that encompass it (above). While signs on sign boards or shall be measured by the entire backdrop or structure (below).

Figure 2: Freestanding Sign Height
The height of freestanding ground (above) or pedestal (below) sign shall include the distance from the topmost edge of the sign to the elevation of the ground beneath it.



§225-18.4 Regulations applicable to all signs.

A. Safety provisions. All signs shall be designed, constructed, and located in accordance with the following criteria to protect the general health, safety, and welfare of the public.

(1) No sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape or to become a menace to life, health or property.

(2) No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.

(3) No sign shall be of a shape or color that may be confused with any authorized traffic control device.

(4) No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used with any sign display.

(5) The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with the generally accepted standards and practices of the New York State Building Code.

(6) The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the Code Enforcement Officer.

(7) There shall be no off-site advertising permitted.

B. Design and construction. All signs shall be designed and constructed in accordance with the following criteria:

(1) All signs shall be constructed of permanent, weather-resistant, and durable materials, except for window signs and otherwise in conformance with this article.
(2) Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the New York State Building Code. All sign supports shall be reviewed as part of the sign design.
(3) All sign lettering shall be permanently affixed to the sign. Manual changeable copy signs shall be enclosed and locked. Electronic changeable copy signs are prohibited which includes television monitors.
(4) No permanent sign may be constructed of untreated or unpainted wood, sandblasted metal, or other unfinished material.
(5) The sign should serve to define or enhance the architectural elements of the building, not obscure or obliterate them.
(6) Sign colors should be limited to 5 colors and compatible with the building facade.
(7) Sign graphics should reflect simplicity, neatness and minimum wording.

C. Location. All signs shall be so located in accordance with the following standards:
(1) Signs shall not be erected within nor project into any public right-of-way, unless otherwise specified within this article. Signs must be located on private property and comply with the dimensional and setback requirements herein.
(2) Off-premises signs are prohibited.
(3) All signs, unless otherwise noted within this article, are to be set back at least five feet from any property line.
D. Visibility at intersections. No sign or any part of a sign exceeding three feet in height, other than a supporting pole or brace no greater than 18 inches in width or diameter, shall be located within the designated clear sight triangle of any intersecting streets. The clear sight triangle shall be defined by the triangle formed by the center lines of the intersecting streets measured 20 feet outward from the point of intersection of said center lines along such center lines (see Figure 3).

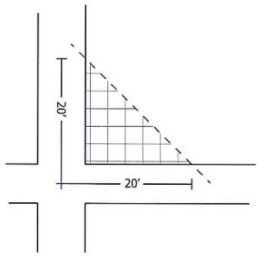


Figure 3: Clear Sight Triangle
No sign higher than three feet shall be placed within the designated clear sight triangle.

E. Illumination. All signs shall be illuminated in accordance with the following standards:

(1) Light sources for illuminated signs Except where the premises which the sign advertises is open for business, no sign shall be illuminated after 11:00 pm. Illuminated signs shall conform to the regulations of the National Electric Code. The source of illumination shall be suitably shielded to eliminate glare and annoyance to passersby or adjacent property. Illuminated signs allowed in zones as part of a special use in a residential zone shall not be illuminated after 9:00 p.m., unless otherwise determined by the Village Board

(2) Uplighting, or the illumination of signs from a light source below that of the sign face, shall be permitted for ground signs only.

(3) Intermittent illumination or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited.

F. Maintenance and repair. All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this article at all times. Such maintenance includes replacement of all defective bulbs, parts and materials, painting, repainting, cleaning, replacement of copy, and other acts required for maintenance of such sign. If any sign does not comply with these standards, the Code Enforcement Officer may require its removal.

G. Public property. Signs shall not be posted on public property or within a public right-of-way, unless otherwise stated in this article or approved by the Code Enforcement Officer.

H. Obsolete signs. Any sign that no longer advertises or identifies the current or permitted use of the property must be removed within 30 days after written notification from the Code Enforcement Officer.

I. Removal of signs.

(1) Where required by this article, the removal of signs shall be the sole responsibility of the sign owner and/or sign permit holder. If said sign is not removed within 30 days of the date of written notice by the Code Enforcement Officer, the Code Enforcement Officer or his/her designee is authorized to affect its removal.

(2) The Code Enforcement Officer may remove any temporary sign or sign not requiring a permit that is found to be in violation of this article. The property and/or sign owner shall subsequently be given written notice of such sign removal. If the sign is not claimed within 10 days of the written notice, the Code Enforcement Officer may dispose of said sign.

(3) Any costs incurred for the removal of a sign shall be fully reimbursed to the Village of Orchard Park by the sign owner and/or sign permit holder. Such costs may be placed on the tax roll for collection by the Village.

§225-18.5 Signs authorized without permit.

The following types of signs may be erected in the Village without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this article or may be subject to removal by the Code Enforcement Officer.

A. Directional signs. Signs that provide direction to pedestrians, bicyclists, or motorists shall not require a sign permit, provided the following conditions are met. Such signs may include, but are not limited to, signs providing direction to parking, restrooms, walkways, entrances, or exits.

(1) Directional signs shall be located entirely on the property to which they pertain and shall not contain a commercial message (e.g., business name).

(2) The total of directional signs on any one property shall not exceed an area of six square feet in a residential district, or 16 square feet in a nonresidential district.
(3) Directional signs shall not exceed four feet in height.
(4) Directional signs shall not be illuminated.
(5) Directional signs may not extend above the first floor of any given structure or project beyond property lines.
(6) Directional signs shall be set back at least five feet from all property lines.
(7) Directional signs shall not impede the traffic or visibility of pedestrians, bicyclists, or motorists.
B. Signs on gasoline pumps. Signs attached to a gasoline pump shall require a permit, provided they do not exceed six square feet in area.
C. Governmental signs: any official sign, public notice, or warning sign supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: New York State inspection station or authorized repair shop identification.) There are no size requirements or time limits for governmental signs.
D. Historical signs: signs such as cornerstones, commemorative tablets, and historical markers, provided that said signs are less than six square feet in area and not illuminated.
E. Internal signs: signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.
F. Noncommercial signs on residential property. Any sign on a residential property that does not contain a commercial message shall not require the issuance of a sign permit, provided such sign is in conformance with the following:
(1) A sign shall not exceed three feet in height and six feet in area.
(2) The total square footage of all signs on a single lot shall not exceed 12 square feet.
(3) The sign is not illuminated.
(5) The sign maintains at least a five-foot setback from all property lines.
(5) The sign does not impede traffic or visibility of pedestrians, bicyclists, or motorists.
(6) The sign is not attached to any permanent building or structure.
H. Sandwich board signs. Sandwich board signs shall not require a permit, provided the following conditions are met:
(1) There is no more than one sign per lot.
(2) The sign is not illuminated.
(3) The sign does not exceed six square feet in area.
(4) The sign does not exceed six feet in height.
(5) The sign does not impede pedestrian or motorist traffic or safety.
(6) The sign is brought in each day at the close of business.

§225-18.6 Prohibited signs.
The following signs are prohibited within the Village:

A. Signs for which no sign permit was issued or for which a sign permit has been revoked.
B. Signs that are not properly maintained or that are considered structurally unsound, hazardous, or otherwise unsafe. The Village reserves the right to remove any sign considered to be a danger to the public health, safety, or welfare without notice to be held for a period of 10 days. If the sign is not claimed within that time, it shall be discarded.
C. Signs that contain words or pictures of an obscene or pornographic nature.
D. Signs that emit audible sounds, odor, or visible matter.
E. Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street unless otherwise permitted. The Village reserves the right to remove any sign placed on public property without notice.
F. Signs that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or hide from view any traffic or street sign, signal, or device.
G. Signs that flash, blink, rotate, or revolve, or utilize unshielded lighting devices or reflectors to outline or provide the background of a sign.
H. Signs that are animated or utilize full motion or video technology.
I. Signs that are mounted on wheels or mounted on any structure on wheels.
J. Signs with mirrors or any other reflective material.
K. Portable signs that are displayed.
L. Banners, pennants, or windblown or inflated signs that are permanently displayed.
M. Roof signs, obsolete signs, trailer signs and off-premises signs.
N. Signs painted directly on an exterior wall.
O. Banners or pennants. For the purposes of this article, banners or pennants shall be not be permitted as permanent or a temporary sign.

§225-18.7 Unsafe and unlawful signs.
(1) Whenever the Code Enforcement Official shall find that any sign regulated by this chapter is unsafe or insecure or is in such condition as to be a menace to the safety of the public, he or she shall prepare a notice, in writing, advising as to the unsafe and insecure condition of such sign and directing the permittee of such sign and the owner of the premises on which the sign is located to make such alterations or repairs thereto or to do such things or acts as are necessary and advisable to make such sign safe and secure or remove the said sign within three days from the date of said notice, and shall mail a copy of such notice on the same day as the date thereof to the permittee at his or her address as stated in the application for the permit, and shall mail a copy of such notice on the same day as the date thereof to the owner of the premises on which the sign is located at his or her address as shown on the assessment roll of the Village of Orchard Park, and shall file a copy of such notice in the office of the Village Clerk-Treasurer on the same day. In the event the sign is not made safe and secure or is not removed within the time specified in the notice, the Village Board may cause such sign or such part thereof as is unsafe and insecure to be removed and may charge the expense of such removal to the person or persons so notified; provided, however, that nothing herein contained shall prevent the Code Enforcement Official from adopting such

precautionary measures as may be necessary or advisable in case of imminent danger to place such sign in a safe condition, the expense of which shall be paid by the owner of the premises upon which the said sign is placed.
(2) Whenever the Code Enforcement Official shall find that any sign regulated by this chapter is in violation of any of the provisions of this chapter or is being erected constructed, relocated or created without a permit as required by this section, he or she shall prepare a notice, in writing, advising as to violation of this chapter and directing the owner of the premises upon which the sign is located to remove the said sign within 10 days from the date of said notice, and shall mail a copy on the same day as the date thereof to such owner of the premises upon which the sign is located at his or her address as shown on the assessment roll of the Village of Orchard Park. In the event the sign is not so removed within the time specified in the notice, the Village Board may cause such sign to be removed and shall assess the expense of such removal against the land or the building on which such sign is located.
(3) Every person maintaining a sign in the Village of Orchard Park shall, upon vacating the premises where such sign is maintained, forthwith remove such sign from such premises. In the event of a violation of this subsection, the Village Board shall take such action as is prescribed by this subsection to cause the sign so found to be in violation of this subsection to be removed and the expense of such removal to be assessed against the land and/or building on which such sign is located.
(4) Signs attached to light standards or utility poles, or placed on public property, or placed on public rights-of-way, are subject to immediate removal and disposal by members of the general public.

§225-18.8 Temporary sign requirements.
A. Permit required. Temporary signs, as defined in 225-18.13 Definitions, shall require the issuance of a sign permit by the Code Enforcement Office. No more than one temporary sign may be permitted per lot or use at any given time. Temporary signs shall be permitted in all zoning districts.

B. Requirements. Any proposed temporary sign shall conform to the following:
(1) No sign shall be posted on public property except on signs maintained by the Village or other governmental authority.
(2) Temporary signs of charitable and nonprofit organizations. Temporary signs erected or maintained by charitable and nonprofit organizations may be permitted by the Code Enforcement Official upon direction of the Planning Board. The applicant must specify the number of signs to be erected, the size of the sign or signs, and the proposed location of the sign or signs. Any temporary sign shall be removed within 30 days. There shall be no fee for a permit for a temporary sign.

(3) Garage sale signs. A “garage sale" is defined as the sale on residential premises of household furnishings, tools, clothing and similar items other than by auction or sale of the entire contents of a household. Only one sign, not exceeding four square feet, advertising the garage sale shall be permitted and shall be posted on the premises where the sale is conducted. The sign shall not be posted earlier than one week before the sale commences and must be removed immediately upon completion of the sale.

(4) A sandwich sign may be placed in front of a business in a I, B-1 and B-2 Zone during business hours. The content of the sandwich sign must be relevant to business. Such a sign must not obstruct a sidewalk or the normal pedestrian path of travel. (See definition of "sandwich sign" in definitions)

(6) Lawn signs. A single lawn sign shall be allowed on any lot without permit, provided it is in compliance

(a) The sign does not exceed three feet in height and six square feet in area;
(b) The sign is not displayed for more than 30 days;
(c) The sign is not illuminated;
(d) The sign maintains at least 12 feet from the edge of pavement or curb and 5 feet from all lot lines;
(e) The sign does not impede the traffic or visibility of pedestrians, bicycles or motorists;
(f) Signs are not permitted on vacant lots;
(g) Nonresidential lots exceeding 100 feet in width are permitted one additional sign.
(h) Shall not be advertising an off-site business.

(7) Political and temporary election signs.

(a) Political signs; provided, however, political signs may be erected on a building designated as "party headquarters" for a recognized party. Such political signs may be erected not more than 30 days prior to the election and must be removed within 24 hours after the election. No sign permit shall be required for such signs.
(b) Temporary election signs. For each parcel, one temporary election sign with a surface area of four-square feet or less may be displayed for each candidate and each issue. Such political signs may be erected not more than 30 days prior to the election and must be removed within two days after the election to which it pertains. The temporary election signs allowed under this section are in addition to a temporary free expression sign and any other sign allowed under this chapter. Sign shall not exceed four feet in height. A temporary election sign shall be set back a minimum of five feet from any lot line. No permit is required for a temporary election sign under this subsection. Placement of signs prior to 30 days or failure to remove said signs within the removal time period or will result in a fine of $25 per sign, per day to the property owner.

(8) For sale, for rent, sold and open house signs.

(a) One nonilluminated for sale, for rent or sold sign not exceeding four square feet shall be erected on the premises or property to which it pertains. Sold signs are to be removed within seven days of posting. No permit shall be required.
(b) No open house sign shall be:
[1] Placed on public rights-of-way; or
[2] Located more than 1/2 mile from the property for sale.

(9) Such sign shall not exceed four feet in height and 32 square feet in area in any nonresidential district.
(10) Such sign shall not exceed four feet in height and 16 square feet in area in any residential district.
(11) Such sign shall not be displayed for more than 30 days in a ninety-day period.
(12) Such sign shall not be illuminated.
(13) Such sign shall not extend above the first floor of any given building and shall not project beyond property lines.
(14) Such sign shall maintain at least a five-foot setback from all property lines.
(15) Such sign shall not impede the traffic or visibility of pedestrians, bicyclists, or motorists.

§225-18.9 Sign provisions by zoning district.

A. Residential districts.
(1) No lot or use shall have more than one sign type, as provided for in 225-18.12.
(2) Home occupation signs. Any home occupation permitted by the Village may have one sign following same procedure as non-residential, provided it does not exceed six square feet in area and four feet in height. The sign shall not be illuminated.
(3) Permanent subdivision identification signs shall be permitted with the approval of the Planning Board.
(4) The illumination of signs in residential districts is prohibited.

B. Nonresidential districts.
(1) No use or lot shall have more than two sign types, as provided for in.
(2) Where multiple operations or uses are located on a single lot, such as, but not limited to, industrial centers, business parks, or shopping plazas, each use shall be permitted two signs of any type in addition to one freestanding sign for the lot.
(3) Window signs shall not be included in the count of total allotted signage for any lot or use.

§225-18.10 Billboards.

A. Size requirements.
(1) No billboard shall exceed a height of 35 feet above ground level as measured from the elevation of the ground at the center of the sign to the topmost edge of the sign face.
(2) The maximum sign area for any one billboard shall be 380 square feet, inclusive of any border and trim, but excluding the base or pedestal.
(3) For the purposes of this article, a back-to-back billboard shall be considered one sign area.
B. Location.
(1) Billboards shall only be permitted within the Industrial Zoning District of the Village.
(2) No billboard shall be located within 500 feet of a residential district or the property line of any public or private school.
(3) No billboard shall be located within 1,250 feet of any other billboard as measured from the center of each sign.

(4) Billboards shall observe the same required setback for buildings within the zoning district in which they are located, or 15 feet, whichever is greatest.
(6) Billboards attached to a building shall be only upon the front or face and must be constructed and maintained flat or parallel to the building wall to which they are attached and shall not extend more than 12 inches from such exterior wall.
(7) No billboard shall be erected in such a manner as to block the view, from the road or street, of any existing business sign, logo sign, or residential or nonresidential structure.
C. Appearance and design.
(1) The general ground area surrounding any billboard must be kept free and clear of weeds, debris, trash and other refuse.
(2) Billboards shall not utilize electronic changeable copy and/or video technology.
(3) No billboard structure or sign face shall move, flash, or emit noise. No display lighting shall cause distraction, confusion, nuisance or hazard to traffic or aircraft.
(4) No billboard shall be constructed which resembles any official marker erected by any governmental agency or which by reason of position, shape, or color conflicts with or obscures the proper functioning of any traffic sign or signal.

§225-18.11 Nonconforming signs.
A. Compliance. All nonconforming signs shall be removed or brought into compliance within three years of the adoption date of this article.
B. Discontinuance. Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this article.
C. Alteration. No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this article, including but not limited to area, height, setback, and illumination.
D. Repair. Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

§225-18.12 Regulations by sign type.
The following tables outline the requirements for various sign types that may be proposed for installation within the Village. The tables permit each type of sign by the zone in which it is located. of this chapter.

A. Ground signs.

Ground Sign: A sign not attached to any building or structure, which may be supported by one or two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Corridor**
Maximum No.	1 per lot	1 per lot	1 per lot	1 per lot
Maximum Area	6 square feet	32 square feet	32 square feet	32 square feet with 10-foot setback; OR 24 square feet
Maximum Height[1]	3 feet	15 feet	15 feet	15 feet
Minimum Setback[2]	5 feet	10 feet	10 feet	0 feet; 10 feet for larger sign area
Illumination	Not Permitted	Permitted	Permitted	Permitted

NOTES:

(1) Measured from the elevation of the ground at the center of the sign to the topmost edge of the sign.

(2) Measured from the nearest edge of the sign to the front or side lot line.

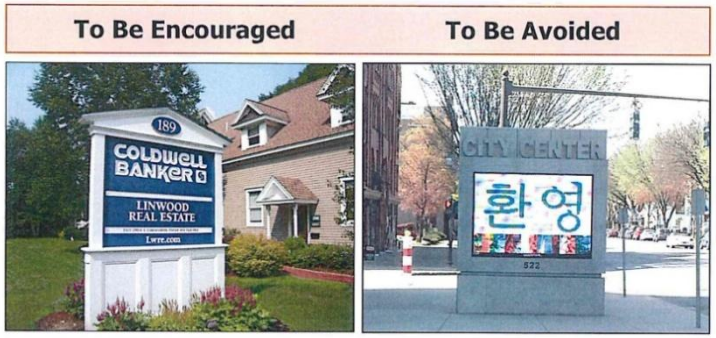
(3) Separate from the building.

(4) Avoid complex designs.

(5) Match the architectural design of the building.

(6) Avoid too many colors.

(7) Graphics are to be simple with minimal text.



B. Pedestal signs.

PEDESTAL SIGN: A sign not attached to any building or structure supported by one or two columns or posts with a distance exceeding seven feet from the ground and the bottommost edge of the sign.				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Road Corridor**
Maximum No.	Not Permitted	1 per lot	1 per lot	Not Permitted
Maximum Area	—	40 square feet	40 square feet	—
Maximum Height[1]	—	25 feet	25 feet	—
Minimum Setback[2]	—	10 feet	10 feet	—
Illumination	—	Permitted	Permitted	—

PEDESTAL SIGN: A sign not attached to any building or structure supported by one or two columns or posts with a distance exceeding seven feet from the ground and the bottommost edge of the sign.				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Road Corridor**

NOTES:

(1) Measured from the elevation of the ground at the center of the sign to the topmost edge of the sign.

(2) Measured from the nearest edge of the sign to the front or side lot line.

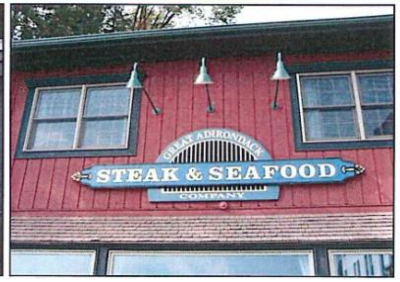
(3) The Base Should have architectural elements.

(4) No changeable lettering.

(5) Avoid designs with different fonts.

C. Wall signs.

WALL SIGN: Any sign fastened to a building or structure that does not project more than 12 inches from the facade				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Road Corridor**
Maximum No.	1 per structure	1 per facade	1 per facade	1 per facade
Maximum Area	6 square feet	10% of the facade	10% of the facade	10% of the facade
Maximum Height	2 feet	5 feet	5 feet	5 feet
Illumination	Not Permitted	Permitted	Permitted	Permitted

To Be Avoided	**To Be Encouraged**
	

NOTES:

(1) Avoid sheets of vinyl as the sign material.
(2) Limit to a maximum of 5 colors.
(3) Graphics are to be simple with minimal text.
(4) Avoid designs with different fonts.

WALL SIGN: Any sign fastened to a building or structure that does not project more than 12 inches from the facade				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Road Corridor**

D. Projecting signs.

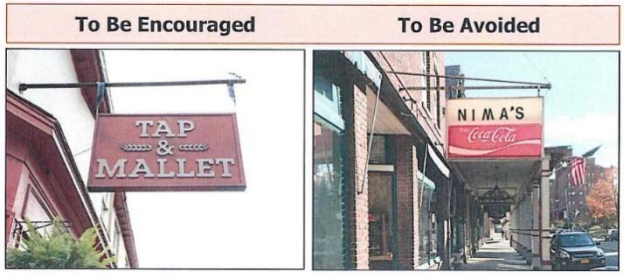
PROJECTING SIGN: A sign wholly or partly dependent upon a building or structure for support which projects more than 12 inches, but less than 40 inches from the facade.				
Zone	**Residential Districts**	**Commercial Districts**	**Manufacturing Districts**	**N & S Buffalo Road Corridor**
Maximum No.	Not Permitted	1 per use	1 per use	1 per use
Maximum Area	—	8 square feet	8 square feet	8 square feet
Maximum Height	—	3 feet	3 feet	3 feet
Minimum Clearance[1]	—	9 feet	9 feet	9 feet

PROJECTING SIGN: A sign wholly or partly dependent upon a building or structure for support which projects more than 12 inches, but less than 40 inches from the facade.				
Zone	**Residential Districts**	**Commercial Districts**	**Manufacturing Districts**	**N & S Buffalo Road Corridor**
Illumination	—	External Only	External Only	Not Permitted

NOTES:

(1) Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.

(2) Architectural design to match the building.



E. Suspended signs.

SUSPENDED SIGN: A sign attached to and supported by the underside of a horizontal plane.				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Road Corridor**
Maximum No.	Not Permitted	1 per use	1 per use	1 per use
Maximum Area	—	8 square feet	8 square feet	8 square feet
Maximum Height	—	3 feet	3 feet	3 feet
Minimum Clearance[1]	—	9 feet	9 feet	9 feet
Illumination	—	External Only	External Only	Not Permitted

NOTES:

(1) Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.

F. Awning signs.

AWNING SIGN: A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor area.				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Corridor**
Maximum No.	Not Permitted	1 per awning	1 per awning	1 per awning

AWNING SIGN: A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor area.				
Zone	**Residential Districts**	**Commercial Districts**	**Industrial Districts**	**N & S Buffalo Corridor**
Maximum Height[1]	—	18 inches	18 inches	12 inches
Illumination	—	Backlit Only	Backlit Only	Backlit Only

NOTE:

(1) As measured by the height of any shape fully encompassing all graphics and/or type. Said sign shall only be permitted on the bottommost edge of the canvas, fabric, or other material to which it is applied.

(2) Avoid designs with different fonts.

(3) Architectural design to match the building

G. Window signs.

WINDOW SIGN: A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen.				
Zone	**Residential Districts**	**Commercial Districts**	**Manufacturing Districts**	**N & S Buffalo Corridor**
Maximum No.[1]	—	None	None	None
Maximum Area	—	Up to 100% of the window area	Up to 100% of the window area	Up to 20% of the window area
Illumination	—	Not Permitted	Not Permitted	Not Permitted

NOTE:

(1) Window signs shall not be included in the count of total allotted signage for any lot or use.
(2) Avoid signs obscuring the interior of the business.
(3) Maximum of 5 colors

SECTION 2:

§225-18.13 Definitions.

The following terms and definitions shall apply to this article for the purposes of administration and enforcement.

COMMERCIAL MESSAGE

Any message where the primary purpose of which is the commercial advertisement or promotion of a commercial product, event, or service (including content on an Internet website operated for a commercial purpose).

SIGN

Any object, device, display or structure, or part thereof, situated outdoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Signs" shall also include all sign structures. A sign, for the purposes of this chapter, does not include the following:

A. A flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organization;

B. Merchandise, pictures or models of products or services incorporated in a window display;

C. Official notices issued by any court or public office or officer in the performance of a public or official duty;

D. Traffic control signs as defined in the New York State **Vehicle and Traffic Law**; and

E. Works of art, including murals, that do not contain any commercial message, logo, graphic, or trademark.

SIGN TYPE

The design and/or structure of a sign as identified below.

A. SANDWICH BOARD SIGN

A freestanding sign that is composed of two sign faces diverging at a 45° angle from their adjoined edge.

B. AWNING SIGN

A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor area.

C. BANNER

A temporary sign composed of lightweight canvas-like material, which can be attached to a structure or suspended by attachment at each end.

D. BILLBOARD

An off-premises sign designed to be viewed from streets, roads, and/or highways and meeting industry standards for design and construction.

E. DIRECTIONAL SIGN

Any sign that is designed and erected for the purpose of traffic or pedestrian direction or control. Such a sign shall not carry a commercial message.

F. FREESTANDING SIGN

A sign not attached to, dependent upon, or supported by a building, including ground signs, pedestal signs, and portable signs.

G. GROUND SIGN
A sign not attached to any building or structure, which may be supported by one or two columns or posts, provided the distance between the ground and bottommost edge of the sign is no greater than three feet.

H. LAWN SIGN
A sign, not exceeding three feet in height and six feet in area, constructed of materials not intended for permanent installation that are attached to a single post or multiple posts for support and stuck into the ground. The height of a lawn sign shall include any posts or supports. Political campaigns, garage sales, and charitable events, for example, are often advertised with lawn signs.

I. MARQUEE SIGN
A permanent sign that extends from and across part or all of a building edifice and is constructed of durable materials, including metal, glass or plastic, and upon which a changeable message may be placed.

J. OFF-PREMISES SIGN
A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located. This shall not include billboards.

K. ROOF SIGN
Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

L. PEDESTAL SIGN
A sign not attached to any building or structure and which is supported by one or two columns or posts with a distance exceeding seven feet between the ground and the bottommost edge of the sign.

M. PROJECTING SIGN
A sign wholly or partly dependent upon a building or structure for support which projects more than 12 inches, but less than 40 inches, from the facade.

N. SUSPENDED SIGN
A sign attached to and supported by the underside of a horizontal plane.

O. TEMPORARY SIGN
A sign which is not intended to be used for a period of time exceeding 30 days and is not attached to a building, structure, or ground in a permanent manner, such signs usually being constructed of masonite, plywood, or plastic material and mounted to wood, metal, wire or supports. Manual changeable copy signs are prohibited.

P. WALL SIGN
Any sign fastened to a building or structure that does not project more than 12 inches from the facade.

Q. WINDOW SIGN
A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen.

SECTION 3: Effective Date
This local law shall take effect immediately upon filing with the Secretary of State.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending the Village of Orchard Park Municipal Code, Chapter 225, entitled "Zoning". Mayor Clinton opened the meeting at 7:16 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Even, seconded by Trustee Hartung to close the hearing at 7:17 p.m.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

Moved by Trustee Hartung, seconded by Trustee Even to approve Local Law #10 of 2026 as presented:

SECTION 1:
Remove §225-15 and replace with:

225.15 **Nonresidential Design Standards, Guidelines and Off-Street Parking**

(225.15.1) Establishment of Village-wide standards and guidelines.
(225.15.2) Site planning.
(225.15.3) Off-street parking design.
(225.15.4) Landscaping and screening.

(225.15.5) Architectural guidelines and standards.
(225.15.6) North and South Buffalo Corridor design standards.
(225.15.7) Definitions.

§225-15.1
A. Purpose and intent.
(1) The purpose of these design standards and guidelines is to describe the desired future development pattern, form, massing, site layout, and architectural detailing for nonresidential and multifamily development in the Village of Orchard Park, regardless of the zoning district in which it is to be located.
(2) The intent of applying these standards is to foster a combination of appropriately scaled land uses and activities that support the vision and policies contained in the Village's Comprehensive Plan for increased walkability, and to improve the quality of our nonresidential and multifamily architecture and site plans. In order to accomplish this, the construction or alteration of all nonresidential and multifamily developments within The Village of Orchard Park shall be in harmony with the objectives listed in the following sections.
B. Applicability.
(1) This article shall apply to all nonresidential and multifamily developments occurring within the Village of Orchard Park. These Village-wide nonresidential design standards and guidelines are to be consulted and applied during the review of site plan applications before the Planning Board for the construction, reconstruction, alteration, or expansion of nonresidential and multifamily development in the Village.
(2) In the event that any of the terms of this article conflict with other provisions within the Code of the Village of Orchard Park, the provisions of this article shall take precedence except as otherwise provided or required by state or federal law.
C. Objectives. This article is designed to ensure nonresidential and multifamily development within the Village of Orchard Park achieves the following:
(1) Creates lively, pedestrian-friendly, and attractive buildings, sites, open spaces, and streetscapes where residents and visitors enjoy walking, biking, and driving.
(2) Encourages the creation of dynamic public activity centers for the benefit of residents and visitors alike.
(3) Develops office and industrial parks to resemble a campus-like environment that incorporates open space and pedestrian amenities where appropriate.
(4) Requires that future private development positively contributes to the public realm and ensures compatibility with surrounding developments so as not to detract from the overall streetscape.
(5) Utilizes good site planning techniques that provide visual interest and accommodate multimodal travel such as varying building massing, emphasizing street corners, highlighting points of entry, and integrating multimodal site circulation and access between uses.
(6) Encourages the development of buildings consistent with the goals of the Leadership in Energy and Environmental Design (LEED) program.

(7) Ensures that new buildings and sites do not negatively impact adjacent residential uses, respecting their existing scale and character.
D. Site plan review required.
(1) In order to ensure that proposals for newly constructed or altered developments, sites, and structures are consistent with the regulations set forth in this article, it shall be required for said property owners and/or their agents to apply for Planning Board approval via the site plan review process.
(2) The Planning Board shall issue its decision based on the project review criteria listed in this, as well as conformance with the guidelines and standards set forth in this article.
(3) The Planning Board may request additional site plan application materials as necessary to perform a complete review of the proposed project with respect to these additional design standards and guidelines.
(4) The Planning Board may waive required site plan application materials should there be a unanimous decision that said materials are unnecessary for review.

§225-15.2 Site planning.
A. Intent and applicability. This section primarily addresses the organization of a proposed project's site plan components. They are intended to regulate the location of structures and site features such as parking lots, open space, and service areas, as well as the organization of circulation patterns for vehicles, bicycles, and pedestrians in order to best achieve the purpose and objectives of this article.
B. Projects with multiple buildings.
(1) Projects with multiple buildings shall be sited with pedestrian connections between structures, parking areas, and adjacent uses in a manner consistent with Subsection **E** of this section.
(2) Multiple structures shall be placed in a campus-like fashion that creates a well-organized, accessible, and functional site. The Village encourages site layouts that create a unique sense of place, including public and open space, and do not result in large parking lots lacking landscaping or pedestrian accommodations.
(3) Projects with multiple structures are encouraged to attend a sketch plan meeting with the Planning Board as described in Chapter 225-23 (Site Plan Review).
C. Pad sites and buildings.
(1) Pad sites, also known as outparcels, shall be designed and located as follows to ensure that the traditional, "strip commercial" center type developments are avoided along major corridors within the Village and within multi-building developments.
(2) The number, location, and design of independent pad sites shall reinforce, rather than obscure, the identity and function of the primary commercial development.
(3) To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create usable places between buildings. The even dispersal of pad sites in a widely-spaced pattern within the development, even if along the street edge(s), is discouraged (see Figure 1).

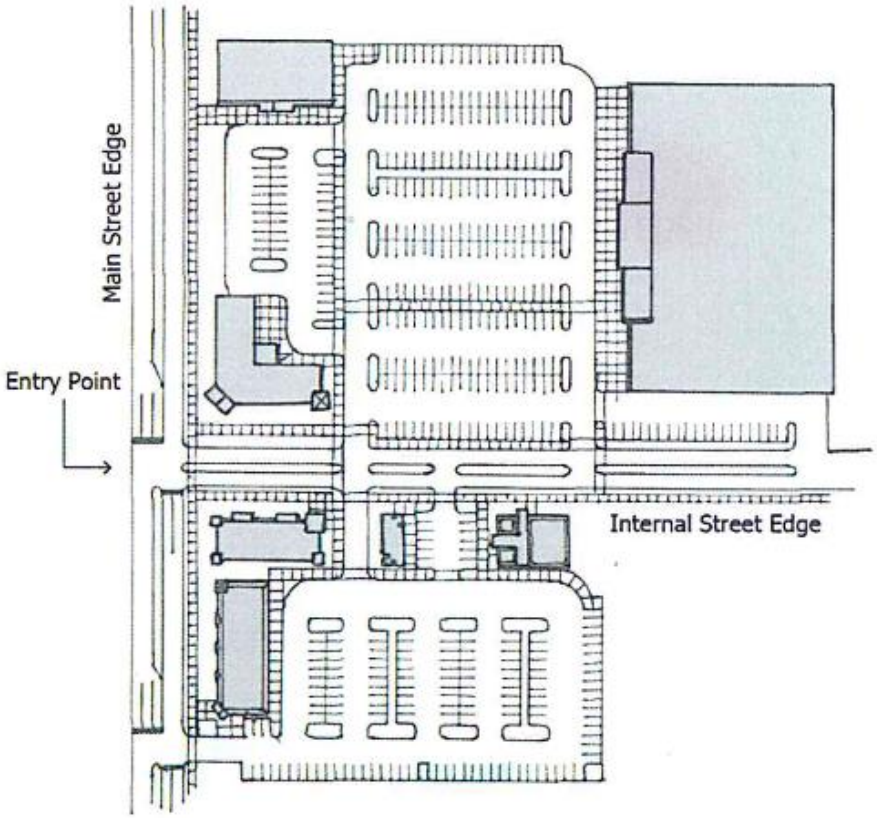


Figure 1 (Pad Sites): Sites with multiple buildings should reduce the number of entry points and orient outparcel to both the main and internal street edges, as shown above. Pedestrian accommodations (shown as connected tiles) should also be provided throughout the site connecting all structures and parking areas.

(4) Wherever practicable, spaces between adjoining pad site buildings should be improved to provide small pockets (preferably heavily landscaped) of customer parking, pedestrian connections, small-scale project amenities, or focal points. Examples include but are not limited to:
(a) A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
(b) A public seating or outdoor eating area;
(c) An area landscaped with a variety of plant materials; or
(d) Sculptures or fountains.
(5) All facades of a building located on a pad site shall be treated as a primary facade to provide consistent and uninterrupted architectural detailing and styling on all sides. The facade containing the primary customer entrance may be oriented in a variety of ways, including, but not limited to, toward the primary access street, toward an internal "main street," framing a primary entrance to the development or center, toward the side (especially when that side faces another pad site building), or toward the interior of the development.
(6) Pad site entrances are appropriate locations to express individual building character or identity. Customer entrances shall be emphasized through incorporation of a building recess, projection, canopy, or similar design element.
D. Freestanding kiosks and automated teller machine (ATM) structures for financial institutions.
(1) All kiosk-type buildings and structures shall be integrated with the overall development, and shall be subject to the same guidelines as all other buildings within the development.
(2) Freestanding kiosks and drive-up ATM structures shall not be located along the primary access street frontage.
(3) Access to a freestanding kiosk or drive-up ATM structure shall not be from the adjacent public streets. Access shall be from drives and streets internal to the development.
(4) Freestanding kiosks and drive-up ATM structures shall comply with the building design standards applicable to pad sites set forth in Subsection **C**.
E. Pedestrian access and circulation. An on-site system of pedestrian accommodations shall be designed to provide direct access and connections between primary entrances, exits, sidewalks, walkways, adjacent land uses, and adjacent public spaces where appropriate. The following regulations shall also apply:
(1) Pedestrian access and circulation patterns shall be shielded and separated from vehicular patterns where possible.
(2) Designated crosswalks shall be located between primary building entrances and exits as well as parking facilities.
(3) Sidewalks and walkways shall be constructed along the entire frontage length at a minimum width of five feet or consistent with adjacent sidewalk widths, or wider at the discretion of the Planning Board based on anticipated pedestrian volumes.
(4) Sidewalks and walkways shall be constructed to provide access from principal building entrances to the sidewalk system.
(5) Where possible, sidewalks and walkways shall traverse parking lot medians and islands to permit safe and efficient pedestrian travel from parked vehicles to building entrances.
(6) Safe, convenient, and efficient pedestrian circulation patterns shall be provided between structures in a multiple structure development.

(7) Sidewalks, walkways, and/or plazas shall be provided with weather protection (e.g., shade trees, awnings/canopies) and appropriate pedestrian amenities (e.g., street tree grates, outdoor seating, trash cans, sidewalk displays, public art, etc.).
F. Bicycle accommodations.
(1) Bicycle circulation patterns shall be shielded and separated from vehicular patterns where possible with the use of shoulders and/or bicycle lanes.
(2) Bicycle parking shall be provided at 5% of the motorized vehicle parking requirements but not less than 2 bicycle spaces and not more than 10 bicycle spaces for any use.
(3) Designated bicycle parking facilities shall be provided at building entrances. Additional bicycle accommodations, such as bicycle lockers or shared bicycle services, are encouraged.
(4) Safe, convenient, and efficient bicycle circulation patterns shall be provided between structures in a multiple-structure development.
G. Vehicular circulation.
(1) Vehicular circulation patterns shall be designed to minimize potential conflicts between vehicles and pedestrians.
(2) Parking and vehicle circulation patterns shall be designed to reduce speeds and increase pedestrian friendliness, efficiency, and convenience.
(3) To the extent practicable, nonresidential and mixed-use sites shall be designed to provide cross access and a unified circulation pattern with adjacent sites. Techniques to achieve this include, but are not limited to, shared driveways, shared access roads and cross access easements.
(4) To the extent practicable, common or shared service and delivery access shall be provided between adjacent parcels and/or buildings.
(5) Access easements may be required so that pad sites or adjacent parcels have adequate access if ownership patterns change.
(6) Drive-through facilities and associated drive lanes shall be located in either the side yard or rear yard.
H. Public transit stops and access.
(1) Public transit stops shall be constructed to the standards set forth by the Niagara Frontier Transportation Authority, on an easement provided to the Village of Orchard Park, with siting and design requiring approval by the Planning Board.
(2) Transit stops that are integrated into the development as a feature of a primary structure or as part of an open space feature are encouraged by the Village.
(3) In all instances, transit stops shall be accessible and integrated into the pedestrian circulation system and must include uninterrupted sidewalk and crosswalk access to principal building entrances.
(4) Adequate space for an immediate or eventual transit stop must be allocated during the site plan review process if the principal building entrance is greater than 800 feet from an existing transit stop. Actual provision of such transit stop shall be coordinated with the Niagara Frontier Transportation Authority.

§225-15.3 Off-street parking design.

A. Intent and applicability. This section is intended to address the location, arrangement, orientation, design, and size of off-street parking spaces and lots in an effort to best achieve the purpose and objectives of this article. The following design regulations are to be applied in addition to the off-street parking lot and space requirements for nonresidential and multifamily developments as defined in this chapter.

B. Location of parking facilities.

(1) Off-street parking may be located in any front, side, or rear yard, or underground. Side yard parking shall be located a minimum of 10 feet behind the front facade.

(2) Front yard parking, including access to parking, shall not exceed 30% of the frontage of the lot on which it serves (see Figure 2).

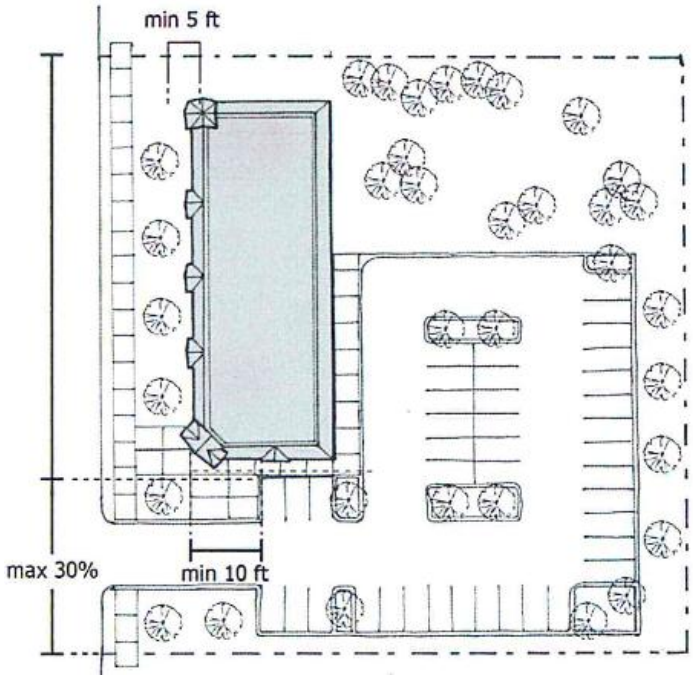


Figure 2 (Parking Lot Locations): Side and rear yard parking provided in accordance with maximum 30% of frontage and minimum 10-foot front façade setback including landscaping requirements.

(3) For sites proposed with multiple structures, the use of shared, central courtyard parking is encouraged.

(4) Front yard parking shall be prohibited on any lot fronting North and South Buffalo Street.

(5) Corner lots shall be considered to have two front yards.

(6) New or re-constructing a parking lot shall not have any adverse effect on contiguous properties.

(7) New parking areas require a drainage plan to be submitted.

C. Arrangement of parking facilities.
(1) Parking lots shall be arranged so that long uninterrupted views across large areas of parking are not visible from the primary access road. In order to reduce the scale of parking areas, the total amount of parking provided shall be broken up into parking blocks containing not more than 40 spaces.
(2) Each parking block shall be separated from other parking blocks by buildings, access drives with adjacent landscaped areas at least 10 feet wide, a landscaped median or berm at least 10 feet wide, or by a pedestrian walkway or sidewalk within a landscaped median at least 10 feet wide (see Figure 3).
(3) Each parking block shall have consistent design angles for all parking within the block.
(4) Parking blocks should be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).
D. Orientation of parking facilities.
(1) Parking facilities shall be oriented so that drive aisles run perpendicular to the adjacent plane of the building, where applicable.
(2) Parking lots shall be designed and oriented to allow for cross lot access and internal access management whenever possible.
E. Curbing and bump stops. Concrete or granite curbing around parking areas shall be used to delineate vehicular and pedestrian zones and to control drainage, unless otherwise approved by the Planning Board. Asphalt or wood curbing is not permitted.
F. Shared parking.
(1) Shared parking is encouraged to promote efficient use of land and resources by allowing users to share off-street parking facilities for uses located within close proximity to one another with different peak parking demands or different operating hours (see Figure 3).
(2) The Planning Board may approve shared use of parking facilities located on the same property or on separate properties if, in the opinion of the Planning Board:
(a) A convenient pedestrian connection between the properties exists;
(b) The properties are within 500 feet of each other on the same side of the street or within 250 feet of each other on opposite sides of the street; and
(c) The availability of parking for all affected properties is indicated by approved directional signs.
(3) When determining the number of off-street parking spaces required for shared parking facilities, the following shall apply.
(a) Where the uses to be served by shared parking do not have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the greater of the applicable individual parking requirements.
(b) Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide parking stalls equal to the total of the individual parking requirements. If the following criteria are met, that total may be reduced by 15%:
[1] The parking areas share a property line;
[2] A vehicular connection between the lots exists;
[3] A convenient, visible pedestrian connection between the lots exists; and
[4] The availability of parking for all affected properties is indicated by approved directional signs.

§225-15.4 Landscaping and screening.

A. Intent and applicability. Landscaping and screening shall be designed as an integral part of every nonresidential and multifamily development project as opposed to being merely located in leftover or unused portions of a site. The following landscaping and screening regulations are intended to visually tie the entire development together, help to define and announce entryways and circulation patterns (both vehicular and pedestrian), and, where appropriate, help buffer less intensive adjacent land uses. These regulations shall help to minimize the expansive appearance of parking lots, provide shaded areas for pedestrians, and soften hard edges of buildings and parking lots in an effort to achieve the purpose and objectives of this article.

B. Site landscaping.

(1) Site landscaping shall be required at the location of all entrances, exits, and signage.

(2) Building setback areas along streets, accessways, or along private drives shall be landscaped with a minimum of one tree for every 40 feet of linear frontage.

(3) Building setback areas shall include compact massing's of ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers, at a minimum of one plant for every 10 feet of linear frontage.

(4) Landscaping shall observe the regulations for Visibility at intersections.

(5) Plantings should decrease in size and increase in detail, color, and variety near entryways into developments.

(6) Planting shall be limited to species endemic, indigenous, hardy, and those known to be noninvasive to this area. Plants should be consistent with the most current USDA Plant Hardiness Zone for the Village of Orchard Park

C. Foundation landscaping.

(1) Building foundation landscaping shall be provided along the front facade as well as any facades visible from the public right-of-way.

(2) At least one tree shall be provided for each 30 linear feet of the facade.

(3) At least one shrub shall be provided for each five linear feet of the facade.

(4) Foundation plantings shall consist of woody and/or herbaceous, deciduous, and/or coniferous shrubs, trees, and groundcovers, and shall not be limited to annual/perennial-type plant materials.

(5) In instances where outdoor seating is desired in the frontage of the lot, foundation landscaping may be waived by the Planning Board, or can be used to create a seating courtyard area.

(6) Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.

D. Minimum plant size. Unless otherwise permitted by the Planning Board, all trees and plant materials proposed shall meet the following minimum size standards:

(1) Deciduous trees shall be at least 2 1/2 inches in caliper, unless located in the side or rear yard, where they may be a minimum of 1 1/2 inches in caliper.

(2) Evergreen trees shall be five feet in height, unless located in the side or rear yard, where they may be a minimum of four feet in height.

(3) Deciduous shrubs shall be at least 24 inches in height, unless located in the side or rear yard, where they may be a minimum of 15 inches in height.
(4) Evergreen shrubs shall be a minimum of 18 inches in height, unless located in the side or rear yard, where they may be a minimum of 12 inches in height.
E. Fences and walls. When a development includes a fence or wall, the following guidelines and standards shall apply. This section does not apply to required retaining walls.
(1) The maximum height and setback for fences and walls shall comply with the regulations set for the district in which they are located (see 225-11).
(2) A rear lot line and/or an interior side lot line that abuts a residential use or district shall require additional screening. Screening may include a dense, natural hedge reaching a height of five feet within three years or by a solid fence or masonry wall at least five feet in height.
(3) No fence located in a front yard shall be more than 50% opaque, unless otherwise approved by the Planning Board.
(4) Walls and fences shall be constructed of high-quality materials, such as decorative blocks, brick, stone, treated wood, vinyl, hardy plank, and wrought iron. Prohibited materials include:
(a) Smooth-faced gray concrete block, smooth-faced painted or stained concrete block, smooth-faced concrete panels;
(b) Unfinished wood;
(c) Chain link; and
(d) Corrugated metal siding.
(5) Breaks in the length of a fence shall be made to provide pedestrian connections to the perimeter of a site or to adjacent development.
(6) The maximum length of continuous, unbroken, and uninterrupted fence or wall plane shall be 50 feet. Breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials.
(7) Fences and walls shall be set back from the front and side lot line to allow a landscape setback area. Such setback area shall be landscaped with a turf, shrubs, and/or trees, using a variety of species to provide seasonal color and plant variety.
(8) Use of landscaping beyond the minimum required in these standards is strongly encouraged to soften the visual impact of fences and walls.
F. Parking lot landscaping.
(1) Parking lot medians shall be required between parking blocks (maximum 40 parking spaces). Medians shall be a minimum of 10 feet in width, and shall be planted to provide visual buffering between sections to a density and arrangement deemed appropriate by the Planning Board.
(2) At least one landscaped island with a minimum width of five feet and minimum size of 160 square feet shall be provided for every 20 parking spaces.
(3) Circulatory drive aisles and landscaped islands shall be installed such that no more than 20 parking spaces in a single row, or 40 in a double row, shall go uninterrupted.

(4) The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting materials may be used to complement the tree landscaping, but shall not be the sole means of landscaping. All parking lot landscaping shall be salt tolerant. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
(5) One shade tree shall be planted for every 10 parking spaces. Trees located in paved areas shall be provided with adequate tree pits to permit proper watering.
(6) Landscaped berms shall be at least 10 feet wide, a maximum of three feet high, and include a maximum slope of 3:1.
(7) Existing parking lots located along the front setback shall be buffered and/or screened from view using landscaping, attractive fencing consisting of natural materials that does not exceed four feet in height, or a combination of landscaping and fencing.

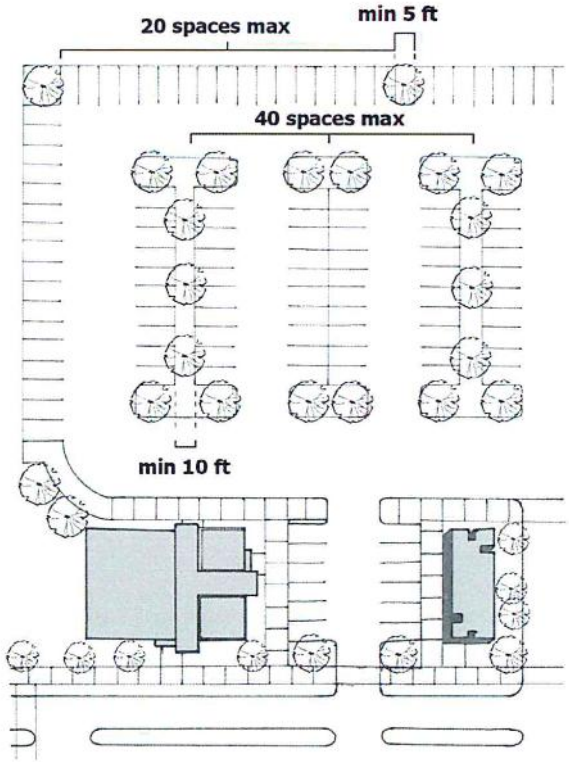


Figure 3 (Landscaping & Shared Parking): Shared lots should maintain a single access point, and ensure blocks of parking (40 spaces) are broken up with the use of medians, either landscaped and/or with pedestrian connections. Additionally, parking lots shall provide a landscaped island for every 20 spaces and one shade tree per 10 spaces. These design elements may be placed as desired, as shown in the 140+ space example above.

225-15.5 Architectural guidelines and standards.

A. Intent and applicability. The following architectural guidelines and standards are intended to address the exterior elements of nonresidential and multifamily buildings and structures so as to define the appearance of a building's roofs, windows, facade articulation, and architectural detailing. These regulations for architectural elements are intended to encourage new nonresidential and multifamily developments to promote the desired character and identity of the area in which they are located. Said character and

identity shall relate to the recommendations of the community development strategy contained in the Village of Orchard Park Comprehensive Plan, while also allowing for flexibility of expression at the individual building level. New construction, alterations, or renovations, including those incorporating contemporary styles, should have a high level of architectural integrity resulting in attractive, inviting, and visually interesting structures that positively contribute to the streetscape and walkability of the community as outlined in the purpose and objectives of this article.

B. Building form and massing.

(1) In instances where the front facade is greater than 50 feet in width, appropriate delineations and treatments shall be used to break up the appearance of a single facade (e.g., projecting entry or window features, recessed elements, transparent storefronts, identifiable retail spaces, and awning/entrance canopies), especially at ground level.

(2) No facade shall exceed 50 feet in horizontal length without a change in facade plane. Changes in facade planes shall be no less than 1 1/2 feet in depth and no less than eight feet in length. Not less than 25% of the building wall shall be varied in this way. The intent of this standard is to avoid large, undifferentiated wall surfaces. Acceptable substitutes may be granted at the discretion of the Planning Board (see Figure 4).

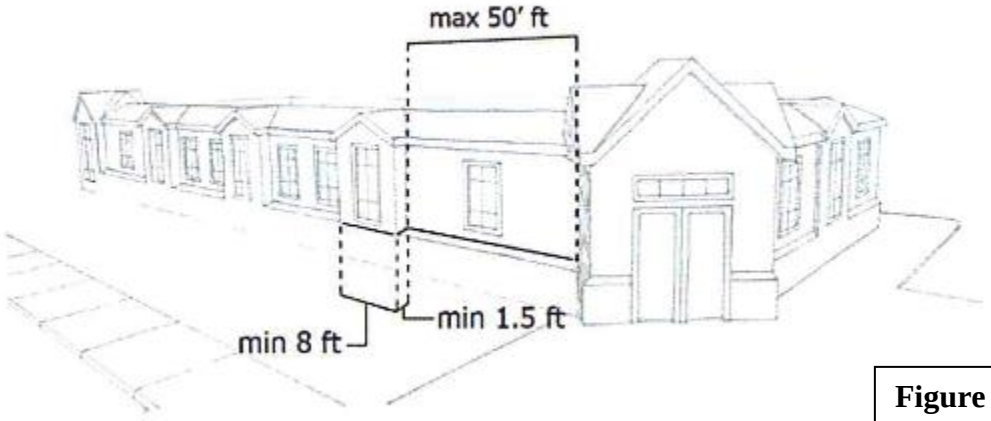


Figure 4 (Façade Articulation): Both single and Multi-story structures must provide a change in plane where the façade exceeds 50 feet in width. The graphic above indicates where these changes may occur.

(3) Ground floor facades of two or more storied structures shall provide areas of transparency of at least 60% (see Figure 8).

(4) Ground floor facades of a single-story structure shall provide a minimum transparency of 30% (see Figure 5).

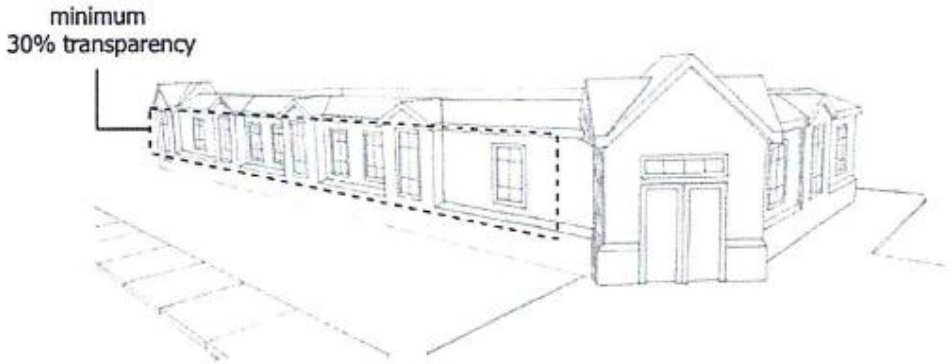


Figure 5 (Transparency): Single story structures, as shown above must provide at least 30% transparency in the area between two and ten feet above the adjacent sidewalk or ground (For a multi-story example see Figure 8).

(5) Ground floor transparency shall be measured between two feet and 10 feet above the adjacent sidewalk.
(6) The transparency of upper floor facade space may be reduced to provide a visual transition from the ground floor to upper floor uses. However, upper floor transparency shall not be less than 30%.
(7) Building facades facing a parking area shall be at least 30% transparent between the height of two feet and 10 feet above the parking area grade for no less than 30% of the horizontal length of the facade.
C. Architectural detailing. All buildings shall exhibit tripartite design, or a clearly defined base, midsection, and crown (see Figure 6). This can be accomplished using a combination of architectural detailing, material, textures, and colors. Said architectural detailing shall also comply with the following:
(1) Foundation water table. Where appropriate, elements that add detail and define the foundation of the building are encouraged.
(2) Roofs, cornices, eaves, overhangs, and parapets.
(a) Elements that define the roof and the upper quartile of the facade shall incorporate design details that provide an added level of articulation to the architectural expression of the building.
(b) To the maximum extent practicable, all roof-mounted mechanical equipment (e.g., HVAC systems, exhaust pipes, or elevator housing) shall be screened from view or isolated so as not to be visible from any public right-of-way or residential district within 150

feet of the subject lot, measured from a point that is five feet above grade. Screening shall be architecturally compatible with the style, materials, colors, and architectural detailing of the building.
(c) Crown lighting on buildings in the North and South Buffalo Street Corridors should be installed and have illumination shut off at 11:00pm until 7:00am. Lighting should be white or coincide with Village requests on North and South Buffalo Road Corridor.

(3) Windows.
(a) Windows shall be of a scale, proportion, and coverage appropriate to the overall style of architecture of the building.
(b) First floor windows shall not be blocked in any manner that restricts visual access of up to three feet into the structure (e.g., furniture, signage, or other decorative elements may not block windows. Passersby should be able to view up to three feet into the window space).
(4) Doors and entryways.
(a) Doors and entryways shall be of a scale, proportion, and coverage appropriate to the overall style of architecture of the building.
(b) Commercial buildings shall have a transparent primary entryway that will be considered as part of the overall transparency requirement for the building frontage.
(c) Entryways shall be detailed and announced to the general public through the use of decorative trim, moldings, overhangs, and other defining architectural features such that its purpose as the primary entrance is evident from the street. The same treatment is encouraged for all secondary entryways near parking locations.
(5) High-quality materials.
(a) All exterior building walls and structures shall be constructed or clad with durable, economically maintained materials that retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; exterior insulation finish systems (EIFS); or glass.
(b) Concrete finishes or precast concrete panels that are not exposed aggregate, hammered, embossed, imprinted, sandblasted, or covered with a cement-based acrylic coating shall not be used as exterior building materials and shall be prohibited on all exterior walls.

(c) All changes in building materials shall occur at inside corners.

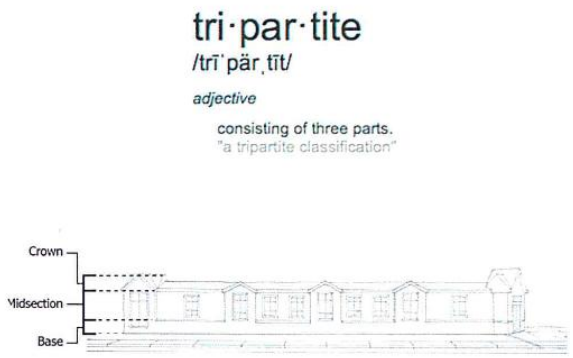
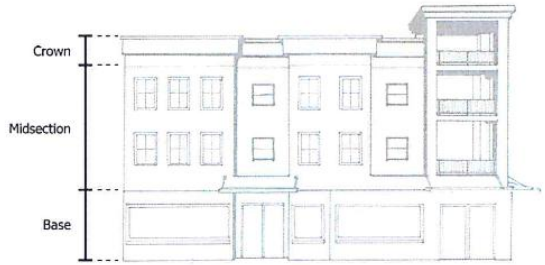


Figure 6 (Tripartite Design): Both single- and multi-story structures must apply the principles of tripartite design to their facades. The images above and below indicate how a base, midsection, and crown may be defined using a single-story or multi-story structure.



D. Green infrastructure and building design.

(1) Applicants are encouraged to consult the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) certification program for guiding principles and industry best practices that may apply to their proposed development or alteration.

(2) Alternative energy sources, such as solar panels or shingles, are encouraged and should be incorporated into the design of the building so as not to detract from the overall design.

(3) Solar energy systems shall be restricted to the roof of the structure in which they are intended to serve.

(4) Developers and builders are encouraged to utilize roofing materials that reflect sunlight (e.g., lighter colors) or incorporate vegetated roofing on at least 50% of the roof area. Methods such as these decrease heating and cooling needs on a building by reflecting sunlight rather than absorbing it.
(5) The Planning Board may choose to waive applicable zoning district, site plan, landscaping, parking, or architectural regulations for development projects that incorporate green infrastructure or building materials to their satisfaction. Waivers of any such regulation of this chapter shall be proportional and related to the anticipated benefit of the green infrastructure or materials.
E. Review assistance and referrals.
(1) The Village Planning Board reserves the right to consult with any other board, commission, department, agency, and/or official it deems advisable for the purposes of design review and considerations.
(2) The Village may also engage the services of engineers, planners, architects, or other professionals to aid in its review of developments and design. The applicant shall reimburse all costs incurred for such professional services to the Village.

§225-15.6 North and South Buffalo Corridor design standards.
A. Purpose and intent. The purpose of these additional design-based criteria is to enhance and re-define the architectural character of the North and South Buffalo Corridor within the Village of Orchard Park. In addition to the application of the Village wide nonresidential design guidelines and standards, this section is intended to ensure future development and redevelopment in and around the North and South Buffalo Corridor is compatible and harmonious with the desired character as outlined in the Village of Orchard Park Comprehensive Plan. Projects subject to the requirements of this section shall achieve the following objectives:
(1) Encourage a pedestrian-oriented and human-scaled right-of-way, public realm, and streetscape as well as promote safe pedestrian movement, access, and circulation along North and South Buffalo.
(2) Develop and maintain a dense concentration of uses (commercial, office, civic, cultural, and residential) that creates a vibrant, vital mixed-use environment along North and South Buffalo that encourages sociability and multimodal activity for residents.
(3) Promote the use of quality building materials and appropriately scaled architectural features that positively impact the relationship between private development and the public realm so as to enhance the streetscape as an aesthetically pleasing and inviting public space.
(4) Require the placement and design of buildings to respect the traditional development pattern that is characterized by little-to-no front or side setbacks, common walls between buildings, and structures that are or appear to be at least two stories in height.
(5) Minimize the visual presence of off-street parking by requiring it placed to the rear of the buildings and screened from view, and utilize alleys and rear entrances to provide safe and convenient access to rear yard parking and the rear of buildings.
(6) Re-establish the cultural and civic center of the Village and community life within The Village of Orchard Park.
(7) Promote the vitality of the Village of Orchard Park's North and South Buffalo Corridor through the encouragement of redevelopment and economic reinvestment that increases property values, protects real estate investment, and attracts or enhances business within the Village.

(8) Promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties along the North and South Buffalo Corridor.

B. Applicability.

(1) This section shall apply to all developments, sites, and structures, except single-family structures, located along the North and South Buffalo Corridor. This shall include, but is not limited to, all new builds, reconstructions, modifications, additions, expansions, and changes of exterior appearance to any existing building, structure, site, or development in part or in whole.

(2) For the purposes of this article, the North and South Buffalo Corridor area is defined as the parcels directly fronting North and South Buffalo from the northern Village boundary to Armor Rd. The North and South Buffalo Corridor area shall also include the parcels directly fronting the following intersecting roadways along North and South Buffalo:

(a) New Taylor from Linwood Ave (western boundary);

(b) Sunset Terrace from Hartloff Pl (eastern boundary);

(c) Princeton Pl from Linwood Ave (western boundary);

(d) West Quaker from N Lincoln Ave (western boundary) and East Quaker from Sunset Lane (eastern boundary);

(e) School St from S Lincoln Ave (western boundary) and Clark St from Potter Ave (eastern boundary);

(f) W Highland from S Lincoln Ave (western boundary);

(g) Armor Duells from 250 ft (western boundary and Jewett Holmwood from Freeman (eastern boundary);

(h) Ellicott Rd from Armor Rd (eastern boundary);

(i) Armor Rd from Ellicott Rd (eastern boundary);

C. Site planning. The design guidelines and standards for site planning in the North and South Buffalo Corridor area shall be in conformance with the regulations of this article unless otherwise addressed by this section.

D. Off-street parking design. In addition to the regulations of this article, the following off-street parking standards and guidelines shall apply:

(1) No parking shall be permitted in the front yard.

(2) Off-street parking may be located in the rear yard, side yard or underground. Side yard parking shall be located a minimum of 10 feet behind the front facade.

(3) Parking areas are preferable to be accessed by alleys or rear access drives.

(4) Parking areas shall be bounded by concrete or granite curbing to delineate vehicular and pedestrian zones and to control drainage, as needed.

(5) Alternate paving materials, such as permeable pavement, brick or stone, and embossed asphalt, are encouraged.

E. Landscaping and screening. The design guidelines and standards for landscaping and screening in the North and South Buffalo Corridor area shall be in conformance with the regulations set forth in of this article in addition to the following:

(1) All nonresidential and multifamily developments on lots that abut a residential use to the side or rear shall provide additional landscaping and screening to the Planning Board's satisfaction to ensure an appropriate buffer is provided from vehicular parking and/or traffic.

F. North and South Buffalo Corridor architectural standards.

(1) Intent and applicability. These architectural standards shall be applied to the North and South Buffalo Corridor area in addition to the regulations of 225-15. These additional guidelines and standards are intended to ensure new development defines a unique North and South Buffalo Corridor identity for the Village of Orchard Park, while also allowing for flexibility of expression at the individual building level. New development or renovations, including those incorporating contemporary styles, should have a high level of architectural integrity resulting in attractive, inviting, and visually interesting structures. New development and renovations shall not detract from the desired pedestrian-scaled streetscape and walkability of the corridor, and should respect the documented historic character of Village of Orchard Park where applicable. Should there be a conflict between this section and any other, the North and South Buffalo Corridor area regulations shall take precedence.

(2) Building placement and orientation. Placement refers to how a building is situated on the lot. Orientation refers to the location of a building's main axis or front facade.

(a) The front facade of all structures shall be oriented to North and South Buffalo.

(b) Buildings situated at corners shall be considered to have two front facades or primary facades. A corner structure should "wrap" the corner by continuing certain facade elements (such as the cornice or horizontal accent bands) on all street elevations (see Figure 7).

Figure 7 (Façade Elements): All structures within the North and South Buffalo Street Corridor shall provide the minimum level of transparency required by this code as well as façade requirements pictured and outlined above.

(c) Building orientation and main entrances should face North and South Buffalo and should be easily identifiable and scaled to the size of the street they are on.
(d) The minimum front setback for lots within the North and South Buffalo Corridor area shall be zero feet.
(e) The maximum front setback for lots within the North and South Buffalo Corridor area shall be 20 feet.
(f) All other building and lot dimensional and bulk requirements shall be in conformance with the applicable zoning district. The Planning Board may provide relief from regulations listed elsewhere in the Zoning Code for the North and South Buffalo Corridor area that are found to be inconsistent with the purpose and objectives of this article.
(g) Crown lighting is required on buildings which undergo major renovation; additions or new construction as set in section 225-15.5
(3) Massing, proportion, and height. Massing refers to the volume and shape of a building. Proportion is the relationship between a building facade's width and its height.
(a) All new development shall be at least two stories in height so as to achieve a strong visual "street edge." The Planning Board may permit one-story structures, provided that a varied, peaked roof or some other architectural element is included so as to appear to exceed one story in height.
(b) All new development shall be of a similar massing and proportion to those of adjacent and nearby structures unless otherwise approved by the Planning Board.
(c) Buildings which are "squat" in proportion or which have very strong horizontal elements that dominate the facade are discouraged.
(4) Roof design. Roof design refers to the form and architectural style of the roof and how it presents itself to the street.
(a) Longer buildings should provide fluctuations in the roofline which break up the long run of facade and which attract attention to key places such as entryways.
(b) Air-handling equipment, antennas, satellite dishes and other mechanical equipment should be placed in such a manner as not to be visible from the street.
(c) Flat roofs shall slope to the back of the building to provide proper drainage, and shall include an ornamental cornice.
(d) Peaked or gable roofs are encouraged to include overhangs and ornamental brackets.
(5) Facade composition and fenestration. Facade composition refers to the arrangement of facade elements in a recognizable and consistent composition. Fenestration refers to the depth, spacing, and rhythm of openings on a facade.
(a) All facade elements.
[1] The use of depth is encouraged to highlight facade openings such as windows to create a three-dimensional relief that produces shadows. Windows should not be mounted flush to the exterior of the facade (see Figure 8).
[2] Pairs of window shutters may be used if determined to be typical of the style of building, but should be used consistently and should appear to actually cover the entire window opening when closed. Shutters should not be mounted flush to the exterior of the facade, but hung as if they were functioning on a hinge.
[3] Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk.
(b) First floor (see Figure 8)

[1] The lower floor levels of a facade should provide the highest amount of facade opening and articulation. The ground floor should be very open and inviting to the pedestrian, and employ the strongest use of depth in the facade.
[2] Display windows shall not be covered up, removed, or downsized. The use of opaque or heavily tinted glass is not permitted. If screening is necessary, interior blinds or curtains are encouraged.
[3] Awning or transom windows are encouraged at the street level.
[4] All entrances into upper floors shall be located to afford direct access from the sidewalk.
[5] Corner buildings may have two separate entry points or a single-entry point at the corner (see Figure 7).
(c) Upper floors (see Figure 8).
[1] Upper-floor openings shall be residential in size, proportion, and character and provide a reduced transparency than that of the first floor.
[2] Upper-floor windows shall be double-hung with ornamental elements such as a flat stone lintel or hoodmolds.
[3] The spacing of upper-floor openings shall match that of the major storefront elements on the first floor.
[4] Lowered ceilings should have a soffit at each window that allows retention of the full window height.

(6) Building materials and textures.
(a) The use of stucco, plastic panels, sheet metal, clear-coated aluminum, concrete block, or smooth concrete is prohibited.
(b) The use of modern and/or nontraditional materials or textures may be permitted with Planning Board approval.
(c) All wooden materials shall be finished using either stain or paint in order to protect them from the elements.
(d) All metal materials shall be finished and colored to match the design of adjacent structures if deemed appropriate by the Planning Board.
(e) All materials traditionally left unpainted, especially masonry elements, shall remain unpainted unless otherwise approved by the Planning Board.
(7) Additional regulations.
(a) Street level residential occupancies of multistory, mixed-use structures or structures originally designed for commercial purposes along North and South Buffalo shall be prohibited.
(b) Any signs, awnings, and storefronts fronting the North and South Buffalo Corridor area shall be oriented and scaled to the pedestrian zone so as not to negatively impact the visual character of the street.
(c) Existing historical architectural elements and features of buildings identified by the Planning Board shall be retained to the greatest extent practicable, unless otherwise permitted by the Planning Board.
(d) Existing historical architectural elements and features of buildings identified by the Planning Board that are in need of repair or replacement shall be done so in kind by either reusing original materials or duplicating the design and materials of the original as closely as possible, unless otherwise permitted by the Planning Board.
(e) In the event that historical architectural elements or features identified by the Planning Board have previously been removed or altered from original buildings, subsequent efforts to repair or replace these elements should be done in such a way to return the building to its original historic specifications as closely as possible.

G. Demolition considerations.
(1) Intent and applicability. The intent of this section is not to prohibit the demolition of structures along the designated North and South Buffalo Corridor, but to preserve existing structures that significantly contribute to the desired character or historical significance of the district. This section includes the expectation that owners will assume the role of caretakers for district structures, with responsibility for maintaining and protecting district buildings. Furthermore, this section shall have no limitation on the Village's ability to take any demolition action necessary to protect the health, safety, and welfare of the public.
(2) Demolition approval. The demolition of any structure within the designated North and South Buffalo Corridor is considered an unlisted action under SEQR. Site plan approval of a proposed redevelopment plan for the property must be obtained from the Planning Board prior to the issuance of a demolition permit. The Planning Board shall grant the demolition and issue a demolition permit when the applicant submits suitable evidence that one or more of the following conditions exists:
(a) The structure contains no features of architectural and historical significance contributing to the character of the district within which it is located.
(b) The reasonable economic use for the structure as it exists or as it might be preserved is of such minimal level, and the reuse value of the property without the structure is of such level, that there exists no feasible and prudent alternative to demolition.
(c) Deterioration has progressed to the point where it is not economically feasible to preserve and reuse the structure consistent with the standards of this article.
(d) The proposed redevelopment is consistent with the purpose and objectives of this article.
(3) Historical significance. The Planning Board will also consider the structure's architectural character, historical significance, and physical condition, and whether prohibiting demolition will deny the owner of economically viable use of his/her land. Principal structures will be afforded more protection than accessory buildings.
(4) Safety hazards. The Village Board may grant relief from this provision if the structure is deemed to be an immediate and irreparable safety hazard by the Code Enforcement Officer.
(5) Demolition without permit. Property owners who demolish buildings without obtaining approval of a demolition permit shall be required to rebuild the structure to its original historical specifications if deemed appropriate after consideration by the Planning Board. All expenses incurred as a result of said demolition and rebuild requirements shall be the responsibility of the property owner.
H. North and South Buffalo sign regulations.
(1) Purpose and intent. The purpose of these sign regulations is to allow for adequate identification of the location or occupant for a parcel of land while protecting public health, safety and general welfare. All signs and signing systems within the North and South Buffalo Corridor area are subject to the regulations of Chapter **225-15** as well as this section. These additional regulations serve to:
(a) Ensure right to free speech as protected under the Constitution;
(b) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
(c) Provide businesses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;

(d) Encourage signs that respect the character and architecture of the building, site, and district in which they are displayed;
(e) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
(f) Minimize the adverse effect of signs on nearby public and private property;
(g) Avoid personal injury and property damage from unsafe or confusing signs; and
(h) Establish a clear and impartial process for those seeking to install signs.
(2) Traffic safety.
(a) No sign shall be erected at or near any intersection of any streets, or alleys, or any railway and any street, in such a manner as to obstruct free and clear vision.
(b) No sign shall be of a shape or color that may be confused with any authorized traffic control device.
(c) No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.
(3) Visibility at intersections. No sign shall interfere with the visibility of intersections as defined in 225-18 this chapter.
(4) Prohibited signs. The following signs shall be prohibited:
(a) Signs that contain words or pictures of an obscene or pornographic nature;
(b) Signs that emit audible sounds, odor, or visible matter;
(c) Signs that interfere with official traffic lights or traffic control devices;
(d) Flashing, rotating, or revolving signs/lights, not permitted;
(e) Signs with unshielded lighting devices or reflectors placed to outline or provide the background of a sign;
(f) Signs with mirrors;
(g) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or in any street or within the public right-of-way;
(h) Signs, banners, or pennants mounted on or extending above the roof of any building or structure; and
(i)
Signs that are defined as "pedestal signs." Except for plazas.

SECTION 2:
§**225-15.7 Definitions.**
A. Word usage and interpretation. All words used in this article shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.
(1) The term "person" includes a firm, association, organization, partnership, trust, company, corporation, individual, or any other entity.
(2) The term "shall" is mandatory and directory.
(3) The term "may" is permissive.
(4) The term "lot" includes the words "plot," "parcel," "tract," or "site."

(5) The term "building" includes the word "structure."
(6) The terms "premises" or "property" include a lot and all buildings or structures thereon.
(7) The phrases "to erect," "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
(8) Unless otherwise specified, all distances shall be measured horizontally along the ground.
B. Definitions. For the purposes of this article, the following words and terms shall be defined as listed.

APPROVAL

A favorable decision to an application that indicates acceptance and indicates that the terms of the application are satisfactory; includes both approval and approval with conditions.

ARCHITECTURAL FEATURE

Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, awnings, canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure; also referred to as "architectural detail."

AWNING

A permanent overhanging shelter which projects from the face of a building.

BERM

A man-made earthen mound (usually from two to six feet in height) designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

BLOCK

The length of a street between two intersections.

BUFFER

A unit of land, together with a specified type and amount of planting and/or fencing thereon, which may be required to eliminate or minimize conflicts between land uses. Also referred to as "screening."

BULK

The size and scale of buildings and nonbuilding uses and the physical relationship of their size and scale in relation to the lot on which they are located. Bulk requirements include building height, building footprint, and lot coverage.

CALIPER

A horticultural method of measuring the diameter of nursery stock. For trees less than four inches in diameter, the measurement should be taken at six inches above ground level. For trees greater than four inches in diameter up to and including 12 inches, the caliper measurement must be taken at 12 inches above the ground level. For trees greater than 12 inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4.5 feet above the ground.

CHARACTER

The atmosphere or physical environment that is created by the combination of land use and buildings within an area. "Character" is established and influenced by land use types and intensity and traffic generation, and also by the location, size and design of structures as well as the interrelationship of all these features.

COMPATIBLE

(1)

Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a structure;

(2)

Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more structures;

(3)

Having a pleasing or congruent arrangement of elements in the design and/or appearance between two or more attributes of a neighborhood; or

(4)

Having a pleasing or congruent arrangement of elements in the use or function between two or more attributes of a neighborhood or area.

CONIFEROUS

A plant with foliage that persists and remains green year-round. Also known as "evergreen."

CORNICE

Any horizontal decorative molding that crowns a building, such as the top edge of a facade or over an external door or window.

COURT

An unoccupied open space other than a yard. An "outer court" is one which extends to the front, side or rear yards; an "inner court" is any other court.

CROWN LIGHTING

Lighting mounted at the crown of the building. White lights to illuminate dusk to 11pm. Coloring shall coincide with the Village upon request.

CURB

A stone or concrete boundary usually marking the edge of a roadway or paved area.

CURB LEVEL

The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line. Where a building is on a corner lot, the "curb level" is the average of the mean levels of the curb on the two intersecting streets. Where no such grade has been established, the Superintendent of Public Works shall establish the curb level for the purposes of this chapter.

DECIDUOUS

A plant with foliage that is shed annually.

DESIGN REVIEW/DESIGN CONTROL

The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards.

DESIGN STANDARDS

A set of requirements that pertain to the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement.

DEVELOPMENT

Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance of farm roads and agricultural practices.

DRIVE-THROUGH FACILITIES

A building or use which by design of physical facilities a product is sold to, or a service performed for, customers while they are in or near their motor vehicles, including but not limited to fast-food restaurants, drive-up bank tellers, film-processing service booths, etc.

DRIVEWAY

A roadway providing a means of access from a street to a property or off-street parking area.
Also may be referred to as an "accessway."

EASEMENT

Any authorization by a property owner for the use by another, for a specified purpose, of any designated portion of a lot.

EAVE

The projecting lower edges of a roof overhanging the wall of a building.

FRONTAGE

The extent of a building or a lot abutting a public street or right-of-way as defined herein.

GRADE, EXISTING

The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this Zoning Code.

GRADE, STREET

The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

LANDSCAPING

The use of natural plant materials, including, but not limited to, ground covers, shrubs, and trees. Landscaping also involves the placement, preservation and maintenance of said plant materials in conjunction with associated improvements such as fences, walls, lighting, earth mounding and structures (principal or accessory).

LOT

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated and having frontage on a street or other means of access as may be determined by the Planning Board to be adequate as a condition of the issuance of a building permit for a building on such land.

LOT FRONTAGE

The distance measured across the width of the lot at the front lot line or the proposed building front line.

LOT, CORNER

A lot located at the junction of and fronting on two or more intersecting streets. All corner lots shall be deemed to have two front yards, two side yards and no rear yard.

NONRESIDENTIAL USE

All uses of land and buildings except single-family and two-family dwellings.

OPEN SPACE

That portion of a lot that is open, unobstructed and unoccupied from the ground upward and includes permeable walkways not used by vehicles, landscaping, uncovered patios, and uncovered recreation facilities. Recreation buildings may be included as part of a common open space.

OWNER

An individual, firm, association, organization, partnership, trust, corporation, or company holding title to the property.

PARAPET WALL

That portion of a building wall that rises above the level of the roof.

PARKING AREA OR LOT

An off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto.

PARKING FACILITY

Includes all required off-street parking spaces, loading areas, stacking spaces, aisles, driveways and landscaping as required in this chapter.

PARKING SPACE

An off-street space used for the temporary location of one licensed motor vehicle, not including access driveways.

PAVING

Ground surface covered with materials including but not limited to cobblestones, clay-fired bricks, concrete precast paver units, poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PEDESTRIAN-ORIENTED

Refers to a pedestrian-friendly policy providing clear, comfortable pedestrian access to residential and nonresidential areas and transit stops through the combination of land design practices, including compact development, mixed-use development, traffic-calming, pedestrian- and public transit-orientation, designated pedestrian circulation systems and amenities, and a mix of housing types.

PROFESSIONAL

An individual or agency authorized to practice his/her/its discipline as defined by applicable New York State laws, such as an engineer, architect, or landscape architect.

PROFESSIONAL SERVICES

Individuals or organizations that provide specialized services, including, but not limited to, medical practitioners, attorneys, architects, engineers, photographers, brokers, and other similar services. This classification excludes hospitals, banks, and savings and loan associations.

PROPERTY LINE

A line bounding a lot. Also known as a "lot line."

RESIDENTIAL USE

Includes single-family and two-family dwellings.

RIGHT-OF-WAY

The boundary of a road, street, highway, or expressway owned and maintained by any federal, state, or local municipal entity.

ROOFLINE

In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended facade or parapet, the uppermost height of said facade or parapet, provided that the facade or parapet extends around the entire perimeter of the building at the same elevation.

SETBACK

The least required horizontal distance between a property line and any structure on the lot measured at the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps.

SETBACK, FRONT

The setback to the front lot line.

SETBACK, REAR

The setback to the rear lot line.

SETBACK, SIDE

The setback to any property line other than a street or rear lot line.

SETBACK, STREET
The setback to the street or front lot line. On corner lots, both yards bordering the street shall be considered as street setbacks. Such street setback shall be measured from the public right-of-way.

SITE
A lot or group of contiguous lots not divided by any alley, street, other right-of-way or the Village limit that is proposed for development in accord with the provisions of this Zoning Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

USE
The specific purpose for which land, buildings or structures are designed, intended, arranged, used or maintained.

WALKWAY
A passage or path designated for pedestrian activity or walking.

WHEEL STOP
An object, often made of concrete, which is placed at the front of a parking space to prevent vehicles from pulling too far into the space and striking the wall, landscape, or other objects that may be on the other side of the space.

SECTION 3: Effective Date
This local law shall take effect immediately upon filing with the Secretary of State.

On the question:	3 voting “Aye” Mayor Clinton Trustee Hartung Trustee Even	0 voting “Nay”	Carried

A public hearing was scheduled and advertised for this time to hear public comment on a proposed Local Law amending the Village of Orchard Park Municipal Code, Chapter 225, entitled "Zoning". Mayor Clinton opened the meeting at 7:18 p.m., giving a brief explanation of the amendments and offering copies of the Local Law on the rail.

Mayor Clinton asked 3 times for comments in favor of the proposed Local Law. There were none.

Mayor Clinton asked 3 times for comments opposed to the proposed Local Law. There were none.

Moved by Trustee Even, seconded by Trustee Hartung to close the hearing at 7:19 p.m.

On the question: 3 voting "Aye" 0 voting "Nay" Carried
Mayor Clinton
Trustee Hartung
Trustee Even

Moved by Trustee Hartung, seconded by Trustee Even to approve Local Law #11 of 2026 as presented:

225 Attachment 1

Village of Orchard Park

Schedule 1
Use Controls
[Amended 3-8-1982 by L.L. No. 1-1982; 4-26-1982 by L.L. No. 3-1982; 5-13-1991 by L.L. No. 3-1991; 12-12-1994 by L.L. No. 1-1994; 4-22-1996 by L.L. No. 8-1996; 7-13-1998 by L.L. No. 4-1998; 9-16-1998 by L.L. No. 6-1998; 10-12-1998 by L.L. No. 9-1998; 3-8-1999 by L.L. No. 2-1999; 8-9-1999 by L.L. No. 9-1999; 3-22-2010 by L.L. No. 2-2010; 9-28-2020 by L.L. No. 11-2020; 6-26-2023 by L.L. No. 11-2023]

District	Purpose	Permitted Principal Use	Permitted Accessory Use	Special Use

1 Residential Low-Density	To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the general plan for the Village of Orchard Park To upgrade the character of all residential areas in the Village by requiring standards of land use and lot and building bulk and size which more accurately reflect existing development To protect the integrity of residential areas by prohibiting the incursion of incompatible uses	One-family dwelling Recreation areas maintained by New York State, Erie County, or the Village of Orchard Park Schools (public or private or nonprofit) offering an academic course accredited by the State Education Department Churches and other houses of worship	Uses customarily incidental to the principal uses such as: Private garages Private swimming pools Private tennis and racket courts Signs Off-street parking	Public Utilities (See § 225-16) Short Term Rentals within allowable Land Use Districts GMU, NMU, DMU (225 Attachment III)

District	Purpose	Permitted Principal Use	Permitted Accessory Use	Special Use
R-2 Residential Low-Density	To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the general plan for the Village of Orchard Park To upgrade the character of all residential areas in the Village by requiring standards of land use and lot and building bulk size which more accurately reflect existing development To protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential uses	One-family dwelling Recreation areas maintained by New York State, Erie County or the Village of Orchard Park Schools (public or private or nonprofit) offering an academic course accredited by the State Education Department Churches or other houses of worship	Uses customarily incidental to the principal uses such as: Private garages Private swimming pools Private tennis and racket courts Signs Off-street parking	Public Utilities (See §225-16) Short Term Rentals within allowable Land Use Districts GMU, NMU, DMU (225 Attachment III)

R-3 Residential Medium-Density	To delineate tl1ese areas where predominantly residential development has occurred or will be likely to occur at two-family and multifamily densities in accordance with the general plan for the Village of Orchard Park To upgrade the character of all residential areas in the Village by requiring standards of land useand lot and building bulk size To protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential uses	One-family dwelling Two-family dwelling Recreation areas maintained by New York State, Erie County or the Village of Orchard Park Schools (public or private or nonprofit) offering an academic course accredited by the State Education Department Churches and other houses of worship	Uses customarily incidental to the principal uses such as: Private garages Private swimming pools Private tennis or racket courts Signs Off-street parking Home occupations	Multifamily dwelling Public Utilities (See§ 225-16) Short Term Rentals within allowable Land Use Districts GMU, NMU, DMU (225 Attachment III) More than one principal building ona lot of record. Townhouses

District	Purpose	Permitted Principal Use	Permitted Accessory Use	Special Use
R-4 Residential	To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance witl1the general plan for the Village of Orchard Park, and provide for low-density, low-impact use Tomaintain the residential character, any use must preserve the existing integrity of those premises with architectural or historic value or develop or modify other premises to bring them in greater harmony with the residential village character	One-family dwelling Two-family dwelling One-family dwelling unit with permitted special use Recreation areas maintained by New York State, Erie County or the Village of Orchard Park Schools (public or private or nonprofit) offering an academic course accredited by the State Education Department Churches and other houses of worship	Uses customarily incidental to the principal uses such as: Private garages Private swimming pools Private tennis and racquet courts Signs Off-street parking Home occupations	Multifamily dwelling Public Utilities(see§ 225-16) Short Term Rentals within allowable Land Use Districts GMU, NMU, DMU (225 Attachment III) Funeral homes Two-family or multifamily dwelling units with a nonretail business office Townhouses Bed-and-breakfast More than one principal building on a lot of record Nonretail business office such as: architects, engineers, accountants, lawyers, insurance agents, financial planners, manufacturers representatives and design and consulting agencies

R-5 Residential High-Density	To delineate areas where predominantly residential development has occurred or will be likely to occur in accordance with the general plan for the Village of Orchard Park To upgrade the character of all residential areas in the Village by requiring standards of land use and lot size which more accurately reflect existing development To protect the integrity of residential areas by prohibiting the incursion of incompatible uses To continue the walkable community concept	One-family dwelling Recreation areas maintained by New York State, Erie County or the Village of Orchard Park	Uses customarily incidental to the principal uses such as: Private garages Private swimming pools Private tennis courts Off-street parking	Public Utilities (see § 225-16)
District	**Purpose**	**Permitted Principal Use**	**Permitted Accessory Use**	**Special Use**
8-1 Commercial	To establish a centralized area where shopping, service, office, recreation, and cultural facilities are provided for the community as a whole and to recognize the special significance of the immediate "Four Comers" area which identifies the Village. This district shall set forth provisions to maintain the uniqueness, quality of life, and character of the Village business district; to preserve the existing integrity of those premises with architectural or historic value; to direct the development or modification of premises through design and scale requirements to bring them in greater hannony with Village downtown character; and to promote pedestrian traffic by an inviting, attractive and safe street environment	Retail sales Business offices Personal and commercial service establishments - Licensed medical office and/or clinic - Veterinarian office and/or clinic - Financial and insurance services or banks - Professional offices including attorneys, accountants, architects and engineers - Trade services including dry cleaner, shoe repair, tailor and small equipment repair - Health and beauty services including hair, nail and tan salon - Service agencies for realty, travel, loan, design or decor - Art, dance, music or photo studios - Day care and/or nursery Single or multifamily dwellings above a business establishment Public Utilities (See § 225-16)	Uses customarily incidental to the principal uses such as: Off-street parking Signs	Eating and drinking establishments Outdoor seating Automobile service stations Commercial Recreation Facilities (as defined in Chapter 84) Drive-throughs Kiosks More than one principal building on a lot of record Any building footprint greater than 3,500 square feet Any project covering 2 or more lots of record (as of January I, 1999) Any building height less than 22 feet or any new building proposed as a replacement to an existing structure or reconstruction of an existing structure that varies in height from the existing structure by more than I0% Short Tenn Rentals within allowable Land Use Districts GMU, NMU, DMU (225 Attachment **III)** above a business establishment Second or Third Story only

District	Purpose	Permitted Principal Use	Permitted Accessory Use	Special Use
8-2 Commercial	To establish an area contiguous to the Central Business District best suited for business development that is compatible with adjacent residential zones. This district shall set forth provisions to maintain the uniqueness, quality of life, and residential character of the Village; to preserve theexisting integrity of those premises with architectural or historic value; to direct the development or modifications of premises through design and scale requirements to bring them in greater harmony with Village residential character; and to promote pedestrian traffic by an inviting attractive, and safe street environment.	Retail sales Business offices Personal and commercial service establishments - Licensed medical office and/or clinic - Veterinarian office and/or clinic - Financial and insuranceservices of banks - Professional offices including attorneys, accountants, architects and engineers - Trade services including dry cleaner, shoe repair tailor,small equipment repair - Health and beauty services including hair, nail and tan salon - Service agencies for realty, travel, loan, design or decor - Art, dance, music or photo studios - Day care and/or nursery Funeral parlors Single or multifamily dwellings above a business establishment Public Utilities (See§ 225-16) One-family and two-family dwelling	Uses customarily incidental to the principal uses such as: Off-street parking Signs	Eating anddrinking establishments Outdoor seating Short Term Rentals within allowable Land Use Districts GMU, NMU, DMU (225 Attachment III) above a business establishment Second or Third Story only More than one principal building on a lot of record (as of January 1, 1999) Any building footprint greater than 2,000 square feet Any project covering two or more lots of record (as of January I, I999) Any building height less than 22 feet or any new building proposed as a replacement to an existing structure or reconstruction of an existing structure that varies in height from the existing structure by more than 10% Multifamily dwelling

District	Purpose	Permitted Principal Use	Permitted Accessory Use	Special Use
1-1 Industrial	To delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses Uses incompatible with industry are not to be permitted	I. Any use that is allowed as either a principal use or special use in an R-3 residential, B-1 commercial, and/or a B-2 professional/commercial zone. 2. Parking. 3. Public utility. 4. Public garage. 5. Laundry. 6. Newspaper and printing shop. 7. New motor vehicle sales and service. 8. Heating, plumbing, woodworking or electrical shops provided that there is no outdoor storage of materials. 9. Passenger terminals. 10. The following uses, provided that they are conducted within a completely enclosed building: a. Amusement enterprises b. Building materials supply and incidental millwork, but not including concrete mixing plants or planting mills c. Farm implement sales and service d. Small animal hospitals e. Storage, except for explosives and/or highly flammable materials. 11. Manufacturing, upon approval of the Village Board of Trustees and limited to: a. Assembly of small articles from previously prepared materials b. Research and development, provided that any such use does not produce offensive odors, fire or explosion hazards or any other hazard to public safety or health	Uses customarily incidental to the principal uses such as: Off-street parking Signs	I. Repair garages, including collision and painting provided that it is conducted within a completely enclosed building 2. Truck terminal 3. Adult uses. 4. Gasoline station and/or car wash. 5. Day-care center and nursery school. 6. Indoor and outdoor commercial recreation. 7. Adult day care. 8. More than I principal building on a lot of record.

District	Purpose	Permitted Principal Use	Permitted Accessory Use	Special Use
L-C Land Conservation District	To delineate those areas where substantial development ofland in the form of buildings or structure is prohibited due to: I. Special or unusual conditions of topography, drainage, floodplain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the processes of nature 2. The lack of proper facilities or improvements resulting in the land not being suitable for development at the present time and on an area-wide rather than individual-parcel basis in order to serve adequately the area at reasonable cost to the Village			Parks, golf course, athletic field and other similar uses Farming except keeping of animals or any activity which produces obnoxious odors or dust Public Utilities (See§225-16) Other similar uses

Future Land Use

A Future Land Use map was developed to provide direction for future development in the Village to advance the Comprehensive Plan Vision. Future updates to development regulations will be based on the Future Land Use Map.

Low Density Residential (LOR)
Neighborhoods of predominantly single-family detached low-density residential development.

Medium Density Residential (MOR)
Neighborhoods of moderate density development including single-family detached, two-family residential, and compatible multifamily development.

High Density Residential (HOR)
High-density residential includes neighborhoods with multi-family residential development.

Gateway Mixed-Use (GMU)
The Gateway Mixed-Use zone is a walkable district featuring a high-quality public realm that acts as a gateway into the Village. The mixed-use, medium density district includes commercial, residential, entertainment, cultural, lodging, museums, and office uses.

Neighborhood Mixed-Use (NMU)
Neighborhood Mixed-Use is a walkable district that features a mix of uses to service adjacent residential neighborhoods including commercial, residential, and office uses. Uses should be compatible with the scale of adjacent residential neighborhoods.

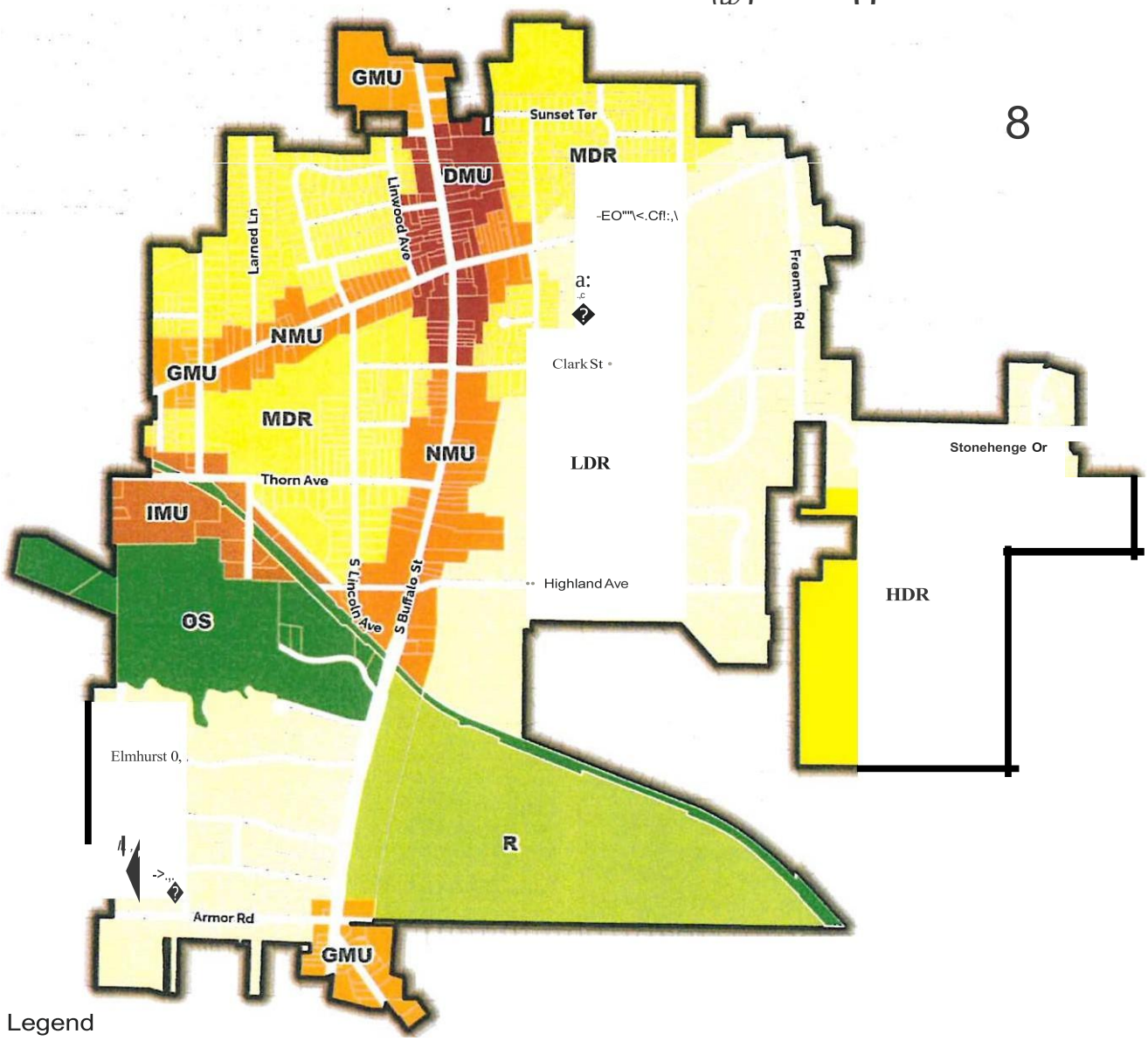
Downtown Mixed-Use (DMU)
The Downtown area features a historic, vibrant Village center that serves as a local and regional destination for the community. The district features a dense and walkable mix of uses including residential, commercial, office, entertainment, cultural, lodging, and institutional uses that arecomplemented by design criteria and a high-quality public realm.

Innovation Mixed-Use (IMU)
The Innovation Mixed-Use district provides a mix of commercial, retail, residential, personal service, office, light industrial, artisan, and legacy heavy industrial uses that are compatible with adjacent neighborhoods or districts.

Open Space (05)
Includes public and semi-public parks, open spaces, and environmentally sensitive land and water areas.

Recreation (R)
Includes privately owned parks, open spaces, and environmentally sensitive land and water areas.

Future Land Use



Legend

On the question:	3 voting “Aye” Mayor Clinton Trustee Hartung Trustee Even	0 voting “Nay”	Carried

Moved by Trustee Hartung, seconded by Trustee Even to accept the minutes of June 8, 2026 as presented.

On the question:	3 voting “Aye” Mayor Clinton Trustee Hartung Trustee Even	0 voting “Nay”	Carried

Moved by Trustee Hartung, seconded by Trustee Even that vouchers numbering 8394 to 8421 in batch #298 of fiscal year 2026-2027 in the amount of $45,023.57 be paid as presented.

On the question:	3 voting “Aye” Mayor Clinton Trustee Hartung Trustee Even	0 voting “Nay”	Carried

There were no comments from the floor of items not on the agenda.

Code Enforcement Officer Gullo had nothing to report.

Manager of Public Works Wittmeyer reported that DPW crews are scheduled to pave Woodland Dr. and Anthony Pl. Wednesday and Thursday this week, weather dependent. If delayed due to rain it will be rescheduled for next Monday.

Trustee Hartung attended the Orchard Park Police Department presentation on E-bikes and motorized scooters. There was a lot of good information related to safety including the risks associated with storing e-bikes and scooters inside including fires caused by improper storage. The Power Point presentation from that meeting will be posted on the Village website shortly.

Trustee Even thanked the audience member for attending the meeting. He also mentioned that there are currently 28 floats registered for the July 4th parade and would like to see additional community and neighborhood floats register as well. You can register and view parade information on the Everything OP website.

Clerk-Treasurer Richeal had nothing to report.

Attorney Bailey had nothing to report.

Mayor Clinton had nothing to report.

Moved by Trustee Even, seconded by Trustee Hartung that Mayor Clinton be authorized to sign a Special Events Contract approving the July 4th fireworks and fireworks display at the Ice Cream Social on July 24th, 2026.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

Moved by Trustee Hartung, seconded by Trustee Even that a public hearing be scheduled and advertised for July 13, 2026 at 7:00 p.m. to hear public comment on a proposed local law amending the Village Municipal Code, Chapter 179.

The next regular meeting is scheduled for July 13, 2026.

Moved by Trustee Hartung, seconded by Trustee Even to adjourn at 7:26 p.m.

On the question:	3 voting "Aye" Mayor Clinton Trustee Hartung Trustee Even	0 voting "Nay"	Carried

Respectfully submitted,

Heather Tucciarone-Richeal, Village Clerk-Treasurer