

Zoning Ordinance

Town of Taghkanic
Columbia County

AMENDMENT TO ZONING ORDINANCE DATED JANUARY 4, 1988

Under Section 7, page ZA-5, delete TIMBERING and add the following:

Timbering: Commercial and/or Contractual

Sec. 1. Legislative Intent

The purpose of this section is to avoid injury or damage arising out of timbering operations and to protect the roads, bridges and culverts from damage arising out of the transportation of cut timber logs or wood over the roads or rights of ways within the Town of Taghkanic.

Sec. 2. Definitions

As used in this section, the following words shall have the meanings established below:

a) Timbering shall mean the cutting and transportation off the site of cutting, for commercial purposes, of any trees or parts thereof to be utilized for saw timber (boards), pulp wood, fire wood or any other use or purpose excepting fire wood for the owner or occupant residing on the same or contiguous tax Lot as the site of cutting.

b) License shall mean the permit issued by the Building Inspector or a duly authorized deputy to permit timbering on lands within the Town.

c) Indemnity shall mean an undertaking by the Licensee to reimburse the Town for any damage to the roads, bridges or culverts in the Town of Taghkanic and to pay any and all fees, assessments, fines and penalties payable to the Department of Environmental Conservation as the result of any violation of requirements, rules and regulations of said Department. Such indemnity may be a private undertaking by the licensee and shall not require a surety therefor.

Sec. 3. License

a) It shall be unlawful for any person, firm or Corporation to engage in timbering on lands within the Town of Taghkanic without first obtaining from the Building Inspector a License for such operation or operations. Such operations shall substantially conform to the New York State Timber Harvesting Guide Lines in effect.

b) Prior to obtaining said license the applicant shall submit to the Building Inspector a verified statement describing:

i) The lands (by Section, Block, and Lot on the Tax Map)

ii) The access point or points from the highway to the lands described in (i) above, drawn on a scaled map or sketch, together with the approval for such access from the municipality or agency having jurisdiction.

iii) An indemnity to the Town of Taghkanic as herein defined.

iv) The period of time during which said operation will take place setting forth the date of commencement of said work and the date of termination thereof.

c) Upon receipt of the application properly executed and verified before a Notary Public and the payment of a license fee of (\$25.00) Twenty Five Dollars, the Building Inspector shall issue a timbering permit, a copy of which shall be posted on the site and/or kept in possession of the contractor the same as required by a Building Permit.

Sec. 4. Violations

Any person timbering lands in the Town of Taghkanic without a license as hereinbefore set forth shall be subject to a fine not exceeding \$250.00 and for Civil Penalties in the amount necessary to indemnify the Town for any damage to roads, culverts, or bridges caused by such person, firm or Corporation. In addition thereto, the Town shall be authorized to apply for relief by way of injunctions or restraining orders, the cost of which, including reasonable attorney's fees, shall be reimburseable to the Town by the person, firm, or Corporation found by the Court to be in violation of the section.

Sec. 5. Supercession

This section shall supercede any prior Laws, Rules, Ordinances or Regulations of the Town where the provisions hereof may conflict.

Zoning Amendments Adopted January 4, 1988

- 1) Repeal Section II Subdivision A in its entirety.
- 2) Enact the following Ordinance Provision in its place and stead:

A: Names of Districts

In order to fulfill the purpose of this ordinance, the Town of Taghkanic establishes and is hereby divided into the following zoning districts:

- R-2 Residence - one family per 2 acres
- R-3 Residence - one family per 3 acres
- R-7 Residence - one family per 7 acres
- B-1 General Business
- I-1 Light Industrial

- 3) Amend the Zoning Map of the Town of Taghkanic by designating lands formerly classified into the following districts:

<u>Lands formerly Zoned</u>	<u>Changes to be Included In</u>
Res A District	R-7 District
R-1 District	R-3 District
R-2 District	R-2 District

- 4) Amend Section III - Use Regulations as follows:

Repeal Section III Subdivision A in its entirety and replace same by enacting the following new Section III Subdivision A:

Section III. Use Regulations

A. Permitted Uses: Conditional Uses

No building or premises shall be erected, altered, or used except for one or more of the uses designated for any district as follows:

- Symbols:
- (P) Designates a use permitted by right and
 - (X) Designates a conditional use contingent on securing a Special Use Permit in each case from the Zoning Board of Appeals;
 - (*) Designates a use subject to site plan approval by the Planning Board as per Section VII, Paragraph B.
 - (:) Not permitted

Note: Uses not permitted by right or as a conditional use whether listed below or not are prohibited.

<u>Residential Uses</u>	R7	R3	R2	B1	I1
One-family dwelling	P	P	P	P	:
Two-family dwelling	X	X	X	X	:
Multi-family dwelling	:	X	:	X	:
Boarding House	X	X	:	X	:
House trailer (Section V, F)	P	P	P	P	:
Trailer Park	X	X	:	X	:

General Uses

Agriculture (not including the keeping of fowl or farm animals) in compliance with Section V, A, 8	P	P	P	P	P
Agriculture (including the keeping of fowl or farm animals) in compliance with Section V, A, 8	P	P	:	:	:
Retail sale of agricultural product grown principally on the same lot from a road stand	X	X	:	P*	:
Resort hotel, camp, resort ranch, resort lodge but not including bungalow colony	X	X	P*	P*	:

General Uses cont'd

	R7	R3	R2	B1	I1
Church or other place of worship	P*	P*	P*	P*	P*
Private, academic or parochial school	P*	P*	P*	P*	P*
Day nursery	P*	P*	X	P*	:
Hospital	X	X	X	:	:
Nursing or convalescent home or sanitarium	X	X	X	:	:
Cultural facilities (library, art gallery, museum, etc.)	P*	P*	X	P*	:
Club or recreation use	P*	P*	P*	P*	P*
Federal, State, County & Municipal governmental offices	P	P	P	P	P
Public parks and playgrounds	P	P	P	P	P
Public schools, colleges, fire houses, town hall, town highway department, library	P	P	P	P	P
Institutional use	X	X	X	X	:
Cemetery in compliance with Section V, G	P*	P*	P*	:	P*
Golf course or country club	P*	P*	P*	:	:
Public utility lines, mains, laterals, except high tension lines	P	P	P	P	P
Structures and buildings used by utilities in furnishing services including electric or gas utility substation, transformer station, water or sewage pumping stations and other similar structures, high tension lines	P*	P*	P*	P*	P*
Commercial recreation uses, specifically oriented toward the use of mountain land, such as ski areas, ski-tow warming and ski maintenance huts, swimming and camping areas	X	X	X	P	:
<u>Accessory Uses</u>					
Customary home occupation, in compliance with Section V, A, 1	P	P	P	:	:
Accessory use customarily incident to any of the uses mentioned herein, and on the same lot	P	P	P	P	P
Accessory use customarily incident to any of the uses mentioned herein and not on the same lot	X	X	X	X	X
Stables for horses for non-commercial purposes	P	P	P	P	:
<u>Business Uses</u>					
Gift shop or antique shop	X	X	X	P*	:
Professional office, business office, bank	:	:	:	P*	P*
Retail stores and shops	:	:	:	P*	:
Service establishments	:	:	:	P*	:
Funeral home	:	:	:	P*	:
Restaurant, but specifically excluding drive-in eating establishments	:	:	:	P*	P*
Eating and drink establishments	:	:	:	P*	:
Hotel	:	:	:	P*	:
Bar or night club	:	:	:	P*	:
Bowling alley	:	:	:	P*	:

<u>Business Uses cont'd</u>	R7	R3	R2	B1	I1
Skating rink	:	:	:	P*	:
Dance hall, billiard hall, pool hall as the principal use	:	:	:	X	:
Theater or concert hall but excluding drive-in theater	:	:	:	P*	:
Veterinarian office, animal hospital or kennel	X	X	C	P*	:
Newspaper offices and printing shops	:	:	:	P*	:
Gasoline filling stations in compliance with Section V, D	:	:	:	X	:
Commercial parking lot in compliance with Section V, K	:	:	:	P*	P*
Automobile repair	:	:	:	X	:
Car washing station	:	:	:	X	:
Equipment, trailer rental or sales yard	:	:	:	P*	P*
Wholesale business or service	:	:	:	P*	P*
Laundry or dry cleaning plant	:	:	:	P*	P*
Motel	:	:	:	P*	P*
Radio, television and other electric transmission stations and towers	X	X	X	X	P*
Telephone exchange	:	:	:	P*	P*
Airports and flying fields	:	:	:	:	:
Nursery, green houses	:	:	:	P*	:
Bus station	:	:	:	P*	:
<u>Light Industrial Uses</u>					
Research laboratories	:	:	:	P*	P*
Manufacture, fabrication, extraction, assembly warehousing and other handling of material in compliance with Section V, C and excluding prohibited uses listed below	:	:	:	:	P*
Extraction operations and soil mining	X	X	X	:	X
Power Plants	:	:	:	:	P*
Fuel storage and distribution	:	:	:	X	P*

5) Amend the Density Control Schedule Section IV by repealing said Density Control Schedule and replacing same by enacting the accompanying Density Control Schedule (see page ZA - 4)

6) By changing the zoning classifications and zoning map of the Town of Taghkanic by reclassifying lands in the said Town to the classifications as shown on the accompanying new zoning map to replace the map now in force and effect and subjecting such lands as their zoning classifications are revised to the provisions of the building zoning ordinance of the Town of Taghkanic.

The full text of the ordinance and full scale map (1,000' to 1") are on file and available for inspection at the town clerk's office, Town of Taghkanic - Karen Mathews County Route 10, Taghkanic.

DENSITY CONTROL SCHEDULE

MINIMUM LOT DIMENSIONS RESIDENTIAL		MINIMUM LOT DIMENSIONS NON-RESIDENTIAL		MINIMUM YARD DIMENSIONS			MAXIMUM BUILDING HEIGHT		
Minimum Lot Area/ Dwelling (Sq. Ft.)	Minimum Lot Width (Feet)	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Front Yard (Feet)	Each Side Yard (Feet)	Rear Yard (Feet)	Maximum Coverage/ Accessory Buildings	Stories	Feet
R2 **2 acres	**200	2 acres	150	75	50	75	20%	2½	35
R3 **3 acres	250	3 acres	250	100	75	100	20%	2½	35
R7 7 acres	350	7 acres	350	100	100	100	20%	2½	35
Residential uses same as R-7 District									
B - I	20,000			100	50	15a	25a	2½	35
I - 1*	No dwellings Permitted	2 acres	200	50	50	100	25%	2½	35

* An I-1 District may be established in an A District provided there is an amendment to the Zoning Map in accordance with provisions of Section V, C of this Ordinance.

** See Cluster Development Regulations, Section V, I.

A) Where a lot abuts a residential district, the provisions of Section V, A, 7 apply.

B) Where public sewerage is not available no lot shall be built upon which has insufficient space for a private sanitary waste disposal system as determined by County Health Department standards.

C) No private sanitary waste disposal system within 75 feet of Taghkanic Creek.

7) Amend Section VII Subdivision B as previously amended by repealing the provision as to building permits and enacting the following schedule of fees replacing same:

BUILDING PERMIT FEES

Building permit fees shall be based on a per unit square footage basis. Permits shall be required for construction, demolition, excavation and timbering.

Building
 Demolition: Up to 1,000 sq. ft.....\$.10 (ten cents) per sq. ft.
 Up to 1,000 for each additional 100 sq. ft.\$25.00
 Separate sto Separate storage building of less than footings or plumbing
 100 sq. ft. without footings or plumbing ...\$25.00

Excavation - Clearing

For driveways and foundation excavations, to be obtained PRIOR to curb cuts for any residential construction. The fee will apply to the building permit if the building permit is obtained within one year.

Excavation - Clearing.....\$100.00

Ponds:

For ponds up to one acre.....\$100.00

For each additional arce or portion.....\$100.00

Roads

Road construction permits must be obtained PRIOR to curb cuts.

Road for first 500 ft.....\$250.00

for each additional 500 ft.....\$250.00

Timbering: Commercial and/or Contractual

Timbering permits will be based on a flat fee and a per load board foot ratio. Under no circumstances will any vehicle fully loaded exceed the load capacity of any bridge or culvert on a town road. All timbering operations shall have a curb cut. Timbering permits must be signed by Town Highway Supervisor.

Timbering.....\$250.00

Per load of board feet.....\$100.00

or any portion thereof

8) Repeal Section V Subdivision C in its entirety (Light Industrial Districts in A District).

9) Amend Section V Subdivision I, Subsection 1 to read as follows:

District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard
R-7	20,000 sq. ft.	100'	50'	15'
R-3	20,000 sq. ft.	100'	50'	15'
R-2	20,000 sq. ft.	100'	50'	15'

10) Amend Section V Subdivision A Subsection 1 by deleting reference to R-1 district and substituting therefore "R-2 and R-3 District".

11) Amend Section V Subdivision A Subsection 1 by deleting reference to an A District and substituting therefore "R-7 District".

12) Amend Section V Subdivision A Subsection 7 by deleting the last sentence thereof having cross reference to Section V, C, 4B (4) and Section V, 4 B (7) which latter two sections are repealed as aforesaid.

13) Amend Section V Subdivision F third paragraph thereof by deleting the words "and when located in an A District".

14) Amend that portion of Section V entitled Excavation for Soil Mining by changing "A District" to "R-7 District".

15) Amend definition of District, more or less restricted portion of Section XI (Definitions) to read as follows:

"In the following list each District shall be more restricted than the Districts which follow it R-7, R-3, R-2, B-1, I-1".

TOWN OF TAGHKANIC

ZONING AMENDMENTS

Subject: Water Storage

Pg. Z0 - 7, add the following under Accessory Uses:

	R	B	I	R	
	<u>A</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>
Ponds, private swimming pools	X	X	X	X	X

Pg. Z0 - 16, delete the word swimming pools from the first paragraph.

Pg. Z0 - 45, add the following section -

Ponds, private swimming pools:

Any ponds or private swimming pools shall comply with the following requirements:

1. The facility shall conform with the set-back requirements.
2. If an applicant is proposing to alter a classified stream, a permit from the N.Y.S. Department of Environmental Conservation will be necessary.
3. All applicants for ponds will be encouraged to contact the Soil Conservation Service for possible technical and financial help concerning pond construction.

Subject: Soil Mining

Pg. Z0 - 64, add the following definition in Section XI, between DWELLING UNIT AND FAMILY:

"EXCAVATION FOR SOIL MINING: Shall mean the removal of earth (including dirt, soil, rock and minerals) from the ground, so as to make such earth available for commercial, industrial, or construction use, but shall not include excavation relating to the construction, on the same lot, of a building or structure for which a permit has been issued, nor shall it include excavation for the aid of on site farming or gardening."

Subject: Zoning Permits & Fees

Pg. Z0 - 49, Subsection B. Zoning Permit, first paragraph to be changed by adding the following sentence:

"...by the Building Inspector. Zoning Permits for the erection of a building or structure shall be valid for a period of twelve (12) months. This time period may be extended by the Zoning Board of Appeals for just cause upon appeal by the applicant."

An altered fee schedule follows:

1. Delete the last sentence of the second paragraph concerning fees.
2. Add the following:

Fees for all zoning and/or building permits shall be based on the estimated value of the structure(s) and shall be determined by the Building Inspector as follows:

<u>Estimated Value</u>	<u>Fee</u>
\$ 0 - 500.....	Minimum fee \$5
\$ 501 - 20,000.....	\$ 5
\$ 20,001 - 40,000.....	\$15
\$ 40,001 - 60,000.....	\$25
\$ 60,001 - 80,000.....	\$35
\$ 80,001 - 100,000.....	\$45
\$100,000 +.....	\$45 + .50 per \$1,000 above \$100,000. No fee shall exceed \$500.

Subject: Violation

Pg. ZO - 60, change subsection C. Violation to read as follows:

C. Violation

A violation of this Ordinance is an offense punishable by a fine not exceeding \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each week the violation continues shall be deemed a separate and distinct violation.

Subject: Area and Bulk Regulation of Structures/or Definition of Building

Pg.ZO - 11, Section IV A.

On the fourth line of paragraph A the word "building" should be deleted and should be replaced with the word "structure".
i.e. this line would now read "...no structure or premises shall be erected, altered or used....."

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SECTION I. TITLE AND SCOPE

A. Scope

An ordinance regulating and restricting the location, construction, alteration, occupancy, and use of buildings and structures and the use of land in the Town of Taghkanic and for said purposes dividing the Town into zoning districts.

B. Title

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Taghkanic, New York."

C. Enacting Clause and Purposes

This Ordinance is enacted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, to protect and promote public health, safety, morals, comfort, convenience, economy, town esthetics, and the general welfare, and for the following additional purposes:

1. To promote and effectuate the orderly physical development of the Town.
2. To encourage the most appropriate use of land in the community in order to conserve and enhance the value of property.
3. To provide adequate and suitably located commercial facilities;
4. To protect and enhance existing wooded areas, scenic areas, and waterways and to preserve where appropriate the essentially rural character of the Town;
5. To regulate building densities in order to assure access of light and circulation of air; in order to facilitate the prevention and fighting of fires, in order to prevent undue concentration of population, and in order to lessen congestion on streets and highways, and in order to provide efficient municipal utility services;

Section I. Title and Scope.....

6. To improve transportation facilities and traffic circulation, and to provide adequate off-street parking and loading facilities;
7. To realize a development plan properly designed to conserve the use of land and the cost of municipal services;
8. To assure privacy for residences and freedom from nuisances and things harmful to the senses, including air pollution;
9. To protect the community against unsightly, obtrusive, and noisome land uses and operations; and
10. To enhance the esthetic aspects throughout the entire community and maintain its present natural beauty.

Periodic Review of Zoning Ordinance

From time to time, at intervals of not more than three (3) years, the Planning Board shall hold a public meeting at which time the Board shall re-examine the provisions of this ordinance and the location of district boundary lines and shall submit a report to the Town Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

SECTION II. ESTABLISHMENT OF DISTRICTS

A. Names of Zoning Districts

In order to fulfill the purpose of this Ordinance, the Town of Taghkanic establishes and is hereby divided into the following zoning districts:

A	Residence	one family per 2 acres
R-1	Residence	- one family per 1 acre
B-1	General Business	
I -1	Light Industrial	
R-2	Residence	- one family per 30,000 square feet

B. Zoning Map

The location and boundaries of said zoning districts are shown on the map entitled "Zoning Map" certified by the Town Clerk as adopted. Said map together with everything shown thereon and all amendments thereto is hereby adopted and is declared to be an appurtenant part of this Ordinance.

C. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements and aqueducts, or watercourses, said boundaries shall be deemed to be automatically moved if a centerline or right-of-way line of such street, highway, public utility, aqueduct or watercourse is moved a maximum distance of 50 feet.
2. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

Section II. Establishment of Districts.

3. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
4. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.
5. In all other cases, where not dimensioned, the location of boundaries shown on the Map shall be determined by the use of the scale appearing thereon.

D. Application of District Regulations

Except as hereinafter provided:

1. No land or building shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations, hereinafter specified for the District in which it is located.
2. No building shall hereafter be erected or altered.
 - (a) To exceed the maximum height;
 - (b) To occupy a greater percentage of lot area;
 - (c) To accommodate or house a greater number of families;
or
 - (d) To have narrower or smaller front yard, rear yard, side yard or other open space than is required for the District in which such building is located.
3. No part of a yard or other open space required about any building shall be included as part of a yard or other open space similarly required for another building.

Section II. Establishment of Districts.

4. No off-street parking or loading space required for one building or use shall be included as meeting, in whole or part, the off-street parking or loading space required for another building or use except as provided in Section V, B, 2.
5. No off-street parking or loading space shall be so reduced in area that it does not meet the requirements of this Ordinance.

6) It is the policy of the Town of Taghkanic to encourage open space in the Town and more particularly in those areas shown on the Development Plan of the Town as proposed open space. Concerning subdivisions of developments within those areas shown as proposed open space or encompassing those areas shown as proposed open space on the Development Plan, it is the policy of the Town of Taghkanic to encourage the preservation of natural features such as, but not limited to, ridge lines, wooded areas, rock outcroppings and to encourage open space along creeks and streams. It is the further policy of the Town to encourage within those areas shown as proposed open space, lot sizes larger than the minimum specified for the zoning district, cluster development or other techniques designed to preserve open space.

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SECTION III. USE REGULATIONS

A. Permitted Uses: Conditional Uses

No building or premises shall be erected, altered, or used except for one or more of the uses designated for any district as follows:

- Symbols: (P) Designates a use permitted by right and
 (X) Designates a conditional use contingent on securing a Special Use Permit in each case from the Zoning Board of Appeals;
 (*) Designates a use subject to site plan approval by the Planning Board as per Section VII, paragraph B.
 (.) Not permitted

Note: Uses not permitted by right or as a conditional use whether listed below or not are prohibited.

<u>Residential Uses</u>	A	R 1	B 1	I 1	R 2
	One-family dwelling	P	P	P	.
Two-family dwelling	X	X	X	.	X
Multi-family dwelling	.	X	X	.	.
Boarding house	X	X	X	.	.
House trailer (Section V, F)	P	P	P	.	.
Trailer Park	X	X	X	.	.

<u>General Uses</u>	A	R 1	B 1	I 1	R 2
Agriculture (not including the keeping of fowl or farm animals) in compliance with Section V, A, 8	P	P	P	P	P
Agriculture (including the keeping of fowl or farm animals) in compliance with Section V, A, 8	P	P	.	.	.
Retail sale of agricultural product grown principally on the same lot from a road stand	X	X	P*	.	.
Resort hotel, camp, resort ranch, resort lodge but not including bungalow colony	X	X	P*	.	P*
Church or other place of worship	P*	P*	P*	P*	P*
Private, academic or parochial school	P*	P*	P*	.	P*
Day nursery	P*	P*	P*	.	X
Hospital	X	X	.	.	X
Nursing or convalescent home or sanitarium	X	X	.	.	X
Cultural facilities (library, art gallery, museum, etc.)	P*	P*	P*	.	X

Section III, Use Regulations.....

	A	R 1	B 1	I 1	R 2
Club or recreation use	P*	P*	P*	P*	X
Federal, State, County & Municipal governmental offices	P	P	P	P	P
Public parks and playgrounds	P	P	P	P	P
Public schools, colleges, fire houses, town hall, town highway department, library	P	P	P	P	P
Institutional use	X	X	X		X
Cemetery in compliance with Section V, G	P*	P*		P*	X
Golf course or country club	P*	P*			X
Minature golf course, golf driving range	X		P		X
Public utility lines, mains, laterals, except high tension lines	P	P	P	P	P
Structures and buildings used by utilities in furnishing services including electric or gas utility substation, transformer station, water or sewage pumping stations and other similar structures, high tension lines	P*	P*		P*	P*
Commercial recreation uses, specifically oriented toward the use of mountain land, such as ski areas, ski-tow warming and ski maintenance huts, swimming and camping areas	X	X	P		

Accessory Uses

Customary home occupation, in compliance with Section V, A, 1	P	P			P
Accessory use customarily incident to any of the uses mentioned herein, and on the same lot	P	P	P	P	P
Accessory use customarily incident to any of the uses mentioned herein and not on the same lot	X	X	X	X	X
Stables for horses for non-commercial purposes	P	P	P		

Business Uses

Gift shop or antique shop	X	X	P*		
Professional office, business office, bank			P*	P*	
Retail stores and shops			P*		

Section III, Use Regulations.....

	A	R 1	B 1	I 1	R 2
Service establishments	.	.	P*	.	.
Funeral home	.	.	P*	.	.
Restaurant, but specifically excluding drive-in eating establishments	X	.	P*	P*	.
Eating and drink establishments	.	.	P*	.	.
Hotel	X	.	P*	.	.
Bar or night club	X	.	P*	.	.
Bowling alley	.	.	P*	.	.
Skating rink	X	.	P*	.	.
Dance hall, billiard hall, pool hall as the principal use	.	.	X	.	.
Theater or concert hall but excluding drive-in theater	X	.	P*	.	.
Veterinarian office, animal hospital or kennel	X	X	P*	.	.
Newspaper offices and printing shops	.	.	P*	.	.
Gasoline filling stations in compliance with Section V, D	.	.	X	.	.
Commercial parking lot in compliance with Section V, K	.	.	P*	P*	.
Automobile repair	.	.	X	.	.
Car washing station	.	.	X	.	.
Equipment, trailer rental or sales yard	.	.	P*	P*	.
Wholesale business or service	.	.	P*	P*	.
Laundry or dry cleaning plant	.	.	P*	P*	.
Motel	.	.	P*	P*	.
Radio, television and other electric transmission stations and towers	X	X	X	P*	X
Telephone exchange	.	.	P*	P*	.
Airports and flying fields	X
Nursery, green houses	X	.	P*	.	X
Bus station	.	.	P*	.	X

Light Industrial Uses

Research laboratories	.	.	P*	P*	.
Manufacture, fabrication, extraction, assembly warehousing and other handling of material in compliance with Section V, C and excluding prohibited uses listed below	.	.	.	P*	.
Extractive operations and soil mining	X	X	.	X	.
Power plants	X	.	.	P*	.
Fuel storage and distribution	.	.	X	P*	.

Section III, Use Regulations.....

B. Specifically Prohibited Industrial Uses

In any district where manufacturing or light industry is permitted, no manufacturing use, nor any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, dust, smoke, toxic or noisome fumes, radiation, noise, gas, vibration, or excessive light, or any combination of the above, which is dangerous and prejudicial to the public health, safety, and general welfare shall be permitted, and this includes more specifically, but is not limited to, the following such uses:—

- Acetylene gas manufacture for commercial purposes
- Ammonia, chlorine, or bleaching powder manufacture
- Arsenal
- Asphalt manufacture or refining
- Blast furnace, not including cupola or converter furnaces used in foundries and in which no wood is used as fuel
- Boiler shops, structural steel fabricating shops, metal working shops, which operate reciprocating hammers or chisels or other noise producing electric or pneumatic tools within 100 feet of any boundary line of the premises and outside of any masonry buildings
- Brewing or distilling of liquors, except wineries
- Bronze and aluminum powder manufacture
- Carbon, lampblack, shoe blacking, graphite, or stove polish manufacture
- Celluloid and other cellulose products manufacture
- Cement manufacture
- Coal tar products manufacture
- Creosote treatment or manufacture
- Disinfectant and insecticide manufacture
- Distillation of coal, wood or bones
- Dump, unless operated or controlled by the municipality
- Excelsior and fibre manufacture
- Explosives, fireworks, or match manufacture, assembling, or storage in bulk, except the manufacture, assembling, and storage in bulk of safety matches in book form
- Fat rendering
- Fertilizer manufacture or potash refining
- Fish smoking or curing
- Glue, size, or gelatine manufacture or processing involving recovery from fish or animal offal

Section III. Use Regulations.....

- Incinerator, unless operated by the municipality
- Junk yard
- Lime, gypsum, cement, plaster, or plaster of paris manufacture, except the mixing of plaster
- Linoleum or oil cloth manufacture
- Ore reduction or the smelting of iron, copper, tin, zinc, or lead
- Paint, oil, varnish, turpentine, shellac, or enamel manufacture, except the mixing of wet paints
- Perfume and extract manufacture
- Petroleum refining
- Poisons manufacture: fumigates, carbon disulphide, hydrocyanic acid, ethyl, stomach poisons, arsenate of lead, arsenate of calcium, hellabore and paris green, insecticides, lime sulphur, nicotine, kerosene emulsions
- Printing ink manufacture
- Radium extraction
- Storage, coloring, curing, dressing, or tanning of raw or green salted hides or skins
- Rubber caoutchouc, or gutta percha manufacture from crude or scrap material, except in connection with a rubber products manufacture plant
- Salt works
- Sand paper and emery cloth manufacture
- Slaughtering of animals, except for immediate consumption on premises, or immediate retail sale
- Soap, soda ash, or washing compound manufacture, except products not containing caustic soda
- Starch, glucose, or dextrine manufacture
- Stock yards
- Sulphurous, sulphuric, nitric, picric, or hydrochloric acid or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry
- Tallow, grease, lard, or candle manufacture or refining
- Tar distillation or the manufacture of aniline dyes
- Tar roofing or waterproofing manufacture, except where the tar or asphalt is treated at a temperature under 100 degrees Fahrenheit
- Tobacco processing, exclusive of cigar or cigarette manufacture
- Vinegar, pickle, or sauerkraut manufacture in bulk
- Wool pulling or scouring, except in connection with a woolen mill
- Yeast manufacture

SECTION IV. AREA AND BULK REGULATIONS

A. Purpose

In order to provide adequate open space for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, and to lessen congestion on streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Section.

B. Density Control Schedule

The attached schedule of density control regulations is hereby adopted and declared to be a part of this Ordinance and is hereinafter referred to as the "Density Control Schedule".

C. Corner Lots

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

D. Projections into Required Yards

The following projections into required yards may be permitted:

- | | |
|--|---|
| Open fire escapes | - four feet into required side or rear yard |
| Awnings or movable canopies | - six feet into any required yard |
| Cornices, eaves and other similar architectural features | - three feet into any required yard |

Any open or enclosed porch or carport shall be considered a part of the building in the determination of the size of the required yard or lot coverage.

Accessory uses not enclosed in a building shall not be located in a required front or side yard but may be located in a required rear yard subject to the provisions of Section V, A, 3 and provided any accessory building is not located closer than 10 feet to rear lot line.

DENSITY CONTROL SCHEDULE - TOWN OF TAGHKANIC

Minimum Lot Dimensions		Minimum Yard Dimensions				Maximum Building Height			
Residential		Non-Residential							
Minimum Lot Area Per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Each Front Yard (feet)	Rear Yard (feet)	Maximum Lot Coverage including all accessory buildings			
A	200**	2 acres	150	50	40	100	20%	2 1/2	35
R-1	150	1 acre	150	50	25	75	20%	2 1/2	35
R-2	30,000 sq. ft.	30,000 sq. ft.	100	40	15	50	20%	2 1/2	35
Residential uses same as A District									
B-1		20,000	100	50	15a	25a		2 1/2	35
I-1* No Dwellings Permitted		2 acres	200	50	50	100	25%	2 1/2	35

* An I-1 District may be established in an A District provided there is an amendment to the Zoning Map in accordance with provisions of Section V, C of this Ordinance.

** See Cluster Development Regulations, Section V, I.

a) Where a lot abuts a residential district, the provisions of Section V, A, 7 apply.

b) Where public sewerage is not available no lot shall be built upon which has insufficient space for a private sanitary waste disposal system as determined by County Health Department standards.

c) No private sanitary waste disposal system within 75 feet of Taghkanic Creek

E. Height Exceptions

District building height regulations shall not apply to flagpoles, radio or television antennae, transmission towers or cables, spires, or cupolas, chimneys, elevator or stair bulkheads, pent-houses, parapets or railings, water tanks or cooling towers, or any similar structures, provided that such structure in their aggregate coverage occupy no more than 10% of the roof area of the building. Barns and silos may exceed the height limitations of this Ordinance provided that for each 1 foot each barn or silo exceeds the height of 35 feet the minimum yard requirements shall be increased by 1 foot but in no case need exceed 100 feet.

Notwithstanding the above an additional silo or barn or an addition to an existing barn or silo is permitted in the front yard provided such new silo or barn or addition is not located closer to the front lot line than the closest existing silo or barn.

F. Compliance with Minimum Lot Area Per Dwelling Unit Requirement

1. Unless otherwise specified no lot shall contain more than one dwelling. Where two or more principal residential structures are permitted by this Ordinance to be located on the same lot, the minimum lot area per dwelling unit requirement must be complied with.

2. A Residential lot of required or larger than required size as set forth in this Ordinance shall not be reduced in size for transfer of ownership if such lot so subdivided will form two or more lots which shall not be in compliance with the requirements for the minimum lot area per dwelling unit for the district in which such lot or lots are situated, except as provided in Section V, I.

G. Side Yards for Semi-Detached and Attached Dwellings

Side yards for semi-detached and attached dwellings shall be required at the ends of the total structure only.

Section IV, Area and Bulk Regulations.....

H. Distance Between Principal Buildings on Same Lot

No detached residential prinnipal building shall be closer to any other principal building on the same lot than the average heights of said buildings.

SECTION V. SUPPLEMENTARY REGULATIONS

A. General Provisions

1. Customary home Occupation:

In any district, nothing in this ordinance shall prevent an individual from conducting his business, trade or profession in his home or residence, provided that no more than two persons in an R-1 district and four persons in an A district be employed in addition, to the owner or tenant of the property; that no other professional shall be permitted to share, let, or sublet space for professional use, that there be no external evidence of such use except for one sign not exceeding 2 square feet in area; and that there shall not be any exterior storage of materials, or equipment. The conducting of a hospital, clinic, animal hospital, nursery school shall not be deemed a customary home occupation.

2. Excavation:

Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create any noxious or injurious substance or condition, or cause public hazard.

In any district, excavation relating to the construction, on the same lot, of a building or structure for which a permit has been issued shall be permitted. In the event that construction of a building or structure is stopped prior to completion, and the permit is allowed to expire, the premises shall immediately be cleared of any rubbish, or building materials and any excavation with a depth greater than two feet below existing grade shall immediately be filled in and the topsoil replaced, or all such excavations shall be entirely surrounded by a substantial fence at least six feet high that will effectively block access to the area in which the excavation is located.

For excavations for soil mining, see Subsection K of this Section.

3. Accessory buildings and uses:

Accessory buildings not attached to principal buildings shall be located no closer to the principal building than 12 feet or a distance equal to the height of each accessory building--whichever is greater.

Section V, Supplementary Regulations.....

In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts may not be located in front yards of such lot and shall be distant not less than 20 feet from any lot line.

4. Corner Clearance:

For the purpose of minimizing traffic hazards at street intersections, on any corner lot, no obstruction between a height of two and one-half feet and ten feet above the adjacent center-line elevation shall be permitted to be planted, placed, erected or maintained within the triangular area formed by the intersecting pavement lines, or their projections--where corners are rounded--and a straight line joining the pavement lines at points 50 feet distant from their point of intersection.

5. Fences and Walls:

The requirements of this Ordinance shall not apply to necessary retaining walls, except where sight distances are required for traffic safety.

6. Commercial Parking Lots:

Commercial parking lots shall comply with the provisions of paragraph B, subparagraph 4, 8 and 9 of this Section.

7. Transition Requirement:

Where a lot in a Business District abuts a lot in a Residence District, there shall be provided along such side or rear lot line in the Business District abutting a Residence District a wall, fence, compact evergreen hedge or a landscaped strip of trees or shrubs so designed as to form a visual screen not less than six feet in height at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six-foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge.

Section V, Supplementary Regulations.....

Where a lot in an industrial district abuts a lot in a residential district, such lot in the industrial district shall meet the requirements of Section V, C, 4, b, (4) and Section V, C, 4, b, (7).

8. Agriculture shall include buildings and activities, except farms expressly for the disposal of offal and farms expressly for garbage disposal. A garbage disposal area operated by the Town of Taghkanic, a group of Towns including the Town of Taghkanic or Columbia County is permitted provided no burning takes place. The processing and storage of agricultural products including packing, warehousing, storing is permitted except that slaughterhouses, rendering, fertilizer plants and canneries are prohibited. The unenclosed storage of manure, or areas for storage of dead fowl or other odor or dust producing substance or use shall not be permitted within 200 feet of a property line or public street right-of-way. Buildings for the housing of fowl or farm animals shall not be located in the required front yard nor within 200 feet of a property line.

The keeping of customary household pets is permitted in any district.

9. See below.

B. Off-Street Parking and Loading Regulations

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered, as follows:

1. Required Off-Street Automobile Parking Spaces:
The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new

9. No flood lighting, yard lights or other illumination shall be directed in such manner to cause glare resulting in a traffic hazard to motorists on any street.

Section V. Supplementary Regulations.....

buildings or structures, or added by alteration of building or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:

a. Office, Business and Commercial Uses:

For retail business or service, bank, or post office, one space for each 100 square feet of customer floor area.

For office, including professional, personal service, public utility, one space for each 100 sq. ft. of gross office floor area.

For restaurant, bar, or nightclub, one space for each 50 sq. ft. of customer floor area.

For funeral home, one space for each five seats of chapel or chapels capacity.

For any commercial use, one space for each company vehicle in addition to other required spaces.

For hotel, motel, resort hotel, resort lodge, resort ranch, one space for each bedroom, plus one space for each four employees.

b. Industrial Uses:

One space for each 400 sq. ft. of floor area devoted to manufacture, including printing, publishing, wholesale, business and laundry or dry cleaning plants.

One space for each 2,000 sq. ft. of floor area devoted to storage.

One space for each 3,000 sq. ft. of area devoted to outside storage including equipment rental or sales yards.

For any industrial use, one space for each company vehicle in addition to other required spaces.

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c. Public and Semi-Public Uses:

For places of public assembly (including churches, theaters, concert halls) one space for each six seats of seating capacity.

For elementary school or day nursery, two spaces for each classroom.

For high school or college, five spaces for each classroom.

For museum, art gallery, institution, or philanthropic use, one space for each 800 sq. ft. of gross floor area.

For hospital, sanitarium, nursing or convalescent home, one space for each two beds.

For club, one space for each 200 sq. ft. of gross floor area or one space for four seats of seating capacity whichever is greater.

d. Recreational Uses:

For golf course, bowling alley, four spaces for each tee, or alley.

For skating rinks, one parking space for each 250 sq. ft. of area available for skating.

e. Residential Uses:

For one or two family dwelling - 1 space per dwelling unit. For multi-family dwellings - 2 spaces per dwelling unit.

Customary home occupation or professional office in a dwelling unit, one space for each 100 sq. ft. devoted to such customary home occupation or professional office plus the required space per dwelling unit.

Boarding house, one space for each bedroom.

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f. For uses not listed herein, as established by the Zoning Board of Appeals.

2. Calculation of required spaces:

In the case of a combination of uses, the total requirements of off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.

3. Dimensions for Off-Street Automobile Parking Space:

Such space provided shall be at least nine feet wide and 20 feet long and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:

- a. Parallel Curb Parking: Twelve-foot aisle width for one-directional flow and 24 foot aisle width for two-directional flow.
- b. 30° Parking: 13-foot width for one-directional flow and 26 foot aisle width for two-directional flow.
- c. 45° Parking: 16-foot aisle width for one-directional flow and 26-foot aisle width for two directional flow.
- d. 60° Parking: 21-foot aisle width for one-directional flow and 26-foot aisle width for two-directional flow.
- e. Perpendicular Parking: 26-foot aisle width for one-direction and two direction flow.

4. Location of Required Spaces:

In any residential district, no open or enclosed parking area shall encroach on any required front yard or required open areas. Open parking areas may encroach on a required side or rear yard to within three feet of a property line.

In business districts or industrial districts, such spaces shall be provided on the same lot, or not more than 400 feet therefrom.

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No entrance and exit drives connecting the parking area and the street shall be permitted within twenty-five feet of the intersection of two public right-of-way.

5. Required Off-Street Truck Loading Areas:

For funeral homes, one berth for each chapel.

For hotels, motels and resort hotel, resort lodge, resort ranch, one berth for floor area in excess of 10,000 sq. ft.

For office, business, and commercial uses, one berth for 10,000 sq. ft. to 25,000 sq. ft. of floor area and one additional berth for each additional 25,000 sq. ft. of floor area.

For manufacturing and permitted industrial uses, one berth for the first 10,000 sq. ft. of floor area and one additional berth for each additional 40,000 sq. ft. of floor area.

For other permitted non-residential uses, one berth for 10,000 sq. ft. to 25,000 sq. ft. of floor area, and one additional berth for each additional 25,000 sq. ft. of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.

6. Dimensions for Off-Street Loading Berths:

Each required loading berth (open or enclosed) shall have the following minimum dimensions: 35 feet long, 12 feet wide, and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and 8 feet high.

7. Location of Required Berths:

All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking area, except that in Business Districts off-street parking areas where they exist may be used for loading or unloading, provided that such spaces shall not be so used for more than three hours during the daily period that the establishment is open for business.

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8. Construction of Parking Areas:
Required parking spaces for more than 5 cars accessory to commercial, industrial or multi-family uses shall be paved with all-weather surface of asphalt, concrete or shale or gravel penetrated with oil and suitably drained. The individual spaces shall be visibly marked with paint or other durable material. Parking areas to be used at night shall be lighted. All lights shall be shaded or so directed so as not to cause glare on adjoining residential properties and shall be so directed so as not to cause a traffic hazard due to glare or color.

9. Landscaping:
At least eight percent of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened by a six-foot high solid masonry wall, or compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property. All parking areas and landscaping shall be properly maintained thereafter in a sightly and well kept condition.

C. Light Industrial District Regulations

The Town Board may, after Planning Board review, public notice and hearing, approve the development of a parcel of land for light industrial use and establish a special Light Industrial District for such development to be improved on any A District subject to the following conditions:

1. Location and Minimum Required Acreage of Site:

A District - 10 acres

2. Application of Regulations: Individual uses and structures in a Light Industrial District need not comply with the specific building location, height, lot size, and open space requirements of the underlying A District. The I-1 superimposes

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the regulations for a Light Industrial District upon the A District.

3. Use Regulations:

a. Permitted uses:

- (1) Any use permitted by right in an I-1 district.
- (2) Any use permitted by special permit in I-1 districts subject to the favorable approval thereof by the Board of Appeals.

b. Prohibited uses:

- (1) Residential uses, except dwelling of caretakers and any and all residential uses existing and permitted prior to the establishment of such I-1 District in accordance with this Sub-Section shall be allowed to continue as so permitted heretofore.
- (2) All prohibited industrial uses as so listed in Section III B of this Ordinance.
- (3) Any use, although expressly allowed as a permitted use, shall be prohibited if the particular application of such use does not comply with the specified performance standards for a use in the I-1 District.

4. Performance Standards:

a. General standards: The following general standards are hereby adopted for the control of uses in any Light Industrial District and no use shall be permitted, established, maintained, or conducted therein which shall cause:

- (1) Excessive smoke, fumes, gas, odor, dust or any other atmospheric pollutant beyond the boundaries

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of the lot whereon such use is located. Smoke is excessive when the shade or appearance of such smoke is darker than No. 2 on the Ringelmann Smoke Chart, published by the U. S. Bureau of Mines.

- (2) Noise, perceptible beyond the boundaries of the lot occupied by such use causing the same.
- (3) Any pollution by discharge of any waste material whatsoever into any watercourse, open ditch or land surface.
- (4) Discharge of any waste material whatsoever into any sanitary disposal system or sewerage system, except only in accordance with the rules of land under the control of public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Town Engineer, shall not be discharged into any municipal system and must be treated by the industrial use.
- (5) Storage or stocking of any waste materials whatsoever, except in a completely enclosed building.
- (6) Glare or vibration perceptible beyond the lot lines whereon such use is conducted.
- (7) Hazard to person or property by reason of fire, explosion, radiation, or other cause.
- (8) Any other nuisance harmful to persons or property.

b. Specific standards: The following specific standards are hereby adopted and must be complied with, for and by any use in any Light Industrial District and before the same be permitted, established, maintained or conducted:

- (1) Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-

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half of the property and shall be screened from any existing or proposed street.

- (2) Loading Docks: No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets.
- (3) Landscaping: It is hereby declared that all areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped attractively with lawn, trees, shrubs or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.
- (4) Fences and Walls: Property that is adjacent to a Residential or Business District shall be provided along such property lines, with a wall, fence, compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six-foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge. Where a front yard adjoins a street, the wall, fence, or hedge shall be located no closer to the street than the depth of the required yard.
- (5) Off-Street Parking and Loading: Refer to Sub-Section B of this Section.
- (6) Signs: Refer to Sub-Section E of this Section.
- (7) Buffer Strip: In addition to the fences and walls, the entire district must be separated along its outside

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boundary from any adjoining residential zones by a buffer strip, suitably landscaped, at least 100 feet wide.

- c. Proper and adequate water supply, sewerage and waste disposal, other utility services, and accessibility to and from public streets must be provided.
- d. Special consideration must be given to the traffic generated by each proposed use in a Light Industrial District and no undue traffic volume shall be permitted on residential streets. Such data is to be submitted with each petition for amendment.

5. Area and Bulk Regulations:

Area and Bulk requirements shall be in compliance with those for I-1 District as set forth in the Density Control Schedule of this Ordinance.

6. Procedure:

Application for rezoning classification of a site shall be filed by the owner or several owners jointly, or the holder of a written option to purchase the site with the secretary to the Town Board in writing in a form required by the Town Board, and shall be accompanied by a certified check in the amount of \$50 to help defray the cost of advertising the hearing on said petition and incidental disbursements. The applicant shall also submit the following:

- a. A plan of the site and surrounding areas drawn to scale and accurately dimensioned, showing the location of existing and proposed land use areas, lot, buildings, structures, parking and loading areas and access roads and streets, community facilities and topography;
- b. The use and height of each proposed building or structure, yard lines, lot coverage, and the number of parking spaces in each proposed parking area, and the expected flow of traffic in and out of the area.

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- c. Any additional data as may be requested by the Planning Board in order to determine the suitability of the tract for the proposed development.

Each application shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report.

The Town Board, by resolution, shall fix the time and place of the public hearing and at such hearing shall consider among other things the recommendations of the Planning Board and cause notice to be given as follows:

- a. By publishing a notice of the application and the time and place of the public hearing in a newspaper of general circulation in the Town as designated by the Town Board not less than ten days prior to the date of the public hearing.
- b. By giving notice of hearing to any required Municipal County, State, or Federal Agency in the manner prescribed by Law.

Upon approval such new district shall become a part of the regulations established herein, shall be enforced in the same manner, and be similarly subject to amendment, except that, if construction of the proposed development is not commenced and substantially progressed within one year after approval of the Town Board, such approval shall be revoked and such area shall be subject to the requirements of the prior district regulations.

D. Gasoline Filling Stations

In any district where permitted, a gasoline filling station shall be subject to the following regulations:

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- 1. Filling stations shall be permitted only on lots of 20,000 sq. ft. or more, with 100 feet minimum frontage.
- 2. The area for use by motor vehicles, except access drive thereto, as well as any structures shall not encroach on any required yard area.
- 3. No fuel pump shall be located closer than 20 feet from any side lot line nor closer than 35 feet from any street line, measured from the outside edge of the fuel island.
- 4. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theatre, church or other public gathering place, park, playground or fire station unless a public street lies between such service station and such building or use.
- 5. All major repair work and all storage of equipments and parts shall be within a completely enclosed building which has a maximum height of 25 feet. Such repair work shall not include any body repair work or spray painting or car washing which require mechanical equipment in a B-1 District except by special permit of the Zoning Board of Appeals as provided by this Ordinance.

E. Sign Regulations

No sign or other device for advertising purpose of any kind may be erected or established in the Town except and provided as follows:

- 1. Signs in Residential Districts:
No sign or other device for advertising purposes of any kind may be erected or established in any Residential District except issued pursuant to this Ordinance as follows:
 - a. Permitted non-residential uses, except places of worship, libraries, museums, social clubs or societies and legal non-conforming non-residential uses, home occupations or day nurseries, may display signs pertaining to the use of property, having an aggregate total

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face area of not more than 32 square feet, and not projecting beyond the principal building of such use to which they are attached more than 12 inches, except that where such non-residential uses are set back more than 30 feet from the property lines, one additional sign may be erected in the ground provided that such ground sign shall not exceed 15 square feet in total face area, shall not exceed 12 feet in height, and such sign shall be no nearer than 10 feet to any property line or road, whichever requires the greater setback. If such free standing signs face substantially at right angles to the road and/or display in more than one direction, they shall have a face area of not more than 15 square feet per side, with no more than two sides.

- b. Dwellings for five or more families may display non-illuminated signs identifying the premises, having an aggregate total face of not more than 12 square feet, and not projecting beyond the principal building on the lot more than 12 inches.
 - c. Any dwelling unit in a detached or attached structure may display one name plate or professional sign not exceeding 2 square feet in area.
2. Signs in General Business District and Light Industrial Districts:
Two signs having an aggregate total face area of not more than 80 sq. ft. may be displayed for each establishment provided that such signs shall be located no nearer than 10 feet to any property line and provided further that such signs shall not extend more than 8 feet above ground level or exceed the height of the roof of a building at the point of location of the sign, whichever is less restrictive.
3. No moving, flashing or directly illuminated representational sign shall be permitted in any district. No representational sign shall be permitted accessory to a business use in any district."
4. Advertising Signs:
Hereafter, notwithstanding any other provisions of this Ordinance, advertising signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction

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or subdivision activity as allowed are not permitted in any district, except that signs for the purpose of directing persons to a business or establishment may be erected in any district, providing such signs shall not exceed four sq. ft. in area per establishment shall conform with applicable regulations of the district in which they are located, shall be grouped on community poles and shall be approved by the Town Planning Board.

5. Projecting Signs:
No sign may project into any public right-of-way.
6. Subdivision Signs:
Any person offering lots for sale in a subdivision may erect non-illuminated, directional signs within the limits of the subdivision, or adjoining property in the same ownership, having an aggregate total face area of not more than 50 sq. ft. The permit for such signs shall be issued for a period of one year, each following a determination by the Building Inspector that the signs have been repainted or are in good condition in each case.
7. Roof Signs:
No sign shall be placed on the roof of any building.
8. Exemption from above regulations:
 - a. Real estate signs which advertise the sale, rental, or lease of the premises upon which said signs are located, having an aggregate total face of not more than six square feet within any Residential District and Business District, or not more than 32 sq. ft. within any Light Industrial District.
 - b. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, which sign or bulletin boards shall not exceed 24 sq. ft. in area and shall be located on the premises of such institution.
 - c. One professional or business name plate not exceeding 2 sq. ft in area for one professional or business establishment where such signs would not otherwise be a permitted use.

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- d. One sign denoting the architect, engineer, and/or contractor when placed where work is under construction and not exceeding 24 square feet in area.
 - e. Memorial signs, historical markers or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material, not exceeding 6 square feet in area.
 - f. Traffic or other municipal signs, legal notices, and such temporary, emergency, or non-advertising signs as may be authorized by the Town Board.
 - g. A sign having an area of 35 sq. ft. or less on a pole of 25 feet or less in height, of gasoline service station, identifying such use on the premises.
 - h. Posting of notice to the public pertaining to hunting, fishing, trespassing, provided each such sign does not exceed 1 1/2 square feet in area.
9. Illuminated Signs:
Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limits of the side property line. Red, green, and amber lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surface shall be shielded from view. No revolving or neon signs shall be allowed.
10. Banners:
No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. These devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not part of a sign.
11. Window Signs:
No signs erected or maintained in the window of a building,

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visible from any public or private street or highway, shall occupy more than 10% of the area of said window.

12. All applications for permits for erection or alteration of signs shall be referred to the Planning Board by the Building Inspector before a permit is issued. The Planning Board shall either then recommend approval, approval with modifications, or dis-approval of said application stating the reasons therefore in writing in its records, and shall send a written notice of its recommendation to the Building Inspector, who than shall act accordingly. If the Building Inspector does not receive any written communication on the case from the Planning Board within 45 days after he refers such case to the Planning Board he shall assume that the plan meets with their approval.

13. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of this Ordinance. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, such as but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

In the event of violation of any of the foregoing provisions the building inspector shall give written or personal notice, specifying the violation to the owner of the sign and the owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within 30 days from the date of said notice. In the event such sign shall not be so conformed within 30 days, the building inspector shall thereupon revoke the permit, and such sign shall be removed by the owner of the sign (and/or) the owner of the land.

14. If the building inspector shall find that any sign regulated by this Ordinance is unsafe or insecure, or is a menace to the public, he shall give written notice to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair the said sign within 30 days from the date

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of said notice. If the said sign is not removed or repaired, the building inspector shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located.

The building inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

F. House Trailers and Mobile Homes

Single house trailers in districts in which permitted shall meet all requirements pertaining to a one-family dwelling including minimum lot size and width and minimum yard regulations.

Nothing in this Ordinance shall prohibit the storing or parking of an unoccupied camping or travel trailer or the temporary parking of an occupied house trailer on any residential lot provided, however, that such trailer must be located only in the rear yard and shall not be located closer to the side lot line than the required side yard for the district in which located. For the purposes of this Ordinance temporary shall mean not longer than 30 days in any year.

House trailers are permitted as an accessory use to agricultural activities when located on property owned by the owner of the agriculturally used property to which such trailers are accessory and when located in an A District. Such trailers shall be located no closer than 50 feet to any property line and shall be located at least 50 feet from any other structure or fence including another trailer. Such trailer shall be used only for the housing of farm workers and shall not exceed a density of 4 per acre.

Notwithstanding any provision of this Ordinance, owners and/or lessees of property within the Town, upon which house trailers have been situated and established prior to the enactment of said Zoning Ordinance, shall retain such previous rights and prerequisites pertaining thereto, in the same manner as any other dwellings and including the right to substitute another house trailer in the place of

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the house trailer presently situated and established on said property. Furthermore, notwithstanding any provision of this Ordinance, a house trailer may be placed upon any lot for a period not to exceed one year only in the event of major destruction of a house situated on such lot.

G. Cemeteries

No burial or memorial plats or buildings in a new cemetery or addition to existing cemeteries shall be located closer than 50 feet to any residential lot line, except that when a dense evergreen hedge or a wall or landscaped strip at least six feet in height providing complete visual screening from all adjacent residential property is provided, burial or memorial plats less than six feet in height may be located no closer than 20 feet from any residential lot line.

H. Sanitary Disposal

No person shall undertake to construct any new building or structure in the Town without first meeting the requirements for a system, or facilities for, the separate disposal of water-borne sewage, domestic or trade wastes in accordance with applicable regulations of the Town, the Columbia County Department of Health and other governmental authorities.

I. Residential Cluster Development

In order to promote the health and general welfare of the community and to preserve and make available open space, the Town Planning Board may grant a developer the right to vary the residential density within a tract to be developed (but not maintained) under single ownership, leaving a substantial area free of building lots. The right to vary the density shall be subject to the following conditions:

The proposed residential development must create an attractive residential environment; produce a total average density as specified in Section IV B, provide aggregate open space to be no less than that required in the district in which it is located; have population density

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which will offer no adverse influence; guarantee permanent retention of 'open space' and insure care and maintenance of open space. Each lot in a cluster development having an area of less than one acre must be served by a central water supply system and a public or community sewer system.

1. Single-Family Detached Houses: Single-family detached houses may be grouped in clusters on minimum lot areas per dwelling unit, minimum lot widths and minimum front yards as follows:

	<u>Minimum Lot Size</u>	<u>Min. Lot Widths</u>	<u>Min. Front Yard</u>	<u>Min. Side Yard</u>
A & R-1 Districts 2 R-2	20,000 sq. ft.	100 ft.	50 ft.	15 ft.

All other yard requirements, maximum coverage and maximum height requirements as specified on the density control schedule for the district in which located shall be complied with.

2. Special Designs: In cases where a developer has designed special groups of dwellings and garages, the Planning Board after inspecting plans and elevation may approve smaller minimum lot areas than those in paragraph (2) provided that the sanitary system are approved by the County Health Officer, that the average density does not exceed that permitted within the zoning district in which the land occurs or that the layout is not detrimental to the health and general welfare of the community.
3. Town House Developments: In R-1 districts town houses (attached one family dwellings) shall be permitted provided there are no more than eight (8) 'Town house' units in any contiguous group, the overall maximum density and maximum lot coverage for the district in which located shall be met; however, lot dimensions may be reduced as follows:

The minimum lot size shall not be less than 2,000 square feet and a minimum width of 20 feet; minimum rear yard, front yard and side yards at the end of total structure shall be 25 feet.

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For each square foot of land gained within a residential subdivision through the reduction of lot size below the required minimum lot area per dwelling unit requirements as set forth in the Ordinance, equal amounts of land shall be preserved and maintained as open land as long as these structures exist.

The balance of the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation or agriculture.

Such land shall be held in corporate ownership by the owner of lots within the development or may be deeded to the Town or a special district created by the Town. The Town hereby retains the right to refuse to accept such land. If such land is to be held in corporate ownership the developer shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land which shall be used for recreational or agricultural purposes only. Such land shall be suitably maintained.

Regardless of whether the developer proposes that such open land be held in corporate ownership or deeded to the Town or a special district within the Town, a special district shall be formed covering all proposed open land and land to be developed within the subdivision as approved by the Planning Board or the Planning Board may approve such subdivision before creation of such district provided written agreements have been established guaranteeing the formation of such district.

Open land shall be a minimum of 3 acres and shall be subject to taxation, unless it is deeded to the Town. In the case of such tracts of 5 or more acres, the developer may petition to the Town to take over the land to be used in perpetuity as open space.

Any residential development proposed under the provision of this Sub-Section shall follow all applicable procedures, standards, and requirements of the ordinance governing the subdivision of land in the Town.

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J. Area of Flood Concern

Within the areas enclosed by the Flood Line as shown on the Zoning Map no structure shall be erected, constructed or moved for residential purposes unless evidence shall be submitted to the Planning Board indicating that such area is safe from flooding. Such evidence indicating whether or not the building is safe flooding may include but shall not be limited to an indication that the lowest floor of any residence be equal to or higher than the elevation of the high water level. Such evidence shall include an indication that means of vehicular access to the premises from an existing street is safe from flooding and such evidence may include engineering surveys and reports. Evidence shall also be submitted that sewage disposal, water supply and surface drainage are adequate to serve the intended use.

The density of residential uses shall not exceed one family per three acres and all other regulations including permitted uses of the A District shall apply to the area of flood concern.

Appeals of a decision of the Planning Board may be taken to the Town Board who may approve, modify or reverse the decision of the Planning Board.

K. Conditional Uses Allowed by Special Use Permit from the Zoning Board of Appeals

1. General Provisions

Conditional uses are hereby declared to possess characteristics which require that each specific use shall be considered an individual use. Any use for which a special use permit is granted by the Board of Appeals shall be deemed a use permitted in the District in which located, except that for any addition or enlargement of such use, a separate special use permit shall be required for each addition or enlargement. A conditional use must be in conformity with the provisions of this Ordinance and shall effect only the lot or portion thereof for which it shall have been granted.

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2. Required Plan

A plan for the proposed development of a site for a permitted conditional use shall be submitted with the application for a special use permit to the Board of Appeals, and such plans shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special use meets the requirements of the Ordinance.

3. Basis for Deliberation - General Provisions

Before issuing a special use permit, the Board of Appeals shall take into consideration the public health, safety morals and welfare and shall assure itself of the following:

- a. That there shall not be any detrimental effect by the establishment of such use on other uses within the district.
- b. That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.
- c. That all structures, equipment and materials shall be reasonably accessible for fire and police protection.
- d. That the use meets the prescribed requirements for the district in which located including minimum yard requirements for the district in which located or as further specified in this section and includes maximum height, required off-street parking and sign regulations and the following prescribed provisions.

4. Prescribed Standards

In addition to the above general provisions the following uses shall comply with the following prescribed standards.

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Retail Sale of Produce Grown Principally on the Same Lot from a Road Stand.

- a. At least 5 off-street parking spaces shall be provided on the same lot as the road stand.
- b. Ingress to and egress from such use shall be so arranged to provide minimum interference with through traffic on the street.
- c. Any lights in connection with such use shall be so arranged so as not to cause glare on adjacent properties.
- d. Three signs not exceed in aggregate 50 square feet may be displayed for each establishment provided such sign shall be located no closer than 10 feet to any property line and provided further that such signs shall not extend more than 10 feet above the ground or if attached to the building shall not extend more than 5 feet above the height of the roof of the building at the point of location of the sign.

Hospital, nursing home, convalescent home, sanitarium, institution or philanthropic use.

- a. The total building area shall not exceed a lot coverage of 30%.
- b. Primary access to such use shall not be a minor street or any other street designed to serve primarily as access to abutting residential properties.
- c. Off-street parking areas, outdoor storage areas shall be screened from adjacent residential properties. Any lighting shall be so arranged as not to cause glare on adjacent properties.
- d. No building shall be located within 100 feet of any lot line.

Hotel, resort hotel, resort lodge, resort ranch, restaurant, bar or night club, skating rink, theater, concert hall, commercial recreation uses.

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- a. Primary access to such use shall not be a minor street or any other street designed to serve primarily as access to abutting residential properties but shall be by means of a collector street, arterial street, State Highway or County Road.
- b. Such use meets the off-street parking requirements of this Ordinance. Such off-street parking and lighting in connection with such use shall be screened and shielded from adjacent residential properties.
- c. No building shall be located closer than 100 feet to any lot line.

Camps

- a. The water supply and sewage disposal systems shall comply with the codes, ordinances and regulations of the appropriate authorities.
- b. No structure shall be located within 100 feet of a side or rear property line nor within 50 feet of a street right-of-way line.
- c. One off-street parking space shall be provided for each 5 persons of capacity and one additional space shall be provided for each 2 employees.
- d. A swimming pool or recreational activity shall not be located closer than 100 feet to a side or rear property line nor within the required front yard and shall be screened by a stand of trees, fence, hedge or wall from adjacent properties to the sides and rear.

Two family dwelling, multi-family dwelling, boarding house

- a. A two family dwelling and multi-family dwelling shall comply with minimum lot area per dwelling unit requirement for the district in which located. A boarding house shall not contain more than 6 rentable units in addition to a dwelling unit.

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- b. There shall be off-street parking provided on the same lot with the principal use at least equal to the minimum requirements specified by this Ordinance. Off-street parking accessory to a multi-family dwelling shall not be located in a front yard or side yard abutting a street and shall be screened from adjacent properties.
- c. There shall be a finding that the water supply and sewage disposal system shall be adequate to serve the use.
- d. The primary access to a multi family dwelling shall not be a minor street designed to serve primarily as access to single family residential units, but shall be by means of a collector street, arterial street, County Road or State Highway.
- e. Two family dwellings, multi-family dwellings and boarding houses shall meet the minimum specified front yard, side yard, rear yard, coverage and maximum height requirements specified on the Density Control Schedule for the district in which located.
- f. Signs accessory to a multi-family dwelling shall comply with the Regulations Section V, E, 1, b.

Airports and flying fields

- a. In addition to the standards specified in the Basis for Deliberation section there shall be a finding that such airport or flying field shall not cause a hazard to or be detrimental to nearby properties and buildings both in the Town and adjacent municipalities considering the location of buildings accessory to the airport or flying field, approach and take-off patterns and lights.

Electric or gas utility substation, transformer stations, water or sewage pumping station and other similar structures.

- a. Such use is reasonably necessary for the service, convenience or welfare of the public and can not be located in another district.

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- b. Such use will not alter or be detrimental to the character of the neighborhood.
- c. Such use has adequate fences and other safety devices and adequate screening or landscaping.

Trailer parks and camps

- a. Park size and capacity: each trailer park shall have a minimum area of 350,000 square feet.
- b. Size of lots and density: no trailer lot shall be less than 5,000 square feet in area and have less than 50 feet of frontage on an access road. The gross density (total acreage of the site) shall not exceed 4 trailer lots per acre. No trailer located in a trailer park or camp shall exceed 14 feet in width.
- c. Clearances: trailers shall be located on the lot with the following minimum clearances.

There shall be a minimum of 30 feet distance between house trailers; a minimum setback of 50 feet from a public street and a minimum setback of 50 feet from any adjacent property line. In computing these clearances, lean-to's, auxiliary rooms, and similar accessories connected to the trailer, but not including temporary porches and canopies which are open on two or more sides, shall be considered as part of the trailer.

- d. Automobile Parking: there shall be at least one off-street parking space for each trailer within the trailer lot or within 50 feet of the trailer. In addition, there shall be one off-street parking space for each 5 trailers within the park located throughout the park at places of public congregation.
- e. Parking Bay: each off-street parking space shall be at least 9 feet wide and at least 20 feet long and shall have convenient and ready access to a roadway.
- f. Recreation Area: a usable area set aside exclusively for recreation shall be provided within the trailer park and

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shall be equal in area to 200 square feet for each trailer lot in the park.

- g. Screening: trailer parks containing space for 50 or more trailer units shall have at least 2 connections with existing streets and shall have a landscaped area at least 20 feet wide along exterior lot lines and street frontages, suitably planted and maintained to provide visual screening from adjacent properties.
- h. Any trailer park or trailer camp shall also comply with the requirements of the 'House Trailer and Trailer Camp Ordinance of the Town'.

Excavation for soil mining

Excavation for the purpose of soil mining such as gravel pits, quarrying, or any subsoil removal shall be allowed only by special permit in A & I-1 districts, subject to Sub-Section A, 2 of this Section and the following provisions. Notwithstanding, property owners may utilize gravel, stone, quarrying, or use subsoil excavation on their own property for fill or leveling.

- a. Before a special permit is issued, the applicant shall submit to the Board of Appeals, two copies of a map at a scale of one inch equals no more than 100 feet showing all land within 200 feet thereof, with exact locations of all buildings, streets, utilities, drainage or other easements, watercourses, lot lines, block and lot number and names of the land owners. Such map shall also show the present topography at two (2) foot contour intervals. The map shall be signed by a licensed engineer or land surveyor for certification of its accuracy.
- b. The applicant shall also submit to the Zoning Board of Appeals, two copies of the proposed plan of excavation at the same scale as above showing the proposed finished elevations at one foot contour intervals and the proposed drainage plan.

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- c. Rock crusher, cement plan, or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process for treating the product of such excavation shall be prohibited.
- d. The proposed finished grading plan shall show the land to be graded.
- e. The applicant shall be required to furnish a performance bond, in an amount determined by the Building Inspector, to be sufficient to guarantee completion of the finished grading and drainage plan. Such bond shall be released only upon certification by the Building Inspector that all requirements including the finished grading and drainage have been complied with.
- f. No special permit for excavation operations or soil mining shall be granted for a period of more than five years, but such permit may be extended for an additional two years upon approval of the Board of Appeals.
- g. Upon approval, one copy of the approved excavation plan shall be returned to the applicant by the Town Clerk together with the special permit upon the payment of a \$100 fee to cover all engineering and other costs directly attributable to the approval and office and field checking of the proposed soil mining operations.

Gasoline filling station

In addition to complying with the provisions of Section V, K, 3 gasoline filling stations shall comply with the provisions of Section V, D.

Commercial Parking Lots

In addition to complying with the provisions of Section V, K, 3 commercial parking lots shall comply with the provisions of V, A, 6.

Golf driving range, miniature golf range

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- a. A golf driving range shall be so laid out that there will be no danger to surrounding properties or to traffic on any street, and shall be suitably fenced to assure protection.
- b. One off-street parking space shall be provided for each golf driving tee and each hole in a miniature golf range.
- c. Screening shall be provided along all sides and rear lot lines of a character and depth deemed necessary to screen buildings, structures, lights and signs from adjacent residences.

Automobile repair

- a. All materials, damaged vehicles or vehicles to be repaired or serviced shall be screened from adjacent properties and streets.
- b. All repair work shall be within a completely enclosed building.

See below.

5. Additional Conditions

In issuing a special use permit the Board of Appeals may require any walks, fences or landscaping or attach such condition which it deems necessary to protect the value of adjacent properties or to prevent any hindering of the appropriate use of adjacent land.

- c. Damaged vehicles shall not be parked or placed on the site for longer than one year.

SECTION VI. NON-CONFORMING BUILDINGS, USES AND LOTS

A. Continuation of Non-Conforming Buildings and Uses

Any lawful building, structure or use of premises existing at the time of enactment of this Ordinance, or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions thereof.

B. Discontinuance

Any building or land used for or occupied by a non-conforming use which is changed or replaced by a conforming use shall not thereafter be used for or occupied by a non-conforming use.

C. Extension, Alteration, Restoration

A non-conforming use may be extended, enlarged or structurally altered provided such extension, enlargement or alteration shall not exceed in all fifty (50) percent of the existing quantity or size of the land, structures and equipment or stores existing at the time of adoption of this ordinance. Such extension, enlargement or alteration of an existing structure need not be contiguous. Also provided that new structures may be erected to house existing or lawfully expanded equipment or stores; and, that in the event of partial or total destruction of any non-conforming use, such use may be rebuilt or restored to occupy the same space on the lot and not exceeding the original height of a partially or totally destroyed structure.

D. Necessary Maintenance and Repairs

A building or structure of a non-conforming use may be repaired or restored to a safe condition.

E. Change to Other Non-Conforming Use

A non-conforming use of a building, structure or land may be changed to another non-conforming use which is of the same or more restricted in nature, however, no building in which a non-conforming use has been changed to a more restricted use shall again be devoted to a less restricted use. Uses shall be deemed more restricted or less

Section VI, Non-Conforming Buildings, Uses and Lots.....

restricted in accordance with Section III A and Section XI. The change of a non-conforming use of a building, structure, or land to another non-conforming use shall include the right to change an accessory non-conforming sign, providing such sign is not increased in area or does not further violate provisions of this Ordinance.

F. Construction Started Prior to this Ordinance

Any building or structure for which construction was begun prior to the effective date of this Ordinance, or any subsequent amendment thereof applying thereto, may be completed and used in accordance with the plans and specifications for building or structure.

G. Existing Undersized Lots

1. Any lot held in single and separate ownership prior to the adoption of this Ordinance and whose area and/or depth are less than the specified minimum lot requirements of this Ordinance for the district, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
 - a. such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
 - b. such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line it is to be used for residential purposes;
 - c. the following minimum yard dimensions are maintained for residences:

front yards - 15% of lot depth but not less than 25 feet
side yards - ea. 20% of lot width but not less than 8 feet.
rear yards - 15% of lot depth but not less than 25 feet

In no case need the above yard dimensions exceed those for the district in which located.

Section VI, Non-Conforming Buildings, Units and Lots.....

- d. all other bulk requirements for that district are complied with.
- 2. in any district where residences are permitted, such under-sized non-conforming lots may be used for not more than one single family dwelling.
- 3. A lot of non-conforming size may be sub-divided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.

H. Reduction in Lot Area

No lot shall be reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Ordinance.

I. Exemption of Lots Shown on Approved Subdivision Plats

In accordance with Town Law, Section 265-a any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways, and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Ordinance, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Ordinance for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If at the time of the filing of the subdivision plat referred to above there was no planning board vested with authority to approve subdivision plats, then the exemption provided for in such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

SECTION VII. ADMINISTRATION

A. Enforcement

This Ordinance shall be enforced by the Building Inspector who shall be appointed by the Town Board, in the same manner and with the same powers as now or hereafter practiced or provided under the Building Code.

No building permit or certificate of occupancy shall be issued by the Building Inspector, and no permit or license for any purpose shall be issued by an official of the Town, if the same would be in conflict with the provisions of this Ordinance.

B. Zoning Permit

No building or structure shall be erected, or moved nor shall any existing building or land be changed in use until a zoning permit therefore has been issued by the Building Inspector.

All applications for zoning permits shall be accompanied by two copies of a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot and such other information as may be required by the Building Inspector to determine compliance with this Ordinance. One copy of such plans, when approved by the Building Inspector shall be returned to the owner upon the payment of a fee of \$1.00 per \$1,000 of estimated construction costs but in no case shall such fee be greater than \$100.00 nor less than \$2.00.

In each case where a proposed building or use requires site plan approval by the Planning Board the Building Inspector shall refer the site plan for such proposal to the Planning Board for review before issuing a building permit. The Planning Board shall consider the public health, safety and general welfare, the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular and shall consider all applicable requirements of this Ordinance. The Planning Board shall also consider:

1. Traffic Access: that all proposed access ways to and from a street are adequate but not excessive in number, adequate in width, grade, alignment and visibility, not located too near street intersections;

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2. Circulation and Parking: that the interior circulation system is adequate to provide safe accessibility to all required off-street parking;
3. Landscaping and Screening: that parking and service areas are reasonably screened from view of adjacent residential districts and that buffer area requirements of this Ordinance are complied with.

The Planning Board shall either then recommend approval, approval with modifications, or disapproval of said site plan stating the reasons therefore in writing in its records, and shall send a written notice of its recommendations to the Building Inspector, who then shall act accordingly, either issuing a permit, postponing such permit pending compliance with the decisions of the Planning Board or denying such permit. If the Building Inspector does not receive any written communication on the case from the Planning Board within 45 days after he refers such case to the Planning Board, he shall assume that the site plan meets with their approval.

C. Certificate of Occupancy

No land shall be used or occupied and no building or structure hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector in accordance with the provisions of the Building Code, if any.

All certificates of occupancy for new or altered buildings or structures shall be applied for coincident with the application for a building permit herefor. Such certificate of occupancy shall be issued within 10 days after the erection or alteration shall have been approved as complying with the provisions of this Ordinance.

SECTION VIII. ZONING BOARD OF APPEALS

A. Establishment and Duties

Pursuant to Town Law the Town Board shall appoint a Zoning Board of Appeals consisting of five members, shall designate its chairman and also provide for such expenses as may be necessary and proper. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

1. Term of Appointment: of the members of the Board of Appeals first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years from and after his appointment.

Their successor shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.

2. Staff: the Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.,
3. Rules of Procedure, By-Laws, Forms: the Board of Appeals shall have the power to make, adopt, and promulgate such written rules or procedure, by laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Ordinance. Such rules, by-laws, and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this Ordinance or any other ordinances of the Town. Such rules, by-laws, and forms and any subsequent amendments or supplements thereto, shall be submitted to the Town Board by Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject, or modify such rules, by-laws, and forms within 30 days after submission. Failure of this Town Board to so move shall be construed to constitute approval thereof.

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4. All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. The concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of an applicant in any matter upon which they are required to pass under any ordinance to effect any variation in the Zoning Ordinance. The Board of Appeals shall decide an appeal or any other matter referred to it within sixty days after the final hearing.
5. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.
6. Referrals to the Planning Board: at least 45 days before the date of hearing held in connection with any appeal or application submitted to the Board of Appeals, said Board shall transmit to the Planning Board a copy of said appeal or application, and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said appeal or application. The Planning Board shall submit a report of such advisory opinion prior to the date of said public hearing. The failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the appeal or application.

B. Public Notice and Hearing

Public notice of any required hearing by the Board of Appeals shall be given in accordance with Town Law as follows:

1. By publishing a notice of any appeal or application and the time and place of the public hearing in the official newspaper of the Town not less than ten days prior to the date of such hearing.

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2. By giving written notice of hearing to any appellant or applicant, and any other such notice to property owners in an affected area as may be required by the Board of Appeals, and to the Planning Board not less than five days prior to such hearing.
3. By giving written notice of hearing to any required Municipal, County, Metropolitan, Regional, State or Federal agency in the manner prescribed by law.

C. Appeals

1. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Building Inspector under this Ordinance in accordance with the procedure set forth herewith:
 - a. Notice of Appeal shall be filed with the Building Inspector and the Secretary to the Board of Appeals in writing, in a form required by such Board, within 30 days of the date of the action appealed from, specifying the grounds thereof.
 - b. Upon filing of a Notice of Appeal and payment of a filing fee of \$25 by the appellant or applicant, the Building Inspector shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
 - c. The Board of Appeals shall set a reasonable date for the hearing of each appeal, of which hearing date the appellant shall be given notice and at which hearing he shall appear in person or by agent or by attorney.
 - d. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings

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shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector and on due cause shown.

- e. Following public notice and hearing, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the power of the Building Inspector. If the action by the Board of Appeals is to reverse the action of the Building Inspector in whole, the filing fee shall be refunded to the appellant. The Board of Appeals shall decide the same within 60 days following the final hearing.

D. Variances

1. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power, after public notice and hearing, to vary or modify the application of any of the regulations or provisions of the Ordinance relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.
2. All applications for variances shall be filed with the Secretary to the Board of Appeals in writing, shall be made in a form required by the Board of Appeals, and shall be accompanied by payment of a filing fee of \$25 and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed building and structures on the lot.
3. Any variance which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals.

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4. Criteria for granting variances:

a. A variance to the provisions of this Ordinance shall be granted by the Board of Appeals in order to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of this Ordinance shall be granted by the Board of Appeals except by the adoption of a resolution fully setting forth the reasons for the following findings:

- (1) That there are special circumstances or conditions applying to such land or buildings and not applying generally to land or buildings in the vicinity and under identical district classification, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings or privileges enjoyed by other properties in the vicinity and under identical district classification.
- (2) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Appeals is the minimum variance that will accomplish this purpose.
- (3) That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the vicinity or otherwise detrimental to the public welfare.
- (4) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special

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privilege inconsistent with the limitations upon other properties in the vicinity and district in which subject property is situated.

- b. In no case shall a variance be granted solely for reason of additional financial gain on the part of the owner of the land or building involved.

E. Special Use Permits

- 1. The Board of Appeals shall have the power, after public notice and hearing, to grant Special Use Permits for the conditional uses specified in this Ordinance.
- 2. All applications for Special Use Permits shall be filed with the Secretary to the Board of Appeals in writing, shall be made in a form required by the Board, and shall be accompanied by payment of a filing fee of \$25, and a plot plan, drawn to scale and accurately dimensioned, as required in Section V, K.
- 3. Whenever the Board of Appeals grants a Special Use Permit, appropriate conditions and safeguards and/or time limitations may be attached thereto.
- 4. Any Special Use Permit which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals.

F. Relief from Decisions

Any person or persons, jointly or severally aggrieved by a decision of the Board of Appeals may apply to the supreme court for relief by a proceeding under article seventy-eight of the civil practice law and rules of the State of New York. Such proceedings shall be governed by the provisions of article seventy-eight of the civil practice law and rules, except that (a) it must be instituted as therein provided within thirty days after the filing of a decision in the office of the Town Clerk, (b) the court may take evidence or appoint a referee to take such evidence as it may direct and report the same with

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his findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter, and (c) the court at special term shall itself dispose of the cause on the merits, determining all questions of section twelve hundred ninety-six of said article. Costs shall not be allowed against the Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

SECTION IX. AMENDMENTS

A. Procedure

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and district established under this Ordinance after public notice and hearing in each case. All petitions for any amendments of the regulations or districts herein established be filed in writing in a form required by the Town Board, and shall be accompanied by a certified check in the amount of \$50 to help defray the cost of advertising the hearing on said petition and incidental disbursements.

B. Advisory Report by Planning Board

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report.

C. Public Notice and Hearing

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

1. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not less than 10 days prior to the date of public hearing.
2. By giving written notice of hearing to any required Municipal County, Regional, Metropolitan, State or Federal Agency in the manner prescribed by law.

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D. Protest by Owners

If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty percent or more of the area of land included in such proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least 3/4 of the members of the Town Board.

E. Changes by Planning Board

The Planning Board in accordance with Town Law, Section 281 may, simultaneously with the approval of any plat, make any reasonable change to the regulations established under this Ordinance with respect to the land so platted. Before the Planning Board shall make any such change, there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself. Once the filing of the plat in the office of the County Clerk, such changes shall be and become part of the regulations of this Ordinance, shall take the place of any regulations established herein by the Town Board shall be enforced in the same manner, and shall be similarly subject to amendment.

F. Publication and Posting

Every amendment to the Zoning Ordinance, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board and a copy thereof, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on a sign board maintained by the Town Clerk pursuant to Subdivision 6 of Section 30 of the Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.

SECTION X. INTERPRETATION AND APPLICATION

A. Legislative Intent

In their interpretation and application, the provisions of this Ordinance shall be held to a minimum requirements adopted for the promotion of the public health, morals, safety and general welfare.

B. Non-Interference and Precedence

This Ordinance shall not interfere with, abrogate, annul, or repeal any ordinance or any rule, regulation, or permit previously or hereafter enacted, adopted, or issued pursuant to law, provided that, unless specifically excepted, where this Ordinance imposes greater restrictions its provisions shall control.

C. Violation

A violation of this Ordinance is an offense punishable by a fine not exceeding \$50, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. Violations of this Ordinance shall be deemed misdemeanors. Each week the violation continues shall be deemed to be a separate and distinct violation.

D. Separate Validity

If any section, subsection, paragraph, clause, or other provision of this Ordinance shall be held invalid, the invalidity of such section, subsection, paragraph, clause, or other provision shall not affect any of the other provisions of this Ordinance.

E. Effective Date

This Ordinance shall take effect in accordance with Town Law.

SECTION XI. DEFINITIONS

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

The word 'shall' is always mandatory. The word 'may' is permissive. 'Building' or 'structure' includes any part thereof. The word 'lot' includes the word 'plot' or 'parcel'. The word 'person' includes an individual person, a firm, a corporation, a co-partnership, and any other agency of voluntary action.

The phrase 'used for' includes 'arranged for', 'designed for', 'intended for', 'maintained for' and 'occupied for'.

ACCESSORY BUILDING: A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces and uncovered steps.

ATTIC: That space of building which is immediately below and wholly or partly within the roof framing. An attic with a finished floor shall be counted as one-half story in determining the permissible number of stories.

BASEMENT: A story partly below finished grade, but having at least one half of its height measured from floor to ceiling, but not less than four feet, above average finished grade. A basement shall be counted as one story determining the height of a building in stories.

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BUNGALOW COLONY: A group of two or more dwelling structures on a single premises designed for seasonal occupancy and not more than one of which is used for the purpose of all-year round residence which premises does not include a public lobby or dining rooms serving guests. The term bungalow colony includes cottage or cabin colonies or development but does not include trailer park, trailer camp, boarding house, hotel or motel.

CAMP: Any parcel of land on which are located two or more tents, shelters, or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, including resort and day camp, but not including a trailer park, boarding house, hotel or motel, bungalow colony.

CELLAR: Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building. A cellar shall not be counted in determining the permissible number of stories.

CLUB, MEMBERSHIP: An organization catering exclusively to members and their guests, or premises and building for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending standards, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMERCIAL VEHICLE: A vehicle of more than one ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanent-affixed sign exceeding one square foot in area or lettering of a commercial nature.

COMMUNITY POLE: A sign owned and maintained by the Town Board or by a group of business men as approved by the Town Board and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

CONTRACTOR'S YARD: Any space whether inside or outside a building used for the storage or keeping of construction equipment, machinery, or vehicles, or part thereof, which are in active use by a construction contractor.

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COVERAGE: That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CUSTOMARY HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, which use is clearly secondary to the use of the dwelling purposes and does not change the character. Customary home occupation shall include professional practice by but not limited to a doctor, lawyer, architect, engineer.

DEVELOPMENT: The utilization of a lot or tract of land for two or more uses.

DISTRICT, MORE RESTRICT OR LESS RESTRICTED: In the following list each district shall be deemed to be more restricted than the districts which follow it. R-1, A, B-1, I-1

DORMITORY: A building other than a hotel or motel containing dwelling units or rooms for the housing of nontransient persons attending or employed by a community college, other college or university. Such building may not contain kitchen and dining room facilities.

DRIVE-IN-MOVIE: An open lot or part thereof, with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

DUMP: A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING: A building designed or used principally as the living quarters for one or more families. The term 'dwelling', 'one-family dwelling', 'two-family dwelling', 'multi-family dwelling', 'multiple-dwelling', or 'dwelling group' shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy. (See RESIDENCE)

DWELLING, ONE-FAMILY: A building containing one dwelling unit only.

DWELLING, TWO-FAMILY: A building containing two dwelling units.

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DWELLING, MULTI-FAMILY: A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.

DWELLING GROUP: A group of two or more dwellings occupying a lot in one ownership.

DWELLING UNIT: A building or portion thereof providing complete house-keeping facilities for one family.

FAMILY: A family consists of (a) one person, or two or more persons related by blood, marriage or adoption, or (b) not more than five persons not necessarily related by blood, marriage or adoption, and in addition any domestic servants who live together in a single dwelling unit and maintain a common household.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade--in computing height of building and other structures or for other purposes--shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA: The aggregate sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating two buildings. In particular, the 'floor area' of a building or buildings shall include:

- a. Basement space
- b. Elevator shafts and stairwells at each floor
- c. Floor space for mechanical equipment, with structural headroom of 7 feet and 6 inches or more
- d. Penthouse
- e. Attic space (whether or not a floor has actually been laid) providing structural headroom of 7 feet and 6 inches or more
- f. Interior balconies and mezzanines
- g. Enclosed porches
- h. Accessory uses, not including space for accessory off-street parking

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However, the 'floor area' of a building shall not include:

- a. Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths
- b. Elevator and stair bulkheads, accessory water tanks and cooling towers
- c. Floor space used for mechanical equipment, with structural headroom of less than seven feet and six inches
- d. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet and six inches
- e. Uncovered steps; exterior fire escapes
- f. Terraces, breezeways, open porches, and outside balconies and open spaces
- g. Accessory off-street parking spaces
- h. Accessory off-street loading berths

GASOLINE FILLING STATION: An area of land including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, but which does not include auto body work, welding, or painting, unless authorized.

HEIGHT OR BUILDING: The vertical distance measured from the average finished grade along the wall of the building (or adjacent to the side of the structure) to the highest point of such building or structure.

HIGH TENSION LINE: Any electric line operating at voltage in excess of 69 Kv.

HOSPITAL: A building containing beds for four or more patients, and used for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

HOTEL: A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior

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entrance or entrances and which may contain one or more dining rooms.

HOUSE TRAILER: A movable vehicle which is used or designed to be used for living or sleeping purposes and which is customarily standing on wheels or rigid supports. The term house trailer shall include the term mobile home but not prefabricated or pre-constructed homes. A prefabricated or preconstructed home shall mean a structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes but which is designed and constructed without wheels as an integral part thereof.

JUNK YARD: An area of land with or without buildings used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more old or second hand motor vehicles no longer intended or in condition for legal use on the public highways shall be deemed to make the lot a 'junk yard'.

KENNEL: Any place at which there are kept any number of dogs for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

LOT: A defined portion or parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same.

LOT, CORNER: A lot situated at the junction and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135 degrees.

LOT, DEPTH OF: The mean distance from the street line of a lot to its rear line.

LOT, THROUGH: A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT COVERAGE: See "Coverage".

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LOT FRONTAGE: A lot line which is coincident with a street line.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines, or the width of a lot measured along the rear line of the required front yard.

MOBILE HOME: See House Trailer

MOTEL: A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travellers. The term 'motel' includes but is not limited to every type of similar establishment known variously as an auto-court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside hotel.

NON-CONFORMING BULK: That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this Ordinance, either following its effective date or as a result of subsequent amendments thereto.

NON-CONFORMING USE: Any use of a building, other structure, or tract of land, which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Ordinance or as a result of subsequent amendment thereto.

NURSING OR CONVALESCENT HOME: A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

NURSERY SCHOOL: Any place, however, designated, operated for the purpose of providing daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day care centers.

POSTER: A temporary, non-permanent device, which announces, directs

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or advertises any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, show, drive, movement, or event.

PREMISES: A lot together with all the buildings and uses thereon.

RESIDENCES, RESIDENTIAL: A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy. 'Residences', therefore, includes all one-family, multi-family, boarding, fraternity and sorority houses. However, 'residences' shall not include the following:

- a. transient accommodations, such as hotels, motels and hospitals, or
- b. that part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.

RESORT HOTEL, RESORT RANCH, RESORT LODGE: An area of land on which is located a hotel or group of buildings containing living and sleeping accommodations hired out for compensation, which has a public lobby serving guests and contains one or more dining rooms and recreation facilities.

RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation.

RIGHT-OF-WAY: The property of a circulatory facility. (See Street Width)

ROAD STAND: A light structure with a roof, either attached to the ground or movable, intended for the sale of local produce to the general public.

SETBACK: The distance in feet from the street line to the principal building on a lot.

SIGN: Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag,

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insignia, device, marking, or representation used as, or which is in the nature of an announcement, direction or advertisement. A sign includes a bill board, neon tube, flourescent tube, or other artificial light or string of lights, outling or hung upon any part of a building or lot for the purposes mentioned above, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or similar organization, campaign, drive, movement or event which is temporary in nature.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted on the premises. A 'For Sale' sign or a 'To Let' sign relating to the property on which it is displayed shall be deemed a 'business sign'.

SIGN, ILLUMINATED: A sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

SIGN, DIRECTLY ILLUMINATED: A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radioactivated gaseous material or substance.

SIGN, FLASHING: An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

SIGN, INDIRECTLY ILLUMINATED: A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

SIGN, REPRESENTATIONAL: Any three-dimensional sign which is built so as to physically represent the object advertised.

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SIGN AREA: The area within the shortest lines that can be drawn around the outside perimeter of a sign including all decorations and lights, but excluding the supports if they are not used for advertising purposes. All faces of the sign shall be counted in computing the area. Any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot.

SINGLE OWNERSHIP: Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

STORY: That part of a building comprised between a floor and the floor or roof next above it. (See ATTIC, BASEMENT and CELLAR)

STORY, HALF: That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

STREET: An existing public way or private way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plat approved by the Town Planning Board and/or recorded in the office of the County Clerk.

STREET WIDTH: The width of the right-of-way or the distance between property lines on opposite sides of a street.

STRUCTURE: A static construction of building materials, including building, stadiums, sheds, display stands, storage bins, signs, reviewing stands, gasoline pumps, mobile dwellings, (whether mobile or stationary at the time), and the like.

TOWN HOUSE: A building consisting of a series of one-family attached dwelling units having common party walls between each dwelling unit.

TRAILER, HOUSE: See HOUSE TRAILER

TRAILER, TRAVEL: A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use.

Section XI, Definitions.....

TRAILER CAMP, TRAILER PARK: A tract of land which is used or intended to be used for the parking of two or more house trailers.

USE: This term is employed in referring to:

- a. The purpose for which any building, other structure or land may be arranged, designed, intended, maintained, or occupied;
- b. Any occupation, business activity, or operation conducted (or intended to be conducted) in a building or other structure or on land.

WAY: A thoroughfare, however designated, permanently established for passage of persons or vehicles.

YARD, REQUIRED: That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front lot line of the lot and the nearest point of the building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest point of the building.

YARD, SIDE: A yard situated between the building and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or rear lot line).

