

Chapter 300

ZONING

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[HISTORY: Adopted by the Board of Trustees of the Village of Delhi 6-13-1968 (Ch. 50 of the 1979 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Communications facilities — See Ch. 127.

Comprehensive Plan — See Ch. 131.

Uniform construction codes — See Ch. 135.

Environmental quality review — See Ch. 141.

Flood damage prevention — See Ch. 153.

Site development plan approval — See Ch. 243.

Subdivision of land — See Ch. 255.

Local Law No. 3 of the year 2026
Amending Chapter 300, Zoning
to amend section §300-7, Definitions
to add Accessory Dwelling Units (ADUs, Gross Floor Space,
Habitable Space and Principal Dwelling Unit
Village of Delhi

§ 300-7 Definitions.

Certain words and terms used in this Code are defined for the purposes thereof, as follows. If a term or word is not included in this list then the definition contained in the New York State Uniform Fire Prevention and Building Code, as modified at the time of use, shall be the definition for this Zoning Chapter.

ADULT BOOKSTORE

An establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

ADULT CABARET

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- A.** Persons who appear in a state of nudity;
- B.** Live performances characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- C.** Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances characterized by the exposure of specified anatomical areas or by specified sexual activities.

ADULT USE

An adult cabaret or adult theater.

AGRICULTURE

The production of crops, plants or vines and trees.

ALLEY

A public way having a right-of-way width of 20 feet or less.

ANIMAL HUSBANDRY

The keeping, grazing, feeding and care of animals other than household pets.

AREA, LAND

When referring to the required area per dwelling unit means net land area, the area exclusive of streets and other public space.

AREA VARIANCE

One which does not involve a use which is prohibited by the Zoning Chapter, for example, involving such matters as setback lines, frontage requirements, lot size restrictions, density regulations, height limitations and yard requirements.

ACCESSORY DWELLING UNIT (ADU)

A self-contained residential unit, attached to or detached from a principal dwelling, providing independent living facilities, including provisions for sleeping, cooking, and sanitation, subordinate in size and function to the principal dwelling.

AUTOMOBILE SALES AREA

An open area, other than a street or way, used for the display or sale of new or used automobiles.

AUTOMOBILE WRECKING

The dismantling, wrecking or burning of used automobiles or the storage, sale or dumping of dismantled, partially dismantled or wrecked vehicles or their parts.

BASEMENT

A story partly underground but having at least 1/2 its height above the average outside ground level.

BED-AND-BREAKFAST HOME

An owner-managed occupation conducted by the owner-occupant of a one- or two-family home that provides one to four rooms for paying guests on an overnight basis. Guest occupancy periods shall not exceed 21 consecutive days. The occupancy of such a bed-and-breakfast home is limited to two persons or one family per lodging unit or guest room.

BED-AND-BREAKFAST INN

An owner-managed occupation that provides five to 10 guest rooms, limited to two persons or one family per lodging unit or guest room, on an overnight basis for periods not to exceed 21 days.

BLOCK

The length of a street between two street intersections.

BUILDING

Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, mobile homes, billboards, signs and similar structures, whether stationary or movable.

BUILDING, ACCESSORY

A building, the use of which is customarily incidental to that of a principal building and which is located on the same lot as that occupied by the principal building.

BUILDING, ACCESSORY USE OF

A use clearly incidental to, or customarily found in connection with, the principal use of the premises, including home office occupations as defined herein. An accessory use shall not occupy more than 25% of the total aboveground floor area of such principal building.

BUILDING, ALTERATION OF

Any addition to a building; any change in use from one district classification to another or removal of a building from one location to another.

BUILDING, HEIGHT OF

The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof, to the deck line of mansard roof and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

BUILDING OR STRUCTURE, NONCONFORMING

An established building or structure lawfully existing prior to and at the time of the adoption of the chapter which, because of its inherent nature of construction, does not conform to and with the provisions of this chapter for the district in which it is located.

BUILDING, PRINCIPAL

A building, including covered porches, in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed the principal building on the lot on which the same is situated.

CARNIVAL

An amusement show, usually traveling from place to place, having side shows, Ferris wheels, merry-go-rounds, etc.

CAR WASH

An establishment for the washing of motor vehicles as a principal use.

CELLAR

A portion of a building having more than 1/2 of its height below the average outside ground level.

CEMETERY

Land used or intended to be used for the burial of dead human beings and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated with and within the boundary of such cemetery.

CENTER LINE OF STREET OR ROAD

A line midway between and parallel to two street or road property lines or as otherwise defined by the Planning Board.

CHURCH OR OTHER PLACE OF WORSHIP

A building for public worship.

CIRCUS

An exhibition of wild animals and acrobatic feats, together with side shows and vending concessions.

CLINIC, DENTAL

A structure designed for the practice of dentistry, in which nonresident patients are treated.

CLINIC, MEDICAL

A structure designed for the practice of medicine, in which nonresident patients are treated.

CLUBHOUSE

A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

CONVENIENCE STORE

Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for on- or off-site consumption.

COURT

An unoccupied open space other than a yard. An "outer court" is one that extends to the street or to the front or rear yard. An "inner court" is any other court.

DRIVE-IN BUSINESS

Includes drive-in outdoor theaters, refreshment stands, banks and the like where patrons enter the premises and are served or entertained in automobiles. Deposit and pickup services shall not be considered "drive-in businesses" as defined herein.

DWELLING

Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied, for living purposes.

DWELLING, MULTIFAMILY

A dwelling containing three or more dwelling units.

DWELLING, ONE-FAMILY

A dwelling containing only one dwelling unit.

DWELLING, TWO-FAMILY

A dwelling containing no more than two dwelling units.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, seating, cooking and sanitation.

EDUCATIONAL INSTITUTION

A college or university giving general academic instruction. Included within this term are areas or structures used for administration, housing of students and faculty, dining halls and social or athletic activities, when located on the institution's land that is not detached from land where classroom facilities are maintained.

FACTORY

A building or group of buildings, usually with equipment, where goods are manufactured.

FAIR

An occasional or periodic competitive exhibition of farm products and livestock, usually accompanied by amusement features and for which an admission fee is charged.

FAMILY

Any number of individuals living together as a single unit, using rooms and housekeeping facilities in common and having such meals as they eat at home generally prepared and eaten together.

FARM

Any parcel of land containing at least five acres, which land is used in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes fur farms, commercial stables and dog kennels,

FLOOR AREA (of a building)

The sum of the gross horizontal area of the several floors, including the basement of a building and its accessory buildings on the same lot and including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RATIO

The floor area of a building divided by the area of the lot which it occupies.

FRATERNITY, SORORITY, CHAPTER OR MEMBERSHIP ASSOCIATION

A place of residence which is occupied and/or operated by a membership association or the members thereof, such as a fraternity, sorority or social organization, or any other association of persons, whether unincorporated or incorporated under the laws of the State of New York, which provides domestic, social or other facilities or services to the association as a whole, or the members thereof. This term shall include the grounds, as well as buildings and appurtenances pertaining thereto, as well as any adjacent premises, if directly or indirectly under the control of such association or members thereof.

GARAGE, PRIVATE

A garage not conducted as a business or used for the storage space of more than one commercial vehicle which shall be owned by a person residing on the premises.

GARAGE, PUBLIC

A garage conducted as a business. The rental of storage space for more than two passenger cars or for one commercial vehicle not owned by a person residing on the premises shall be deemed a business use.

GRADE, ESTABLISHED

The elevation of the center line of the streets as officially established by the Village.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GROSS FLOOR AREA (GFA)

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

HABITABLE SPACE

A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HOME OFFICE OCCUPATION

A profession or vocation, full-time or part-time, conducted entirely within a dwelling by the inhabitants thereof, or within a building or other structure accessory to the dwelling, which use is secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

A. Home office occupations specifically include:

- (1) The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, engineer, teacher, realtor, insurance agent, accountant, or other professional person who offers skilled services to clients.
- (2) Millinery and dressmaking.
- (3) Mail-order services, barber, beautician, tutoring, furniture repair.
- (4) The giving of music, arts and crafts or dance instruction limited to two pupils at one time.

B. Certain occupations shall not be conducted as home office occupations, specifically the following:

- (1) Animal hospital or kennel, florist, auto repair shop, vehicle sales, restaurant, tavern, store, funeral home, mortuary or similar uses.
- (2) Any occupation which is primarily engaged in the purchase or sale of economic goods not produced on the premises.

C. Similar occupations may be classified as home office occupations by the Planning Board at the time of application.

D. Any occupation that, on a routine basis, derives income that would be liable for inclusion in gross income as required by federal or state income tax laws and/or subject to New York State sales tax shall obtain a home office occupation permit, if eligible for one, or other appropriate zoning approval before commencing.

HOSPITAL

An establishment for temporary occupancy by the sick or injured for the purpose of medical diagnosis and treatment, including sanatoriums, and shall be limited to the treatment or other care of humans.

HOSPITAL, ANIMAL or VETERINARY CLINIC

An establishment for temporary occupancy by sick or injured animals for the purpose of medical diagnosis and treatment, and shall exclude the treatment or other care of humans.

HOTEL

See "motel."

INDUSTRY

Includes the entire range of economic activity and as applied to specifics, i.e., manufacturing, wholesale, retail, services, etc., shall have the meaning set forth in the Standard Industrial Classification Manual, published by the Executive Office of the President, Bureau of the Budget, 1957.

JUNKYARD

A lot, land or structure or part thereof over 200 square feet in area, used primarily for the collecting, storage and/or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, except as accessory to a principal industrial use of the lot. Two or more motor vehicles not in operating condition shall be deemed to constitute a "junkyard."

KENNEL

Any establishment, including cages, dog runs and structures, wherein more than three dogs which are over six months old are harbored.

LAUNDRY, COIN-OPERATED, DRY CLEANER

A business premises equipped with individual clothes-washing and -drying and/or -cleaning machines for the principal use of retail customers.

LOT

A piece, parcel or plot of land occupied or to be occupied by a principal building and its accessory building or buildings and including the yards and other open spaces required by this chapter.

LOT, CORNER

A lot which has an interior angle of less than 135° at the intersection of two street lot lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents of the curve at its points beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°.

LOT DEPTH

The horizontal distance from the street line of the lot to its opposite rear line measured along the median between the two side lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines that bound a lot as defined herein.

LOT OF RECORD

Any lot which has been established as such by plat, survey, record or deed prior to the date of the enactment as shown on the records of the Delaware County Clerk's office.

LOT WIDTH

The distance between the side lot lines measured along the front building line as determined by the front yard requirement prescribed by this chapter.

MAJOR EXCAVATION, GRADING OR FILLING

Any operation, other than in connection with foundations for structures or highway construction, involving:

- A. A volume of earth movement exceeding the average of one cubic foot per square foot of lot area or 1,000 cubic yards, whichever is the lesser; or
- B. A change in ground elevation from previously existing grade exceeding 10 feet.

MOBILE HOME

A portable structure for which the State of New York Department of Motor Vehicles will issue a license to move on any public way having a ground area of 1,100 square feet or less, with or without its own motive power, equipped or used for living purposes and mounted on wheels or designed to be so mounted and transported on a flatbed trailer.

MOBILE HOME PARK

Any lot on which two or more mobile homes are located, regardless of whether or not a charge is made for such accommodations.

MOTEL

A public inn containing not less than four rental units with provisions for, but not limited to, automobile parking space to accommodate not less than one car per unit and separate toilet facilities and hot and cold running water for each rental unit.

MOTOR FREIGHT TERMINAL

Any premises used by a motor freight company regulated by the Public Services Commission of New York and/or the Interstate Commerce Commission as a carrier of goods, which premises is the origin and/or destination point of goods being transported for the purpose of storing, transferring, loading and unloading such goods.

MOTOR VEHICLE SERVICE STATION

Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means, body and fender work or the dismantling or replacing of engines.

NUDITY

See "state of nudity."

NURSERY SCHOOL

A school designed to provide daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis.

NURSING OR CONVALESCENT HOME

Any establishment where persons are housed or lodged and furnished with meals and nursing care for hire.

OCCUPANCY

The utilization of a building, structure or land.

OPEN SPACE

An unoccupied space open to the sky, required by the terms of this chapter.

PARKING SPACE

For the purpose of computing the number of parking spaces available in a given area, the ratio of 300 square feet per parking space shall be used.

PORCH, OPEN

A porch open on three sides, except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash. A structure having a driveway running to it, under it or through it shall not be considered to be an open porch.

PRINCIPAL DWELLING UNIT

The primary, main residential building on a lot, defined as a permanent home with complete, independent kitchen and bathroom facilities for one or more families. It serves as the primary domicile for owner-occupancy and must comply with the NYS Uniform Fire Prevention and Building Code (Uniform Code) regarding habitable space.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale, as an industrial operation, and exclusive of the process of grading preparatory to the construction of a building or highway construction.

RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

ROADSIDE STAND

A stall or booth for business which shall be limited to the sale of farm products.

SANATORIUM

A private hospital, whether or not such a facility is operated for profit.

SCHOOL

Any place of instruction in any branch of knowledge.

SCHOOL, ELEMENTARY

Any school having regular sessions with regularly employed instructors who teach those subjects that are fundamental and essential in general education under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or a private corporation meeting the requirements of the state.

SCHOOL, SECONDARY

Same as the definition of "elementary school" except that secondary education is provided.

SCHOOL, VOCATIONAL

Any school having regular sessions with regularly employed instructors who, as a principal activity, provide training in a trade or vocation and teach those subjects that are fundamental and essential in elementary or secondary education, under the supervision of the State of New York or a lawfully constituted ecclesiastical governing body or a corporation meeting the requirements of the state.

SEXUALLY ORIENTED BUSINESS

Any business or commercial activity involving on-premises, for-profit presentation or display of one or more persons in a state of nudity. Such presentation or display includes live or filmed performances and/or printed displays.

SHED, STORAGE

A one-story accessory building having no permanent foundation and having a floor area of less than 150 square feet, used principally for housing of pets, household and garden equipment or for use as a child's playhouse and not for any commercial purpose.

SIDEWALK CAFE

A facility adjacent to and outside of the permanent structure of a restaurant for the sale of food and/or beverages and not including facilities for the sale of any other kind or type of goods, wares, merchandise or services.

SIGN

Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation, but not including the flag, pennant or insignia of any nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, professional, religious or like organization or the property thereof.

SIGN, BUSINESS

A sign which directs attention to a business, profession or industry located on the premises where the sign is displayed or to the type of products sold, manufactured or assembled and/or to service or entertainment offered on said premises.

SIGN, FARM PRODUCTS

A sign advertising the sale of farm products raised on the premises.

SIGN, IDENTIFICATION

A sign used to identify the individual or organization occupying the premises or the name of the building or structure in connection with which the sign is displayed.

SIGN, REAL ESTATE

A sign advertising property on which it is located, or a building thereon, for sale, rent or lease.

SIGN, TRAFFIC INFORMATION

A sign, other than one provided by public traffic control authorities, used to provide only directional information relative to entrances, exits and traffic circulation.

SPECIFIED ANATOMICAL AREAS

A. Less than completely and opaquely covered:

- (1) Human genitals and pubic region;
- (2) Buttocks; and
- (3) Female breasts below a point immediately above the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A.** Human genitals in a state of sexual stimulation or arousal;
- B.** Acts of human masturbation, sexual intercourse or sodomy; or
- C.** Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLE, PRIVATE

An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC

A building in which horses are kept for remuneration, hire or sale.

STATE OF NUDITY

The appearance of bare buttocks, male genitals, female genitals or full female breast.

STORY

That part of a building included between any floor, other than a cellar floor, and the floor or roof next above.

STREET

Any public way dedicated to public travel, which way is greater than 20 feet in width.

STREET LINE

The right-of-way line of a street, as indicated by dedication or by deed of record.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

SUPERMARKET

A departmentalized self-service chain or independent retail market that sells food, convenience goods and household merchandise arranged in an open mass display, and has a gross floor area in excess of 4,000 square feet.

SWIMMING POOL

Any body of water (excluding natural bodies of water fed by rivers, streams or brooks) or receptacle for water having a depth, at any point, greater than two feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or on the ground outside any building.

THEATER

A building or part of a building devoted to presenting entertainment on a paid-admission basis.

TRAILER, BOAT

A vehicle designed exclusively for the transportation of one boat of less than ten-foot beam and twenty-four-foot length.

TRAILER, CAMP OR TRAVEL

A vehicle or portable structure not over 150 square feet in floor area, equipped but not regularly used for sleeping, but without sanitary facilities.

TRAILER, CARGO

A vehicle, not over 70 square feet in floor area, used for the hauling of cargo.

USE

The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

USE, NONCONFORMING

An established use of a building or structure or use of land lawfully existing prior to or at the time of the adoption or amendment of this chapter, which use does not conform with the permitted use provisions of this chapter as they apply to the district in which the building, structure or land is located.

USE VARIANCE

One which permits a use of land which is proscribed by the zoning regulations, for example, a variance to permit a commercial use in a residential area.

YARD

An unoccupied space open to the sky on the same lot with a building or structure.

YARD, FRONT

An open space extending across the entire width of the lot between the building line or front main wall of a building and the front property line (street or road right-of-way line) and into which space there shall be no extension of building parts other than steps, open porches, eaves, cornices and similar fixtures.

YARD, REAR

An open space extending across the entire width of the lot between the rear line of the lot and a line parallel to the rear line of the lot, at a distance specified for the zoning district in which the lot is situated, and unoccupied except for accessory buildings and open porches which, in the aggregate, shall occupy not more than 35% of the area.

YARD, SIDE

An open, unobstructed space on the same lot with a principal building, between the principal building and the side line of the lot and extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than eaves with an overhang of not more than two feet, rainwater leaders, window sills and other such fixtures and open steps for a distance not exceeding four feet.

Local Law No. 3 of the year 2026
Amending Chapter 300, Zoning
to add § 300-60.01, Accessory Dwelling Units (ADUs)
Village of Delhi

§ 300-60.01. Accessory Dwelling Units (ADUs)

A. Purpose and intent.

It is the purpose of this section to expand the Village's housing options-supporting aging in place, workforce housing, and right-sized homes-by allowing one accessory dwelling unit on eligible residential lots while maintaining neighborhood character.

B. Applicability.

- (1) ADUs are permitted in all zoning districts where R-1, R-2, or R-3 regulations apply.
- (2) The standards of this section govern ADUs and supplement the underlying district regulations; where conflicts arise, this section controls.

C. Definitions.

Accessory Dwelling Unit (ADU). A self-contained residential unit, attached to or detached from a principal dwelling, providing independent living facilities, including provisions for sleeping, cooking, and sanitation, subordinate in size and function to the principal dwelling.

Other terms. Terms such as Gross Floor Area, Habitable Space, and Principal Dwelling Unit shall have the meanings set forth in this chapter and/or the New York State Uniform Fire Prevention and Building Code.

D. Number per lot.

One (1) ADU is permitted per lot.

E. Location; setbacks; height.

- (1) Location. An ADU may be within the principal building (e.g., basement or attic conversion) or detached in a separate lawful structure on the same lot.
- (2) Setbacks.
 - (a) ADUs within the principal building must comply with principal-building setbacks for the district.
 - (b) Detached ADUs must comply with accessory-building setbacks for the district.

- (3) Height. An ADU shall not exceed the height of the principal building or the district height limit, whichever is lower.

F. Floor area; bedrooms.

- (1) Maximum ADU floor area: 1,000 square feet.
- (2) If the ADU is within the principal building, its floor area shall not exceed 40% of the primary use area of the principal building.
- (3) Bedrooms. The number of bedrooms is not regulated by this section; applicable building and fire codes govern.

G. Parking.

- (1) No off-street parking spaces are required for an ADU.
- (2) Nothing herein prohibits voluntary provision of spaces or shared/on-street parking consistent with Village regulations. No additional curb cut shall be required solely due to the creation of an ADU.

H. Nonconforming and violations.

- (1) Existing nonconforming structures may be converted to an ADU provided the degree of nonconformity is not increased and all applicable health and safety codes are met.
- (2) An ADU is not permitted on a property with outstanding zoning or building code violations, unless the ADU project cures such violations as part of the approval.

I. Utilities; septic and sewage.

The applicant shall demonstrate to the Code Enforcement Officer that existing septic systems or water/sewer infrastructure are adequate for the ADU. Compliance with all applicable local, state, and federal requirements is mandatory.

J. Owner-occupancy.

Owner-occupancy is not required. Either or both the principal dwelling and the ADU may be rented, subject to all applicable rental registration, safety inspection, and property maintenance requirements.

K. Inspections; permits; fees.

- (1) ADUs are subject to the New York State Uniform Fire Prevention and Building Code, the Energy Code, and all required permits.
- (2) ADUs are subject to Village rental safety inspections on the same basis as other dwelling units.
- (3) The Village Board may establish permit and inspection fees by resolution.

L. Removal of an ADU.

When an ADU is removed or decommissioned, the owner shall provide proof satisfactory to the Code Enforcement Officer, including but not limited to removal of the second kitchen and restoration of building systems as required by code.

M. Historic properties.

Where a property lies within or adjacent to a State or National Register district/site/structure, the Code Enforcement Officer may refer the application to the New York State Historic Preservation Office for advisory review and comment. Such referral shall not, by itself, constitute a discretionary approval.

N. Administration and review.

- (1) ADUs are permitted as of right where all standards herein are met; if site plan or building permits are otherwise required by this chapter or the Uniform Code, they shall be obtained.
- (2) The Code Enforcement Officer is authorized to issue zoning determinations and approvals under this section.

O. Short-term rentals.

Short-term rental regulation, if any, shall be governed by the Village's general STR provisions (if adopted). This section does not establish independent STR rules.

P. Severability.

If any clause of this section is found invalid, the remainder shall continue in full force and effect.