

PART II – GENERAL LEGISLATION

Chapter 168 Outdoor Storage – also see Ch 150 and Ch 250

[Adopted, December 27, 2012, as Chapter 168 of the Code]

Article I Outdoor Storage

Section 168-1 – 168-20

Article I Outdoor Storage – see also Junked Vehicle Ordinance

Section 168-1 – Purpose and Intent – the purpose of this article is to ensure that all outdoor storage areas shall be completely screened from both public view and adjacent properties, and that outdoor storage does not create any conditions that are detrimental to the appearance of the premises of surrounding properties or in any other manner is detrimental to the public health, safety, welfare or causes a public nuisance.

Section 168-2 – Outdoor Storage Defined – the provisions of this Article shall apply to all uses of land that include outdoor storage

- a. Outdoor – shall mean in the open air, not inside a building or structure, of or relating to the outdoors, not enclosed: having no roof.
- b. Storage – shall mean a space or place for storing.
- c. Outdoor storage shall include any site or use of land that, includes the storage, outside of a completely enclosed building for a continuous period longer than twenty-four hours, of any:
 - (1) Goods, wares, merchandise, commodities, machinery, equipment,
 - (2) Commercial vehicles, towed or driven, as defined by the Vehicle and Traffic Law of the State of New York
 - (3) Recreational vehicles, towed or driven,
 - (4) Watercraft, trailer, PODS, roll-off bins,
 - (5) Raw (e.g. building) materials, junk or debris, trash or salvage,
 - (6) Appliances and furniture not designed and intended for exterior use,
 - (7) Any similar object that is not clearly intended for outdoor use on the premises
- d. This definition shall not apply to personal vehicles as defined by the Vehicle and Traffic Law of the State of New York. Personal vehicles also include commercial “take home” vehicles that are used by a homeowner for personal transportation and are no more than 7 feet tall and 7 feet wide.
- e. This definition shall not apply to lumber, construction materials or equipment, which is intended for use within 30 days in construction or renovation on the premises. This section shall not apply to any lumber, construction materials, or equipment, which is intended for use in construction or renovation on the premises for which there exists an active building permit.

- f. This section shall not apply to any object in an enclosed building or so located upon the premises as not to be readily visible from any public place or street or adjacent property.
- g. This section shall not apply to any objects located in the rear yard of any premises in an area or no more than four hundred (400) cubic feet and no more than six feet in height and shielded from view by a covering.

Section 168-3 – Other Definitions – as used herein, include:

- a. Goods – that which is produced, then traded, bought or sold, then finally consumed
- b. Wares – anything for which there is demand, but which is supplied without qualitative differentiation across a given market.
- c. Merchandise – goods bought and sold in business
- d. Commodities – articles of trade or commerce
- e. Machinery – a device that serves to apply or regulate moving power
- f. Equipment – an instrumentality needed for an undertaking or to perform a service
- g. Personal Vehicle – any motor vehicle as defined under the Vehicle and Traffic Law of the State of New York), other than recreational vehicle, which is currently licensed, weighs and is in road legal condition. Personal vehicles also include commercial “take home” vehicles that are used by a homeowner for personal transportation and are no more than 7 feet tall and 7 feet wide.
- h. Commercial Vehicle – any motor vehicle as defined under the Vehicle and Traffic Law of the State of New York), other than recreational vehicle.
- i. Recreational Vehicles and Recreational Trailers – vehicles for recreational use that can be driven, towed or hauled. This includes, but is not limited to, those vehicles commonly referred to as RVs, such as motor homes and travel trailers, as well as any snowmobiles, pull campers, all terrain vehicles (ATV), and dirt bikes. For the purpose of this zoning code, recreational vehicles and recreational trailers are collectively referred to as “RVs.”
- j. Watercraft – water-oriented vehicles and their trailers including, but not limited to, power boats, cruisers, jet skis, fishing/hunting boats, pontoon boats, as well as row boats, sail boats, and other non-motorized craft with greater than two person capacity. This definition excludes non-motorized one and two person crafts such as canoes, kayaks, and paddleboats.
- k. Utility Trailer – a vehicle, not subject to the Vehicle and Traffic Laws of the State of New York, designed to be towed, for the purpose of transporting goods, wares, or merchandise or used for multiple purposes including but not limited to hauling yard waste, junk, trash, or raw materials.
- l. PODS – or similar portable outdoor storage containers commonly used for moving and storage of personal property.

- m. Roll-off bins – containers designed for receiving, transporting, and dumping waste materials, they are sometimes referred to as dumpsters.
- n. Raw material – a good that has not been transformed by production.
- o. Junk (debris) – the remains of something that has been destroyed or broken up
- p. Salvage – property or goods saved from damage or destruction
- q. Trash – worthless material that is to be disposed of
- r. Appliance – an indoor household device operated by use of electricity or gas
- s. Furniture – furnishings that make a room or other area inside a home ready for occupancy

Section 168-4 – Prohibited Outdoor Storage – in all zones, outdoor storage, as defined above, of raw (e.g. building) materials, junk, salvage, trash, indoor appliances and indoor furniture (e.g. mattresses), are examples of prohibited outdoor storage. These items must be kept within a wholly enclosed building. Wholly enclosed buildings do not include carports and porches.

Section 168-5 – Hazardous materials – the presence of such material, not to be used on site, is prohibited in all zones.

Section 168-6 – Existing Outdoor Storage – all outdoor storage existing at the time of the passage of the Zoning Ordinance shall, within six (6) months of its passage, be made to comply fully with these requirements or be removed.

Section 168-7 – Prohibited Dumping – the use of land for the dumping or disposal of scrap metal, junk, garbage, rubbish, refuses, ashes, slag, or industrial wastes or by-products, shall be prohibited in all districts.

Section 168-8 – Vending Machines – with the approval of the Planning Board, up to three (3) vending machines placed outdoors on one property in an approved commercial area is permitted.

Section 168-9 – Outdoor Storage Screening Requirements – the requirements of this section apply to outdoor storage areas in all zoning districts. Outdoor storage, if allowed, in these areas shall be screened from view of all public rights-of-way and adjacent properties that are in residential use.

- a. Areas subject to this section shall be effectively screened through any combination of fences, walls, berming, or landscaping, as illustrated on a screening plan, which shall be submitted for the review and approval of the Planning Board.
- b. All existing outdoor storage areas made non-conforming by the adoption of this section shall be brought into conformance with this section within six months from the effective date of the zoning ordinance unless an extension is approved in writing by the Board of Trustees or unless a special use, conditional use, or other specific site plan

approval has been previously granted by the Village, which incorporates an alternate screening treatment under which the property remains in compliance.

c. Screening shall be well maintained and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair; walls and fences shall be maintained in an upright condition; deteriorated or damaged masonry and wood fences shall be replaced within a period of thirty days, or as soon as weather permits; plant material shall be maintained in accordance with this chapter. If the screen is destroyed by any *force majeure*, the replacement period may be extended by the Board of Trustees upon written application.

Section 168-10 – Outdoor Storage in Residential Zoning Districts

- a. Outdoor storage shall not be permitted in any residential zoning districts unless such storage is associated with a legal conforming or legal non-conforming business use and approved by the Code Enforcement Officer.
- b. Outdoor storage of materials for legal non-residential uses operating within a residential zoning district shall conform to the standards of Non-residential Zoning Districts (see below).

Section 168-11 – Outdoor Storage in Non-Residential Zoning Districts – For those uses that are permitted outdoor storage, such storage shall comply with the following:

- a. Outdoor storage areas shall be prohibited within any building setback yard and/or required buffer yard.
- b. Outdoor storage areas shall be screened as defined by Section 168-9, Outdoor Storage Screening Requirements.
- c. Openly stored items shall not project above the screening. No item may exceed the building height restrictions for the zoning district within which the item is located.
- d. No open storage area shall be maintained in the front yard area.
- e. Fences or chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient materials to screen outdoor storage areas or operations.

Section 168-12 – Solid Waste Storage Areas (e.g. Dumpsters) – the provisions of this section shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll out containers for curbside solid waste and recyclable pickup by the Village.

- a. Solid waste dumpsters or other large containers for solid waste storage shall be located in such a manner so as to be screened from view from a public street or other such public location. Fencing, landscaping, building walls, or any other material may be used to provide the necessary screening. No solid waste storage area shall be located in any front building yard setback or any street yard or buffer yard as set forth in Site Plan Review.

- b. The Planning Board, upon recommendation of the Code Enforcement Officer shall have the authority to waive all or a portion of the requirement as set forth in this Section, if evidence can be presented by the developer or property owner that the required screening can not be accomplished due to physical constraints or layout of the property being developed.
- c. Construction Dumpsters – are another type of solid waste storage area and are allowed on site, in all zoning districts, for the purpose of construction or renovation on the premises. The construction dumpster must be removed when a building permit expires.

Section 168-13 – Outdoor storage of Recreational Vehicles, Recreational Trailers and Watercraft – the unregulated outside parking and outside storage of recreational vehicles, trailers, and watercraft within a residential use district or accessory to a residential use is found to create a nuisance, hazard and detrimental influence upon the public health, safety and general welfare of the community by obstructing the view on streets and on private property, bringing noise and odors into residential areas, creating cluttered and otherwise unsightly areas, preventing the full use of residential streets for residential parking, reducing the useable open space of streets and private property and otherwise adversely affecting residential property values and neighborhood maintenance and improvement.

a. General Regulations for RV's and Watercraft in All Districts

- (1) Storage in an Enclosed Structure. RVs and Watercraft of any height or length may be kept within an enclosed structure provided the structure conforms to the underlying zoning requirements of the district.
- (2) Attachment to Ground Not Permitted. RVs and Watercraft shall not be permanently affixed to the ground in a manner that would prevent removal. RVs and Watercraft not permitted to be operated on public streets shall be placed on or in a trailer or motor vehicle.
- (3) Use of RVs and Watercraft. No RV or watercraft shall be used for temporary (more than an aggregate of 21 days in a calendar year) or permanent living, sleeping or housekeeping purposes in the Village.
- (4) Condition While Stored. All RVs and watercraft shall be stored or parked in a secure, safe, orderly, and well-maintained condition that does not inhibit emergency vehicle access to any property. All RVs and watercraft shall be currently licensed and operable at all times while being stored.
- (5) Ownership. Permitted storage shall only be allowed for RVs and watercraft owned by the owner or occupant of the property on which the RV and watercraft are stored.
- (6) No RV or watercraft shall be permitted on a vacant lot without a primary structure.
- (7) No RV or watercraft shall utilize the Village sanitary sewer system for disposal of sewage or waste.

b. Permitted RV and Watercraft Storage. Storing RVs and watercraft outside of an enclosed building or structure is permitted in all residential districts provided that all of the following provisions are met:

- (1) No more than a total of two (2) RV or watercraft may be stored outside on a residential lot.
- (2) RVs and watercraft stored outside shall not be more than twenty-eight (28) feet in length or twelve (12) feet in height.
- (3) RVs and watercraft shall not be placed in the front yard or within the principal structure side yard setback and shall be at least ten (10) feet from any rear property lines. If both side and rear yards are available for parking or storage, then the location with the least visibility from streets and neighboring property, as determined by the Planning Board shall be used for such storage.
- (4) On any lot, RVs and watercraft shall not be stored closer to the front property line than the principle structure or attached garage. Additionally, in the case of corner lots the RV shall not be stored closer to the property line than the principle structure or attached garage in the side yard adjacent to the street.
- (5) Any RV or watercraft that is stored outdoors shall not be placed closer to the principle building of an adjoining lot than to the principle building on the lot where it is stored.
- (6) RVs and watercraft stored in the side yard and visible from the public right-of-way shall be screened with a six foot privacy fence or landscaping of similar opacity as determined by the Code Enforcement Officer.
- (7) Seasonal Storage

Continued outdoor storage of major recreational equipment such as boats, camping trailers or recreational vehicles is allowed in all districts provided that they shall not be utilized for living purposes, and when stored on a residential lot as personal property of the occupant. They must be operable and in condition for their intended use. The fact that a recreational vehicle has not moved off the property for a period of one year shall be presumptive evidence that the vehicle is inoperable. Continued outdoor storage of no more than a total of two (2) watercraft, recreational vehicles and recreational trailers, up to 28 feet in length, is permitted on lawn, turf, or other parking surface so long as they are parked in a rear or side yard, and at least ten (10) feet from an interior lot line or rear lot line, and at least 15 feet from a street side lot line.

Sections 168-14 – Personal on Demand Storage (“PODS”)

- a) For purposes hereof, PODS shall mean a portable shed, trailer, cargo container or similar storage facility that is capable of being loaded with materials and placed on a residential property for the purpose of storing materials.

- b) A resident shall be allowed to have PODS for 10 days without need of permit as long as its use is to assist with the moving into or out of the dwelling, or any other lawful use not dealing with construction or catastrophe as described below. After the 10 day period, the owner must submit an application to receive a permit not to exceed 30 days in length from the Municipality.
- c) A resident shall be allowed to have PODS in conjunction with an active building permit issued for residential construction or renovation at the site. A permit shall be required, which permit shall run concurrent with the length of the building permit.
- d) In event of a catastrophe (fire, water, storm damage, or other similar occurrence) PODS are allowed without permit for 30 days. After the thirty-day period, a permit will be required, and PODS will be permitted only in connection with building permit.
- e) PODS are prohibited from being placed in the street, or in a location that blocks a public sidewalk or obstructs the view at any driveway or street intersection. PODS placed in the front yard must be located within the established driveway. PODS located in side or rear yards are subject to lot line setback requirements. The code enforcement official may waive these requirements in the event of a catastrophe.
- f) Absent catastrophe or building permit justifying the need, only one PODS unit shall be permitted on a residential property at a time.
- g) A PODS permit fee shall be established by the Village Board.

Sections 168-15 – 168-20 – Reserved

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