

1. Low Impact Business District

Section X. Low Impact Business (LIB) Overlay Zone – Main St. (Elm to Franklin)

A. Purpose

The Low Impact Business (LIB) Overlay Zone is established in recognition of the area's existing residential character along Main Street between Elm Street and Franklin Street. The intent is to allow local, small-scale business uses in a manner compatible with and subordinate to the surrounding neighborhood, while preserving the availability of housing.

Specifically:

Encourage adaptation of properties to small-scale business uses that do not substantially alter the residential appearance of the neighborhood.

Permit mixed residential and commercial use, thereby maintaining dwelling unit availability.

Maintain the underlying R-2 Residence District zoning as the base classification, and govern additional business use through this overlay.

B. Applicability

The LIB Overlay Zone shall apply to all lots fronting Main Street between Elm Street and Franklin Street (inclusive) that are zoned R-2.

On any lot within the LIB Overlay Zone, the uses permitted in Section C shall apply, subject to the requirements of this Section. The underlying R-2 district bulk, height, setback and other dimensional regulations remain in effect except where modified herein.

C. Permitted Uses

Within the LIB Overlay Zone, the following uses shall be permitted:

Bed-and-Breakfast Home or Inn.

Professional Services (e.g., attorney, architect, accountant, designer).

Barbershop / Beauty Parlor.

Shoe Repair and similar uses (e.g., seamstress, computer repair, etc.).

Educational Institution (small scale).

Office (general).

Retail Business or Service (including manufacture of articles to be sold at retail on the premises), provided that no more than five (5) persons are employed in such manufacturing or processing.

Accessory uses/buildings customarily incidental to any of the above permitted uses.

Mixed-use properties where a dwelling unit is maintained and a permitted business use operates in part of the building.

Exceptions:

Chain restaurants or chain stores (defined as two or more locations under common ownership or franchise) shall be prohibited.

Drive-through facilities shall be prohibited.

D. Use & Occupancy / Owner-Occupancy

A business within the LIB Overlay Zone shall not be required to be owner-occupied.

For a mixed use property under this overlay, the property shall maintain at least one dwelling unit (either as the principal use or contained within the building).

A “change of use” (for example from residence to retail, or residence to office) shall require approval by the Planning Board and shall be subject to the standards of this overlay.

E. Parking Requirements

Notwithstanding any off-street parking minimums that may apply under the underlying R-2 zoning or other district provisions, no additional off-street parking spaces shall be required as a condition of business use under the LIB Overlay Zone.

Where feasible, the applicant is encouraged to consider shared parking, on-street public parking or other parking management strategies consistent with neighborhood character and pedestrian orientation, but such encouragement does not impose a mandatory requirement.

Any expansion of a permitted business use, or new business use, shall be reviewed by the Planning Board to ensure compatibility with the neighborhood and to address any traffic/parking impacts, notwithstanding the absence of a minimum parking requirement.

F. Signage

Signs within the LIB Overlay Zone shall comply with the Village’s existing § 300-46 (Signs and Billboards) provisions, with the following additional requirements specific to the overlay:

Freestanding signs must be installed at least 4 feet from the sidewalk edge.

Maximum area of freestanding signs: 10 sq ft.

Maximum height of freestanding sign above grade: 8 feet.

Freestanding signs may be double-sided.

Wall signs shall not exceed 14 sq ft in area.

Projection signs shall not exceed 8 sq ft. The bottom of a projection sign must be at least 7.5 feet above grade, unless the building is set back more than 12 feet from the road—in which case the height minimum may be waived.

Signs shall not be constructed of corrugated plastic board.

The number of temporary banners, flags or promotional signs shall be limited to one per property.

G. Additional Standards / Planning Board Review

All permitted business uses shall be subject to site plan (or special permit) review by the Planning Board to evaluate compatibility with the residential character of the area—particularly building façade, scale, signage, lighting, parking/traffic circulation, pedestrian access and hours of operation.

In reviewing a change of use or new business use, the Planning Board shall find that the proposal:

- a. Maintains the appearance and scale of a residence or residential structure in the neighborhood;
- b. Does not create exterior indications of business operation that are incongruous with surrounding residential uses (for example, excessive signage, outdoor storage, outdoor operations, drive-throughs, etc.);
- c. Will not generate vehicular traffic, parking demand, or pedestrian/vehicular conflicts beyond that which is typical in the neighborhood for residential use.

All permitted business uses shall require a permit from the Planning Board, which must be renewed annually by the Planning Board.

The overlay may be documented on the zoning map or by an amendment to the zoning ordinance, accompanied by a map showing the full extent of the LIB Overlay Zone.

H. Severability

If any section, subsection, sentence, clause or phrase of this Section X is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section.

2. Accessory Dwelling Units

LOCAL LAW NO. __ OF 2026

A LOCAL LAW TO AMEND CHAPTER 300 (“ZONING”) OF THE CODE OF THE VILLAGE OF DELHI TO AUTHORIZE ACCESSORY DWELLING UNITS (ADUs)

BE IT ENACTED by the Board of Trustees of the Village of Delhi, Delaware County, New York as follows:

Section 1. Title.

This local law shall be known as “Local Law No. __ of 2026—Accessory Dwelling Units (ADUs)”.

Section 2. Legislative Findings and Intent.

WHEREAS, the Village of Delhi Zoning Review Committee conducted a public review process and delivered recommendations to the Village Board supporting the allowance of one (1) accessory dwelling unit per qualifying residential lot in all zoning districts; and

WHEREAS, the Committee’s report documents the Village’s need for right-sized housing options to support aging in place, workforce housing, and opportunities for young and older families, while preserving neighborhood character; and

WHEREAS, the Committee recommended that ADUs be permitted within or detached from the principal dwelling, subject to the same setbacks and height limitations applicable to principal or accessory structures, with a maximum ADU floor area of 1,000 square feet and an interior-ADU cap of 40% of the primary use area; and

WHEREAS, the Committee discussed parking and owner-occupancy and the Village Board, after due deliberation, has determined to adopt the no off-street parking requirement and no owner-occupancy requirement approaches to better meet the stated housing goals while relying on existing property maintenance, rental safety inspection, and traffic/parking management tools; and

WHEREAS, the Board finds that allowing one ADU per lot, subject to the New York State Uniform Fire Prevention and Building Code and to the standards herein, will advance the general welfare by adding modest, context-sensitive housing capacity without substantially altering neighborhood character;

NOW, THEREFORE, the Village Board adopts this local law to implement the foregoing recommendations.

Section 3. Authority.

This local law is adopted pursuant to the Municipal Home Rule Law §§ 10(1)(i) and 10(1)(ii)(a)(12) and Village Law §§ 7-700 et seq. (zoning and land use), and is consistent with applicable provisions of the New York State Uniform Fire Prevention and Building Code and Energy Code.

Section 4. SEQRA.

The Board hereby determines that this action constitutes a [Type I / Unlisted] action under the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617). The Board has [completed Part 1 of a Full/Short EAF, reviewed Parts 2 and 3, and issued a [Negative Declaration / Determination of Significance]] on [date].

(Counsel: insert the final SEQRA determination text once adopted.)

Section 5. Chapter 300 ("Zoning") Amended; Strike-and-Replace Indexing.

A. Table of Contents / Index. The Table of Contents for Chapter 300 is amended to add "§ 300-61 Accessory Dwelling Units (ADUs)." If § 300-61 is already reserved/used, the Clerk is authorized to renumber this section and adjust internal cross-references accordingly.

B. Definitions (if needed). If § 300-2 does not presently define Accessory Dwelling Unit, Gross Floor Area, Habitable Space, or Principal Dwelling Unit, such terms shall be incorporated by cross-reference to § 300-61(C) and the NYS Uniform Code.

C. New Section Added. Chapter 300 is amended to add a new § 300-61, "Accessory Dwelling Units (ADUs)," to read in its entirety as set forth in Schedule A annexed hereto and made a part hereof.

D. Supersession of Inconsistent Provisions. To the extent any existing provision of Chapter 300 conflicts with § 300-61 as adopted herein, § 300-61 controls.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect or impair the remainder, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, part, or application directly involved in the controversy.

Section 7. Effective Date.

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

SCHEDULE A

§ 300-61. 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.

(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.

3. Woolerton Street Parking

A resolution to amend Section 246-42 of the Village Code, Schedule IX, to prohibit parking on the northwest side of Woolerton Street from its intersection with Clinton Street to Franklin Street.

4. Signs and Billboards

A resolution to amend Section 300-46 of the Village Code to include the following modifications, shown in bold italics below:

A. General provisions. Signs are an accessory use only. Signs are not permitted as a principal use. Wherever located and whatever their nature, signs and billboards shall conform to the following.

B. Intent.

(1) It is the intent of this chapter to authorize signs that:

(a) Protect and enhance the Village's historic structures, streetscapes, neighborhoods and scenic views, which represent distinctive elements of Delhi's historic, architectural and cultural heritage, the Village's sense of place, and its unique character;

(b) Are compatible in scale, color and design to the buildings to which they are attached or the property on which they are located and the neighborhood;

(c) Minimize distractions and the adverse effects of visual clutter;

(d) Promote the health, safety and general welfare of the Village;

(e) Are designed, constructed and displayed in a manner that is not

hazardous to pedestrians, motorists or adjacent neighbors;

(f) Follow clear and reasonable standards for design and display, lighting and maintenance; and

(g) Assist and support Village merchants and others in their communications and advertising to their customers.

(2) It is the further intent of this chapter to permit nonconforming signs to continue until they are removed or discontinued but not to encourage their survival.

C. Types of signs enumerated.

(1) Sign: any device, located or used on the exterior of any building or unattached and separate from any building, designed to inform or attract the attention of persons not on the premises on which the device is located or on the immediate street frontage thereof. Such devices include but are not limited to wall signs, projecting signs and freestanding signs, as defined in this chapter, containing advertisements, announcements, notices, directional matters, names, declarations, demonstrations, displays, illustrations or insignia used to advertise or promote the interests of the advertiser when the sign is placed in view of the general public. Such signs may be known as "billboards," "signboards," "painted signs," "hanging signs" or "ground signs" and include illuminated, moving, flashing or fluttering devices.

(2) Freestanding sign: any sign not attached to or painted upon a building and having an independent fixed location.

(3) Illuminated sign: any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

(4) Portable sign: any sign not fastened to a structure or to the land and readily movable to other locations.

(5) Projecting sign: any sign which projects from the exterior of any building.

(6) Nonconforming sign: any sign which was lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.

(7) Temporary sign: A sign or advertising display constructed of but not limited to cloth, canvas, fabric, paper, cardboard, plywood, or other light material and designed or intended to be displayed for a short period of time.

(8) Wall sign: any sign attached to or erected against the exterior of a building or structure so that the display surface of the sign is parallel with the plane of the wall.

(9) Window sign: a sign located in the window of a building and designed to be visible from the exterior of the building, but not including graphics in connection with customary window display of products. A window sign is considered to be a sign regulated by this chapter.

(10) Roof sign: a sign placed above the upper edge of any building or parapet or placed or painted on or above the roof covering or on an independent structural frame on a roof or on the side or roof of a roof structure such as a penthouse, elevator housing, tank, etc.

D. Prohibited signs. The following are specifically prohibited:

(1) Any of the above- or below-defined signs which are deemed to be detrimental to public health or safety or which obstruct in any fashion a traffic sign or traffic light.

(2) Signs illuminated by or containing flashing, intermittent, rotating or moving lights or devices, except time-and-temperature-clock signs.

(3) Roof signs. No sign shall be erected upon or applied to any roof, except religious symbols unaccompanied by lettering when applied to the cornice tower or spire of a place of worship.

(4) Billboards and other off-premises advertising, except as allowed in Subsection F(11).

E. Exempt signs. The following are allowed in all districts, and no permit is required:

(1) Signs not exceeding one square foot in area and bearing only the property number, postbox number, names of occupants of premises or other identification of premises having no commercial connotation.

(2) Official flags and insignia of any government except when displayed in connection with commercial promotion.

(3) Legal notices, identifications and informational or directional signs required or erected by governmental bodies.

(4) Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be limited to the minimum amount required to adequately direct traffic.

(5) Signs, temporary in nature, such as real estate sale signs, lawn and porch sale signs and special event signs and temporary window signs in commercial establishments advertising a special item for sale. Removal of such signs is the responsibility of the owner or sponsor or agent within two days of the end of the sale or event.

(6) One sign, not exceeding six square feet in area in an R District nor 16 square feet in B and I Districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. Such sign is to be removed at the completion of the project.

(7) Political posters and similar signs, not exceeding four square feet in R Districts nor 16 square feet in Business and Industrial Districts. Placement of such signs shall not exceed 30 days' duration, and removal shall be the responsibility of the person, owner or organization sponsoring or providing the signs.