

Town of Arkwright

Zoning Laws

October 2016

ARTICLE I
TITLE, ENACTING CLAUSE, PURPOSE

SECTION 101 Title

A Local Law regulating the location, construction and use of buildings, structures, and the use of land in the Town of Arkwright, County of Chautauqua, State of New York, and for said purposes dividing the Township into districts. This Local Law shall be known and cited as the Zoning Law of the Town of Arkwright.

SECTION 102 Enacting Clause

Pursuant to the authority conferred by the Laws of the State of New York and for each of the purposes specified therein, the Board of the Town of Arkwright, County of Chautauqua and the State of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size, and use of buildings and other structures, and the use of land in the municipality.

SECTION 103 Purpose

- A. Comprehensive Plan - The zoning regulations and districts set forth and outlined upon the zoning map are made in accordance with a comprehensive plan for the municipality. The enactment of the Zoning Law brings benefits to the municipality which may not be highly or immediately visible. However, the resulting conditions will enhance and preserve the quality of living, health and safety for the municipality.
- B. General - General benefits derived from Zoning Laws include the following:
1. promotes health, convenience, economics and general welfare of the community;
 2. balances the rights of the public-at-large, private landowners and other various interest groups;
 3. encourages the positive shaping of the future and the long-range benefits associated with Zoning Laws;
 4. allows for the maintenance of a equitable assessment role;
 5. imposes some reasonable restraints on opportunists; and
 6. zoning is controlled locally, may be amended to meet changing needs and has built-in flexibilities for unique situations.
- C. Safety - From a safety viewpoint, Zoning Laws can assist in the following:
1. promotes fire safety by controlling building heights, separation of structures, etc.;
 2. promotes traffic safety by protecting the traffic carrying capabilities of highways through setbacks, etc.;
 3. insures that floodplains are reasonably controlled with respect to types of uses, densities, etc.; and
 4. protects residents from other conditions which could cause injury or death.

- D. Quality - Zoning Laws perpetuate the highest possible quality of life by:
1. maintaining a rural atmosphere in selected areas;
 2. promoting the retention of an aesthetically pleasing community by minimizing nuisances and visually unattractive developments;
 3. insuring adequate light, air and open space; and
 4. maintaining the character of residential neighborhoods by providing appropriate locations for living and raising a family through types of uses encouraged in a district.
- E. Economics - Zoning Laws also positively affect a community's economic structure by:
1. optimizing the use of existing infrastructure;
 2. utilizing existing roadways optimally while discouraging the creation of new roads, except as needed;
 3. encouraging the retention of prime agricultural, commercial and industrial properties for those uses for which they are best suited; and
 4. encouraging the largest tax base possible through controlled development.
- F. Stability - Zoning Laws also contribute a great deal to neighborhood stability by:
1. keeping rural municipalities from being a dumping ground;
 2. protecting property values and individual investments by encouraging proper development for each type of district;
 3. maintaining the character of a neighborhood by providing a stable and orderly living environment; and
 4. keeping nuisances to a minimum, especially in residentially oriented neighborhoods.
- G. Health - Lastly, Zoning Laws protect public health through establishment of standards which address these issues. A Zoning Law
1. insures that appropriate amounts of light, air and open space are available for all residents;
 2. reinforce health standards, particularly with respect to sewage and water-related problems; and
 3. keeps unhealthy situations from arising which could cause disease or injury.

ARTICLE II
DEFINITIONS

SECTION 104 Application of Regulations

- A. **Compliance Responsibility** - It shall be the responsibility of all property owners, developers, lessors or others involved with the temporary or permanent use of land or structures; to comply with the regulations of this Zoning Law.
- B. **Regulation Applicability** - The regulations of this Law shall apply and shall require a Zoning Permit (except as specifically exempted - See section on Zoning Permits) for the following situations:
1. To occupy a structure or land.
 2. To erect, alter, enlarge, move or demolish a structure.
 3. To change one use to another use to include the increasing of families utilizing land or structures.
- C. **Other Related Regulations** - The following regulations shall, as applicable, be complied with prior to occupancy or where specifically stated prior to issuance of a Zoning Permit.
1. **Subdivision Laws** - State and existing local subdivision laws must be complied with in addition to this Zoning Law.
 2. **National Flood Insurance Program** - It shall be the responsibility of the applicant for a Zoning Permit to insure that the National Flood Insurance Regulations shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.
 3. **Health Department Rules** - The regulations of the State and County Health Departments with respect to water supply and sewage disposal facilities will apply. The applicant for a Zoning Permit must obtain a copy of the required health department permits for attachment of his application, before the issuance of local approval by the Zoning Officer.
 4. **Multiple Residence Law** - For all dwellings with 3 or more dwelling units or any dwelling or more stories in height with 5 or more roomers, the "Multiple Residence Law," Chapter 61B of the Consolidated Laws, set forth certain requirements with regard to fire safety, size of rooms, and other minimum health and safety specifications.
 5. **Uniform Fire and Building Code** - As required by the New York State Uniform Fire and Building Code. All new construction must comply.

SECTION 201 Language and Interpretations

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes a corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".

SECTION 202 Definitions

Certain words and terms used in this Local Law are defined as follows:

ACCESSORY APARTMENT - A secondary apartment developed in an existing single-family dwelling which meets the following conditions. No more than 1 unit shall be created per dwelling unit in districts where multiple units are allowed, the apartment shall be between 600 and 800 square feet in floor space with the resultant primary dwelling meeting all area requirements such as minimum floor space, sufficient offstreet parking shall be provided, no visible signs of an apartment shall be present; and finally, accessory buildings existing at the time of enactment of this Law may be utilized.

ACCESSORY BUILDING OR USE - An accessory building or use is one which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience, or necessity of occupants of the principal or principal use served.
- D. Is located on the same lot as the principal building or principal use served.

ACCESSORY DWELLING UNIT - Includes but is not limited to a travel trailer, motor home, truck camper or tent occupied by persons other than those generally residing in the primary dwelling unit and located on the same parcel as the primary unit.

AGRICULTURE - Land, including necessary buildings and structures, that has as its principal use the raising or keeping of livestock or the growing of crops in the open.

AGRICULTURE, LAND USE -

AGRICULTURE, LIMITED - The commercial production of crops, plants, vines, and trees, provided no substantial odor or dust is produced within 100 feet of any building or adjacent property.

AGRICULTURAL STRUCTURE - Any structure used primarily and directly for agricultural activities and including but not limited to barns, silos, storage sheds, corn cribs, milk houses, and similar structures.

AIRPORT - Any land or water space frequently used for the landing and takeoff of any aircraft including helicopters. All airports must comply with federal and state regulations and be approved by the commissioner of the State of New York

ALTERATION - Is as applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or moving from one location or position to another; the term "alter" in its various modes and tenses and its particular form, refers to the making of an alteration.

ANIMAL, FARM - See Farm Animal.

APARTMENT HOUSE - A building arrangement, intended or designed to be occupied by 3 or more families living independently of each other. Condominiums and apartments shall be considered to be apartments.

AREA OF SPECIAL FLOOD HAZARD - Means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD - Means the flood having a 1% chance of being equalled or exceeded in any given year.

BOARDING HOUSE - Any single-family dwelling unit lived in by a family where, for compensation, guest room lodging is provided with or without meals for up to 2 individuals. The term "Boarding Home" shall include, "Rooming House", "Lodging House" and other similar terms.

BUFFER - A strip of land, fence or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Zoning Board of Appeals where a buffer is a necessary condition to a special use permit or variance.

BUILDING - Any structure having a roof supported by columns or by 4 independent, nonparty walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

BUILDING LINE - A line formed by the intersection of a horizontal plane of average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING PERMIT - See Zoning Permit.

BUILDING SETBACK LINE - An established line within a property defining the minimum required distance between the face of any structure to be erected and the edge of the road of an adjacent highway.

BUSINESS, INDUSTRY LIMITED - Any commercial operations dealing in retail sales or services in which the following conditions are met: Maximum of 200 square feet floor space utilized, no nuisance created, a maximum of 1 employee and a maximum of 3 clients at any one time.

BY RIGHT - Refers to uses requiring a permit but with no public hearing required.

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

CLUSTER DEVELOPMENT - A development of 5 acres or more where a developer may elect, after Board approval, to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

CONVENTIONAL DWELLING UNIT - See Dwelling Unit.

CUSTOMARY ACCESSORY BUILDING - See Accessory Building.

DAY CARE CENTER - A structure, together with its lot operated on a regular basis, for the purpose of providing daytime care and instruction for 5 or more children up to 5 years in age. Similar uses going under names such as Day Nurseries, shall for the purpose of this Law be considered to be Day Care Centers.

DECK - An unroofed open structure projecting from an outside wall of a structure without any form of enclosure.

DEVELOPMENT - Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredged, filling, paving, excavation or drilling operations.

DOMESTIC ANIMAL - For the purposes of this Law a domestic animal shall include dogs and cats only.

DRIVE-IN - Businesses designed to either wholly or partially provide services or products to customers while in their automobiles parked on the premises. Examples include but are not limited to Film Shops, Drive-in Theaters, and fast food Restaurants.

DUPLEX - A dwelling arranged, intended, or designed to be occupied by 2 families living independently of each other.

DWELLING UNIT - One or more rooms providing living facilities, including equipment and provisions for cooking, for a single household including one or more person(s) living as a family. Dwelling units shall be categorized by 4 construction types:

- A. Conventional - A permanent single or multiple-family dwelling unit which is built on site using conventional "stick" construction techniques among others.
- B. Modular - A permanent single or multiple-family dwelling unit which is brought to the building site as one or more units on a transport trailer. Modular dwelling units have no support frames but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation.
- C. Prefabricated - A permanent single or multiple-family dwelling unit which is built on site from pre-cut and partially constructed building members. Prefabricated dwelling units are usually on the same construction techniques as conventional dwelling units but are generally purchased as a pre-designed and pre-cut package for assembly on site.
- D. Mobile Home - A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy. Mobile dwelling units contain the same utility systems (water, waste, electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis which is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes double wide mobile dwelling units, but does not include travel trailers which are self-contained.

EATING AND DRINKING ESTABLISHMENTS - Places where food and/or beverages are prepared and/or sold for consumption on the premises or for take-out, including restaurant, tea rooms, cafeterias, bars, taverns, and lunchrooms.

ENFORCEMENT OFFICER - Shall mean the Zoning Officer of the municipality.

ESSENTIAL SERVICES - The erection, construction, alteration, or maintenance by public utilities or municipal, or other governmental agencies, of gas, electrical, steam, water, sewage, and communication systems, and facilities. Railroad trackage and facilities, and bus shelters shall also be considered as providing an essential service.

FAMILY - A householder (individual residing in and in legal possession of a dwelling unit) plus 1 or more persons related by blood, marriage, or adoption and limited to the spouse, parents, grandparents, children, grandchildren, brothers or sisters of the householder, or of the householder's spouse, living together as a single, not-for-profit housekeeping unit sharing kitchen facilities; of a group of persons headed by a householder caring for a reasonable number of children in a family-like living arrangement which to all outward appearances is the functional and factual equivalent of a family of related persons; or a maximum of 2 persons not sharing a relationship as described above.

FAMILY DAY CARE HOME - In accordance with Sections 390 of the Social Security Law, an individual's home used to care for 3 to 6 children away from their homes for less than 24 hours per day for compensation for more than 5 hours per week. The provider's own children under 6 years old shall be counted toward the maximum number allowed. An annual permit from the Social Services Department is required with the applicant required to verify fitness to care for children, sound health, sufficient finances, an adequate physical plant, etc.

FARM - Any parcel of land containing at least 10 acres which is used for gain in the raising of agricultural products, livestock, poultry, and/or dairy products. It includes necessary farm structures and the storage of equipment used.

FARM ANIMAL - Any domestic animal customarily found on a farm which if not adequately controlled may cause nuisances.

FENCE - Any artificially constructed barrier or vegetation barrier, such as a hedge with the purpose or intent of preventing passage or view, thus providing privacy.

FENCE, AGRICULTURAL - A fence used for agricultural purposes such as the retention of livestock. Such a fence shall be constructed in such a manner and from materials which have traditionally been used for farm fencing in the past, e.g., barbed wire or rail fence.

FENCE, BARRIER - Any fence which is located near the perimeter of the property of which it is intended to provide privacy.

FENCE, NONBARRIER - Any fence located a distance from the property line which provides privacy to a portion of land such as a patio or swimming pool.

FIRE RESISTANT - Any materials which possess the properties, construction or assembly qualities which under fire conditions prevents or retards the passage of excessive heat, gases or flames and thus is not easily ignited.

FLAMMABLE - Capable of igniting within 5 seconds when exposed to flame and continuing to burn.

FLOATING DISTRICT - Any zoning district for which district regulations are included in this Law and yet for which no land has initially been designated on the zoning map to be included in said district. Such a district may become a reality through the amendment of the zoning map of the municipality in accordance with the amendment procedures of this Law. The initiation of the creation of such a district may come from residents, the Planning Board, a developer or the Municipal Board itself while the decision whether to activate such a district shall be made based upon the need for such a district.

FLOOD OR FLOODING - Means a general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters and/or; the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) - Means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.

FLOOD PLAIN - A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION ELEVATION - Means the level and elevation above which a particular use will be considered safe from flooding. Such estimates are updated with the 100-year flood evaluation. Such elevations will be designated at various points on the official map.

FLOODWAY - The designated area of a flood plain required to carry and discharge waters of a given magnitude.

FLOODWAY FRINGE AREA - The designated area of a flood plain adjacent to the floodway and within the 100-year special flood area.

FLOOR SPACE - The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the outside face of exterior walls, or from the centerline of walls separating 2 uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

GARAGES, PRIVATE - A secondary building used in conjunction with a primary building which provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

GARAGES, PUBLIC - Any garage other than a private garage, operated for gain, available on a rental basis for the storage of motor vehicles, including the supply of gasoline and oil.

GAS COMPRESSOR - Any Mechanical equipment utilized to cause the movement of natural gas through a transmission line system.

GENERAL INDUSTRIAL BUSINESS - See Industry, General.

GENERAL RETAIL BUSINESS - See Retail Business.

GENERAL SERVICE BUSINESS - See Service Business.

GENERAL WHOLESALE BUSINESS - See Wholesale Business.

GRAVEL PIT (Quarry, Sand Pit) - A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for building permit has been made.

HEAVY VEHICLE - See Supplemental Section on Heavy Vehicles.

HEIGHT - The vertical distance from the highest point on a structure (excepting chimneys and other items listed in Article V, Section on "Height") to the average ground level of the grade where the wall or other structural elements intersect the ground.

HOME FOR AGED - A structure principally used to house senior citizens in which a separate household is established for each family. Nursing homes are not considered to be a home for aged.

HOME OCCUPATION - A use conducted within a dwelling and used principally by the inhabitants thereof, which is clearly secondary to the use of the dwelling for dwelling purposes and does not substantially change the character thereof.

HORTICULTURE, PRIVATE - The growing of fruits, vegetables, flowers, or ornamental plants for one's own pleasure and use. Also referred to as a private garden.

HOUSEHOLD SALE - Household sale for the purpose of this Law shall include lawn sales, patio sales, garage sales, basement sales, flea markets, bazaar or other similar types of sales. A household sale shall be distinguished from a business in that it involves the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Nonprofit or fraternal organizations on the other hand may obtain their sale items from donations received from members or other sources.

INDUSTRY, GENERAL - The manufacture, preparation, processing, milling, or repair of any article, substance, or commodity, and which involves no dangerous or toxic product or emissions. Additionally, noise, odors, or other nuisances incidental to productions and processing shall be limited to a level which does not affect the use or enjoyment of property.

INDUSTRY, HEAVY - A heavy industry is defined as any processing of goods or articles by hand or machine in such a manner that 1 or more of the following may carry beyond the boundary of the property upon which the industry is located: fire hazard, radioactivity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution, or glare. The storage of raw material, component parts, finished products and waste material by necessity must be carried on outside of a building.

INDUSTRY, LIGHT - A light industry is any processing of goods or articles by hand or machine, conducted within an enclosed building in such a manner that no fire hazard, radioactivity, electrical disturbance, noise, vibration, dust, smoke, odor, air pollution, or glare may be detected beyond the boundary lines of the property upon which a light industrial plant is located. The storage of raw material, component parts, finished products and waste material is within an enclosed building.

JUNK CAR - A motor vehicle (excluding farm vehicle) which is not intended for or in condition for legal use on public highways or which is in the process of being dismantled.

JUNK YARD - See Definitions of Scrap Yards and Vehicle Dismantling Yards.

LOT - A parcel of land occupied, or designed to be occupied by 1 building and the accessory buildings or uses customarily incidental to it, including such open space as are required by this Zoning Law.

LOT, COVERAGE - That percentage of the lot which is devoted to building area. District regulations refer to the maximum percentage of the lot area devoted to building area.

LOT, SIZE - An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

LOT LINE - Any line dividing one lot from another.

LOT WIDTH - The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

MOBILE DWELLING UNIT - See Dwelling Unit (Same as Mobile Home).

MOBILE HOME PARK - A plot or parcel of ground which is manifestly arranged and furnished to provide the space, facilities, and access for mobile homes as required herein.

MODULAR DWELLING UNIT - See Dwelling Unit.

MOTOR HOMES - A self-propelled, relatively small temporary living quarter generally used as mobile vacation homes. Motor homes generally have self-contained, independent utility systems.

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

MULTIPLE DWELLING - See Residence.

MUNICIPALITY - Shall mean the Village or Town for which this Law applies.

NONCONFORMING USE - That use of a building, structure or land legally existing at the time of enactment of this Zoning Law and which is not one of those permitted in the district in which it is situated.

NUISANCE - A violation of this Law caused by an offensive annoying, unpleasant or obnoxious use of characteristics of said use which produces effects of such a nature or degree that they are detrimental to the health safety, general welfare, property values, etc., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic, development density, etc.

NURSERY (FOR CHILDREN) - See Day Care Center.

NURSING OR CONVALESCENT HOME - Nursing Home, means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

OFFICE - A place which is used to conduct a business or profession and is occupied by a physician, surgeon, dentist, lawyer or person providing similar services or in whose office the functions of consulting, record keeping, and clerical work are performed.

ONE HUNDRED-YEAR FLOOD - The waters of a flood that on the average is likely to occur once every 100 years.

OPEN SPACE - Common, or public, or private greens, parks, or recreation areas, including playgrounds, woodland conservation areas, walkways, trails, stream crossings and drainage control areas, golf courses, swimming pools, tennis courts, ice skating rinks, and other similar recreational uses, but which may not include any such uses or activities which produce noise, glare, odor, air pollution, fire hazards, or other safety hazards, smoke fumes, or any use or activity which is operated for a profit, or other things detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

PARKING SPACE - A required offstreet parking space. (See Supplemental Section.)

PERCOLATION RATE - The number of minutes it takes for water to drop 1 inch for 2 successive percolation tests giving approximately equal results.

PLANNING BOARD - Refers to the Municipal Planning Board unless otherwise indicated.

PORCH - A roofed open structure projecting from an outside wall of a structure without any form of enclosure.

PREEXISTING USE - Any use, either conforming or nonconforming with this Law that is legally existing at the enactment of this Law.

PREFABRICATED DWELLING UNIT - See Dwelling Unit.

PRINCIPAL USE - The main use of land or buildings as distinguished from a subordinate or accessory use.

PRIVATE CAMP - A parcel of land on which a travel trailer, tent, cabin, or other structure is present for use on a seasonal basis for leisure or recreation purposes.

PROFESSIONAL - Any person with an advanced college degree who possesses a license to practice. This includes but is not limited to doctors, lawyers, CPA's, engineers, etc.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local) including a corporation created by law for the performance of certain specialized governmental functions, a public school district, or service district.

PUBLIC, QUASI - An organization which serves a governmental function but is not a governmental use per se. A volunteer fire department is an example.

PUBLIC UTILITY - Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, transportation, or water.

RECREATIONAL VEHICLE - A vehicle primarily designed as temporary living quarters for recreational, travel, or camping use, which either has its own mode of power, or is drawn by another vehicle.

REFORESTATION - Conservation activities aimed at the management of large tracts of land with the express purpose of optimally utilizing timber.

REGULAR FLOOD INSURANCE OR REGULAR PROGRAM - The permanent program which is entered only after detailed flood information is provided by the Federal Insurance Administration; e.g., Floodway/Floodway Fringe Area, Flood Insurance Rate Map.

RESIDENCE, SINGLE-FAMILY DETACHED - A detached building designed to contain 1 dwelling unit.

RESIDENCE, TWO-FAMILY - Either of the following:

A. A building having 2 side yards and accommodating but 2 dwelling units;

B. A detached building containing 2 dwelling units separated by a party wall, each having 1 side yard.

RESIDENCE, MULTI-FAMILY - A building used or designed for 3 or more dwelling units including apartment houses, town houses, and condominiums.

RESIDENTIAL CONVERSIONS - The creation of one or more additional dwelling units within existing residential structure in accordance with conditions set forth in this Law.

REST HOME - Commonly referred to as homes for the aged. These facilities provide sleeping rooms for ambulatory (able to walk) residents. Generally, rest homes have common eating areas and provide minimal medical aid to residents. Only incidental convalescent care is provided which does not involve either trained nurses, physical therapy, or other activities provided in a hospital or nursing home.

RETAIL BUSINESS, GENERAL - For the purposes of this Law, whenever a general retail business is listed as an allowed use, it shall signify that any retail business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed in addition to the specific retail uses as being allowed.

RIDING ACADEMY - Any establishment where horses are kept for riding for compensation. Riding academies shall be situated on a minimum of 10 acres of land and only in districts where allowed.

ROADSIDE STAND - A wholly or partially enclosed shed generally for the sale of products produced on the land where they are to be sold, which stand shall be located so as to permit customers to drive completely off the highway while dealing.

SAWMILL - Commercial facility containing sawing and planing equipment utilized for the preparation of dimensional lumber used for construction. No on-premise sales to the general public takes place.

SCRAP YARD - Any place of storage or deposit of more than 100 square feet, usually of a commercial nature, where metals, glass, rags, etc. are held, whether for the purpose of disposal, reclamation, recycling or resale of such, including establishments having facilities for processing iron, steel and nonferrous scrap for remelting purposes.

SECTION - Unless otherwise noted section and section numbers shall refer to this Law.

SEMI-PUBLIC - Places of worship, institutions for the aged and children, nurseries, nonprofit colleges, hospitals, libraries, cemeteries, and institutions of the philanthropic nature. Also, open space.

SERVICE BUSINESS, GENERAL - For the purpose of this Law, whenever a general service business is listed as an allowed use, it shall signify that any service business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed, in addition to the specific service uses listed as being allowed.

SETBACK - Distance measured from the middle of the street to a structure, sign, etc.

SHOOTING RANGE (COMMERCIAL) - The parcel(s) of land used for discharging of firearms with the intent to hit any object (moving or stationary) other than live game, by any person who pays a fee (e.g., membership fees, shooting fee, etc.) to use said facilities. Commercial shooting ranges include but are not limited to commercial clubs (clubs which are open to the public).

SIGN - Any device or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, work, model, banner, flag, pennant, insignia, device of representation used for the purpose of bringing the subject thereof to the attention of the public. The word sign does not include the flag, pennant or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like organization, or the property thereof.

SIGN, AREA - The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, 4 sided (straight sides) geometric shape which most closely outlines the said sign. Only 1 side of the sign shall be used in measuring the area.

SIGN, ADVERTISING - A sign which offers services or goods produced or available somewhere other than on which the sign is located. The words "advertising sign" include the word "billboard." Neither directional warning nor other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

SIGN, BILLBOARD - Any large sign which directs attention on an idea, product, business activity, service or entertainment which is conducted, sold or offered elsewhere than upon the lot where such sign is located.

SIGN, BUSINESS - A sign for permitted use conducted on or off the premises which shall identify the written name and/or the type of business and/or any trademark of an article for sale or rent on the premises or otherwise call attention to a use conducted on or off the premises.

SIGN, DIRECTIONAL - A nonbusiness sign which identifies an attraction or activity and provides directional information useful to the traveler in locating the attraction, such as mileage, route numbers, etc.

SIGN, FLASHING - Any sign that flashes by giving off or reflecting light; or moves; or revolves in any way; or has flowing or moving lights or parts of the sign; or alternates in any way its color, shape, or intensity or illumination.

SIGN, IDENTIFICATION - A sign for a permitted use conducted on the premises for articles sold or distributed by that use, or displaying the name of the premises.

SIGN, INSTRUCTIONAL - A sign conveying instructions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises.

SIGN, NAMEPLATE - Any sign indicating the name, occupation and/or address of the occupant. A nameplate shall be not over 2 square feet in size.

SIGN, PUBLIC - Those signs erected to direct flow, speed, and direction of traffic, effect general public safety or name streets and buildings.

SIGN, TEMPORARY - A sign which offers premises for sale, rent, or development; or announces special events or calls attention to new construction or alteration; or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature; or political signs.

SOLAR STRUCTURE - Any dwelling unit containing either a passive or active heat storage device which is dependent on direct contact with the sun in order to operate. Said heat storage devices are commonly used to heat totally or partially water, rooms, etc.

SPECIAL FLOOD HAZARD AREA - Means that maximum area of the flood years (i.e., that has a 1% change of being flooded each year-"100-year flood").

SPECIAL USE PERMIT - A special use permit deals with special permission, granted only by the Zoning Board of Appeals to occupy land for specific purposes when such use is not permitted by right, but is listed as permitted by special use permit.

STORAGE STRUCTURE - Any constructed combination of materials located or attached to the ground utilized for noninhabited storage purposes. Used trucks and similar motor vehicles shall not be utilized as storage structures.

STOREFRONT AREA - That area of the front of a building associated with the first floor only. For businesses located above a first floor, the storefront area shall be calculated based on the ground floor entrance only.

STORY - That portion of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF - A story under a gable, hip, or gambrel roof, the wall plates of which, on at least 2 opposite exterior walls, are not more than 2 feet above the floor of such story.

STRUCTURE - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

SUBSTANTIAL IMPROVEMENT - Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL - Any man-made receptacle for water (excepting farm ponds) located above or below ground designed for capacity of over 4 feet in depth at any point and intended to be used for swimming.

TEMPORARY DWELLING UNIT (MOBILE) - Dwellings intended for temporary occupancy and including but not limited to: travel trailers, motor homes, truck campers, and tents. Persons residing in the primary dwelling unit located on the parcel.

TEMPORARY USE - An activity conducted within a structure or on a tract of land for a specific limited period of time which may not otherwise be permitted by the provisions of this Law. For example, a building used in conjunction with new construction which would be removed upon completion of the work.

TOWER - A structure generally of a commercial nature, the purpose of which is to better enable the transmission or receiving of signals by achieving more height. For the purposes of this Law, a tower shall be capable of being climbed without utilizing special equipment and shall not include TV towers unless they are over 60 feet in height as measured from the base.

TOWN HOUSE - A dwelling unit designed to be occupied as a residence for 1 family and 1 of a group of 3 or more attached dwellings, placed side by side, separated by party walls, each containing 1 or 2 stories, and each having separate front and rear, or side and rear, or front and side entrances from the outside.

TRACT - A large piece of land under single ownership.

TRASH - Glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances, or similar materials, etc., but not to include woodpiles, lumber, building materials, compost, used farm machinery, etc.

TRAVEL TRAILER (CAMPER) - A relatively small temporary living quarter designed to be hauled behind a vehicle. Travel trailers are not designed as permanent living quarters and generally are used on a seasonal basis. They are supported at all times primarily by their own wheels. Travel trailers generally have self-contained independent utility systems. See Definition of Accessory Dwelling Unit.

TRAVEL TRAILER CAMP-COMMERCIAL CAMPGROUND - A parcel of land used or intended to be used, let or rented on a seasonal basis for occupancy by campers or for occupancy by or of travel trailers, motor homes, tents, or movable or temporary dwellings, rooms or sleeping quarters of any kind.

TRIPLEX - A dwelling arranged, intended, and designed to be occupied by 3 families living independently of each other.

USE - Any purpose for which land or a building is designed, arranged, intended, or for which it is, or may be occupied or maintained.

VEHICLE DISMANTLING YARD - Any place or storage of deposit where 4 or more unregistered, old or secondhand vehicles, no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials, or used parts and waste materials, which, when taken together equal in bulk 4 or more vehicles, shall constitute a vehicle dismantling yard. This excludes farm vehicles and facilities for processing iron, steel and/or nonferrous materials for scrap.

VEHICLE REPAIR SHOP - A commercial business operated for profit which repairs or services motor vehicles.

VARIANCE - Permissive waivers from the terms of the Law, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Law will result in unnecessary hardship or practical difficulty or that the spirit of the Law shall be observed and substantial justice done and granted by the Zoning Board of Appeals.

WHOLESALE - A business establishment engaged in selling to retailers or jobbers rather than consumers in wholesale lots.

WHOLESALE BUSINESS, GENERAL - For the purpose of this Law, whenever a general wholesale business is listed as an allowed use, it shall signify that any wholesale business which has a minimal negative impact and can meet the conditions specified in this law shall be allowed in addition to the specific wholesale uses listed as being allowed.

WHOLESALE LIMITED - A wholesale business with a maximum of 3 employees, no more than 4,000 square feet of floor space and no outside storage.

WILDLIFE HABITAT - A publically owned or quasi-public property retained in its natural state for the maintenance of wildlife.

YARD, FRONT - The area extending across the entire width of the lot between the building line, or front main wall of a building and the middle of the road into which space there shall be no extension of building partitions in any district, or parking space(s) including any enveloping wall, fence or hedge around the parking area in any noncommercial districts.

YARD, REAR - The area extending across the entire width of the lot between the rear wall of the principal building and rear line of the lot, and unoccupied except for parking, loading and unloading space, and garages and carports.

YARD, SIDE - That open area of a lot situated between the side lines of the building and the adjacent side lines of the lot.

ZONING BOARD OF APPEALS - Shall mean the Zoning Board of Appeals of the municipality.

ZONING PERMIT - Written permission issued by the appropriate Municipal Board/Officer authorizing the use of lots or structures. Zoning Permits are issued for uses which are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation, enlargement, alteration, or other change of use shall require the issuing of a Zoning Permit. The 2 types of permits include: By Right and Special Use Permit.

SECTION 301 Creation and Enumeration of Districts

For the purpose and provisions of this Local Law, the municipality is hereby divided into the following types of districts.

Agriculture and Residential	(ARI)
Transition	(T)
Flood Plain	(FP)

SECTION 302 Zoning Map

The boundaries of the aforesaid zoning districts are hereby established shown on the map entitled, "Zoning District Map of the Town of Arkwright, New York, dated June 1982," which map accompanies and is made a part of this Local Law and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

SECTION 303 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:

A. General Rules -

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the municipality unless otherwise indicated.

- #### B. Appeals -
- Any party aggrieved by an interpretation may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeals are subject to court reviews in accordance with applicable laws of the State of New York. The burden of proof shall be on the appellant.

ARTICLE IV
DISTRICT REGULATIONS

SECTION 401 Agricultural-Residential (AR1) District

- A. Purpose - AR1 Districts are established to promote maintenance of agricultural lands as well as to allow large lot residential development. The providing of municipal sewage or water systems is not recommended or encouraged.
- B. Uses by Right (Permit Required)
- Single-family dwelling-detached (convent., prefab., modular)
 - Mobile homes in accordance with Section 625
 - Duplex-attached
 - Agricultural land use in accordance with Section 512
 - Agricultural buildings
 - General agricultural business
 - Animal farms (mink, etc.)
 - Sawmill-commercial
 - Horticulture-private
 - Nursery/greenhouse-commercial
 - Blacksmith shop
 - Utilities (public) (e.g., water)
 - Municipal office
 - Tennis court-private
 - Swimming pool-private in accordance with Section 611
 - Riding academy/stable
 - Garage-accessory
 - Customary accessory use (over 150 sq. ft.)
 - Customary accessory use (150 sq. ft. or less)
 - Storage structure (over 150 sq. ft.)
 - Storage structure (150 sq. ft. or less)
 - Signs in accordance with Section 614
 - Open porch or deck (100 sq. ft. or more)
- C. Uses by Special Use Permit (Hearing Required)
- Boarding homes/bed & breakfast
 - Homes for the aged
 - Nursing home/rest home
 - Multiple dwellings-attached
 - Mobile home parks in accordance with Section 627
 - Cluster residential development in accordance with Section 602
 - Roadside stand-general in accordance with Section 607
 - Antique shop
 - Bakery shop
 - Catalog store
 - Drug store
 - Shopping center/mall
 - Florist shop
 - Food supermarket
 - Corner grocery store
 - Newsstand
 - Building materials store
 - Mobile home/trailer sales
 - Vehicle service station in accordance with Section 609
 - Auto sales/used car lot
 - Farm machinery/implements store
 - Department/variety store
 - Feed & seed shop
 - Furniture/appliance store
 - Hardware/glass/paint store

- Pet store
 - Plumbing/heating shop
 - Rental store
 - General service shop in accordance with Section 601
 - Limited wholesale business-warehouse
 - Home occupation-general in accordance with Section 603
 - Lab. & research (commercial)
 - Gravel & sand operations in accordance with Section 616
 - Gas compressor
 - School-public/private
 - Airport/airstrip/heliport
 - Daycare center
 - Library/museum/gallery
 - Church/rectory
 - Fraternal meeting facility
 - Large group gathering in accordance with Section 624
 - Cemetery-crematory
 - Hospitals
 - Public uses
 - Public park
 - Golf course-private/public
 - Tennis court-public
 - Commercial recreation
 - Swimming pool-public
 - Recreation camp-private
 - Hunting camp in accordance with Section 604
 - Travel trailer park-commercial in accordance with Section 629
 - Theater
 - Carnival/circus-temporary
 - Rifle range/skeet/gun club in accordance with Section 605
 - Game farm/fish hatchery/preserve
 - Windmills-private in accordance with Section 617
 - Solar system in accordance with Section 618
 - Parking-commercial lot in accordance with Section 612
 - Temporary dwelling units in accordance with Section 628
 - Signs in accordance with Section 614
 - Load/unload facility in accordance with Section 613
 - Fences/walls in accordance with Section 615
 - Heavy vehicle parking in accordance with Section 623
 - Temporary mobile home in accordance with Section 626
 - TV radio tower-commercial in accordance with Section 617
- D. Uses Requiring No Permit (Requires Compliance with Law)
- Roadside stand limited-limited in accordance with Section 607
 - Household sale (garage sale)
 - Gas/oil well
 - Wildlife habitat
 - Forestry/lumbering/reforestation
 - Topsoil removal in accordance with Section 508
 - Outdoor storage-recreational vehicle
 - Parking-private in accordance with Section 612
 - Customary accessory use (150 sq. ft. or less)
 - Storage structures (150 sq. ft. or less)
 - Signs in accordance with Section 614
 - Junk cars-private property in accordance with Section 620
 - Open porch/deck (less than 100 sq. ft.)
 - Trash-private property in accordance with Section 622
 - Fences/walls in accordance with Section 615
 - Heavy vehicle parking in accordance with Section 623
 - TV dish antenna

... rural structures - see Section 505 for substandard sized lots. Note that State H... laws may require more area than below.

1. Single-family dwellings and other allowed uses (excluding structures which house or are intended to house more than 1 family unit) shall meet the following standards:

Minimum Lot Size (Sq. Ft.)	43,560
Minimum Lot Width (Ft.)	150
Minimum Front Yard (Measured from Middle of Road in Ft.)	75
Minimum Rear Yard (Ft.)	75
Minimum Side Yard (Ft.)	50
Minimum Floor Space (Sq. Ft.)	750

2. Attached multiple-family units shall meet the following standards:

Minimum Lot Size (Base + Square Feet Per Unit)	30,000 +10,000
Minimum Lot Width (Base + Feet Per Unit)	150 +15
Maximum Lot Coverage (% of lot area)	40
Minimum Front Yard (Measured from Middle of road in Ft.)	75
Minimum Rear Yard (Ft.)	75
Minimum Side Yard (Ft.)	50
Maximum Stories	3½
Minimum Floor Space (Each Unit)	600
Minimum Mobile Home Size (Utilize Manufacturers' Advertised Size)	600

NOTE: Refer to Articles V and VI for other requirements.

SECTION 402 Transition District

A. Purpose - T Districts are established to provide for the maintenance of rural acreage primarily for large lot residential development as well as agricultural uses. Municipal sewage or water systems may become necessary in some instances, but are not to be encouraged. Some commercial uses are allowable.

B. Uses by Right (Permit Required)

- Single-family dwelling-detached (convent., prefab., modular)
- Mobile homes in accordance with Section 625
- Duplex-attached
- Agricultural land use in accordance with Section 512
- Agricultural buildings
- General agricultural business
- Animal farms (mink, etc.)
- Sawmill-commercial
- Horticulture-private
- Nursery/greenhouse-commercial
- Blacksmith shop
- General retail stores in accordance with Section 601
- General service shop in accordance with Section 601
- Lab. & research (commercial)
- Utilities (public) (e.g., water)
- Municipal office
- Tennis court-private
- Swimming pool-private in accordance with Section 611
- Riding academy/stable
- Garage-accessory
- Customary accessory use (over 150 sq. ft.)
- Storage structure (over 150 sq. ft.)
- Signs in accordance with Section 614
- Open porch or deck (100 sq. ft. or more)

C. Uses by Special Use Permit (Hearing Required)

- Boarding homes/bed & breakfast
- Homes for the aged
- Nursing home/rest home
- Multiple dwellings-attached
- Mobile home parks in accordance with Section 627
- Cluster residential development in accordance with Section 602
- Roadside stand-general in accordance with Section 607
- Antique shop
- Bakery shop
- Catalog store
- Drug store
- Shopping center/mall
- Florist shop
- Food supermarket
- Corner grocery store
- Newsstand
- Building materials store
- Mobile home/trailer sales
- Vehicle service station in accordance with Section 609
- Auto sales/used car lot
- Farm machinery/implements store
- Department/variety store
- Feed & seed shop
- Furniture/appliance store
- Hardware/glass/paint store
- Pet store
- Plumbing/heating shop
- Rental store
- Professional/business office
- Bank
- Truck terminal
- Drive-in business in accordance with Section 608
- Bar
- Hotel/motel
- Autobody repair shop in accordance with Section 610
- Vehicle repair shop
- Building contractor business
- Kennel business in accordance with Section 606
- Animal shelter
- Animal hospital
- Wholesale business-warehouse in accordance with Section 601
- Storage of materials/fuel-wholesale
- Home occupation-general in accordance with Section 603
- General limited industry
- Gravel & sand operation in accordance with Section 616
- Gas compressor
- General heavy industry
- Manufacturing-general
- Manufacturing of food products
- Vehicle dismantling yard in accordance with Section 621
- Machine shop
- Junk/scrap yard in accordance with Section 621
- Mill structure
- School-public/private
- Airport/airstrip/heliport
- Daycare center
- Library/museum/gallery
- Church/rectory
- Fraternal meeting facility
- Large group gathering in accordance with Section 624
- Cemetery-crematory
- Hospitals
- Public uses

Public park
 Golf course-private/public
 Tennis court-public
 Commercial recreation
 Swimming pool-public
 Recreation camp-private
 Recreation camp-public/quasi-public
 Hunting camp in accordance with Section 604
 Travel trailer park-commercial in accordance with Section 629
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 Load/unload in accordance with Section 613
 Fences/walls in accordance with Section 615
 Heavy vehicle parking in accordance with Section 623
 Temporary mobile home in accordance with Section 626
 TV radio tower-commercial in accordance with Section 617.

D. Uses Requiring No Permit (Requires Compliance with Law)

Roadside stand-limited in accordance with Section 607
 Household sale (garage sale)
 Gas/oil well
 Wildlife habitat
 Forestry/lumbering/reforestation
 Topsoil removal in accordance with Section 508
 Outdoor storage-recreational vehicle
 Customary accessory use (150 sq. ft. or less)
 Parking-private in accordance with Section 612
 Storage structures (150 sq. ft. or less)
 Signs in accordance with Section 614
 Junk cars-private property in accordance with Section 620
 Open porch/deck (less than 100 sq. ft.)
 Trash-private property in accordance with Section 622
 Fences/walls in accordance with Section 615
 Heavy vehicle parking in accordance with Section 623
 TV dish antenna

E. Area Standards - See Section 505 for substandard sized lots. Note that State Health Laws may require more area than below.

1. Single-family dwellings and other allowed uses (excluding structures which house or are intended to house more than 1 family unit shall meet the following standards:

Minimum Lot Size (Sq. Ft.)	43,560
Minimum Lot width (Ft.)	150
Minimum Front Yard (Measured from Middle of Road in Ft.)	75
Minimum Rear Yard (Ft.)	75
Minimum Side Yard (Ft.)	50
Minimum Floor Space (Sq. Ft.)	750

2. Attached multiple-family units shall meet the following standards:

Minimum Lot Size (Base + Sq. Ft. Per Unit)	30,000 +10,000
Minimum Lot Width (Base + Feet Per Unit)	150 +15
Maximum Lot Coverage (% of Lot Area)	40
Minimum Front Yard (Measured from Middle of Road in Ft.)	75
Minimum Rear Yard (Ft)	75
Minimum Side Yard (Ft.)	50
Maximum Stories	3½
Minimum Floor Space (Each Unit)	600
Minimum Mobile Home Size (Utilize Manufacturers' Advertised Size)	600

Note: Refer to Articles V and VI for other requirements.

SECTION 501 A to Public Street

For the purpose of discouraging the need for new public roadways, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street. However, for those parcels which do not abut a public highway a permanent easement to a public street shall be required upon which a PRIVATE road may be located. The municipality shall not be responsible for assuming any private road as a municipal road.

SECTION 502 Contiguous Parcels

A. New Construction - When 2 or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one lot for new construction.

B. Demolition - If a structure is demolished or destroyed, it shall be permitted to rebuild a structure without utilizing contiguous parcels.

C. Preexisting Uses - Preexisting dwellings can be transferred to other owners without adjacent parcels owned by the seller being transferred.

SECTION 503 Corner Lots

Both street sides of a corner lot shall be treated as front yards in the application of bulk and area requirements.

SECTION 504 Height

A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, penthouses, and domes, not used for human occupancy; not to chimneys, ventilators, skylights, windmills, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

B. The provisions of this Law shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet.

SECTION 505 Existing Substandard Sized Lots

The Minimum area requirements specified for each type of allowed use shall not prevent the construction of an allowable use on a substandard sized lot which existed and was officially recorded at the time of enactment of this Zoning Law, if the following conditions are met:

A. Reasonable attempts have been made by owners of substandard sized lots to acquire available adjacent lands in order to make the substandard lot more in conformance with the area requirements of this Law.

B. The substandard lot is not less than 75% of all of the applicable standards and,

C. The County Health Department approves the lot.

D. If (A and B) cannot be met but (C) has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variances in the Article on Zoning Board of Appeals).

SECTION 506 Visibility at Intersections

For the purpose of maintaining sight lines and promoting traffic safety, on a corner lot in any district, no fence, wall, hedge, or other structure or planting more than 3 feet in height shall be erected or placed within the triangular areas formed by the intersecting street edge lines and the imaginary straight line down between the points 50 feet from the intersecting street edge lines along the street edge lines.

SECTION 507 Interpretation of Permitted Uses

When a use is not specifically listed as a "Use by Right" or a "Use by Special Use Permit" within any zoning district, it shall be assumed to be prohibited use unless it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses and not inherently a nuisance, menace, or danger to the health, safety or welfare of the residents of the Municipality. See Section on Variance also.

SECTION 508 Topsoil/Excavation

During the construction of a foundation, general landscaping or any other extensive excavating project; a person, firm, corporation, etc., shall not strip, excavate or otherwise remove soil/gravel unless the following conditions are met:

A. Topsoil - Topsoil is replenished or left with sufficient amounts to support future development needs.

B. Steep Slopes - Steep slopes shall not be created.

C. Groundwater Runoff - Runoff will not be caused to flow into neighboring properties, to pool, or cause erosion.

D. Time Requirement - All of the above conditions shall be met within 6 months from the time the project is completed.

SECTION 509 Preserving Yards, Courts & Open Space (Lot Coverage)

A. Preservation of Yards, Courts and Open Space - Yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law except as specified in B below.

B. Permitted Obstructions - The following shall not be considered to be obstructions when located in the preserved yards, courts, and open space:

1. open terraces, patios, open porches, awnings and canopies, chimneys, trellises, flag poles, open fire escapes, decks, balconies, and other similar uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the required setback;
2. bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses shall not extend more than 3 feet from the principal structure nor come within 2 feet of any property lines; and
3. offstreet parking spaces.

C. Location - All yards, courts and open space shall be located on the same lot as the structure for which the setback and area requirements are required.

existing neighborhood where structures are not set back from the road and the distance specified by this Law, it shall be determined by the Zoning Officer what appropriate setback will be permitted by new construction or by alterations to existing structures. The varied setback shall be based on the setback of one adjacent structure but shall not be less than 40 feet from the middle of the road. Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

SECTION 511 Number of Buildings on Lot (Lot Division)

- A. Number of Buildings on a lot - No more than one principal residential dwelling shall be located on a zoning lot. However, this shall not preclude the placement of an additional number of dwelling units on the same lot, if required area and setbacks are available for each additional dwelling unit. Upon sale of the additional dwelling units, the lots created must conform to part B of this section (Division of Zoning Lots.)
- B. Division of Zoning Lots - No zoning lot improved with a building or buildings shall hereafter be divided into 2 or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall not be less conforming to all the bulk regulations of the zoning district in which the property is located.

SECTION 512 Driveways within Right-of-ways

When property to be developed fronts on a State, County, or Town highway and access to the highway is desired, an approved permit from the applicable highway superintendent for the development of such highway access shall be obtained.

SECTION 513 Agriculture

- A. Agricultural Preservation - In order to promote, preserve and protect agricultural businesses, any portion of this Law that would reduce operational capability of an agricultural business shall be declared void in that one instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then, and only then, will these sections be enforced, but even only to the minimum necessary.
- B. Interpretation - It shall be the duty of the Zoning Board of Appeals to interpret when a "loss of operational capability" exists, due to a particular section of the Zoning Law.
- C. State Law - Note that State Agriculture & Markets Laws may also apply where a State Agricultural District exists and that State Law could supercede this Local Law.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 602 Cluster Development

SECTION 601 Development Conditions

A. Purpose - The checklist which follows shall be considered by appropriate administrators/boards in their review of requests for Building Permits, Special Use Permits and Variances. Conditions which deal with these areas of concern may be attached to Permits/Variances in order to reduce or eliminate problem areas, conflicts between incompatible uses and generally to reduce health, safety or general welfare related problems. This checklist is not all inclusive and other related conditions may be imposed where reasonable and necessary and in accordance with this Zoning Law.

B. Areas of Concern -

1. Traffic Safety - ingress/egress from roadway, building setbacks, corner visibility, offstreet parking, offstreet loading.
2. Safety - trash disposal, steep slopes, open pits, toxic or flammable fluids.
3. Health - sewers/water, sunlight, air movement, junk vehicles and trash storage.
4. Character of Neighborhood - development density, traffic volume, lot sizes, compatible uses, buffers.
5. Public Costs - road damage, need for new roads, need for new utilities.
6. Environmental Protection - flood plain, wetlands, erosion, natural features.
7. Nuisances - noise, odor, dust, lights, hours of operation, lot size, buffers, nuisance location.
8. Land Use Preservation - open space unique features.
9. Aesthetics - restoration, appearance, scenic views, buffers.

A. Purpose - The purpose of this section is to provide developers of residential subdivisions with the option of clustering by permitting reductions in bulk and area requirements of this law. In return, the developer would compensate for the increased density by guaranteeing that selected natural features (woods, stream, open area, etc.) would be maintained for common use.

B. Procedure -

1. Application Procedures - Developers requesting decreased densities for subdivisions should submit an application to the Zoning Officer who should refer the application to the Planning Board for their review and recommendation. A copy of the application shall also be presented to the Municipal Board at a regular meeting. The Planning Board shall make their recommendation in writing to the Municipal Board within 30 days of receipt of the complete application.
2. Contents of Application - The application shall include but not be limited to the following:
 - a. Overall development plans drawn to scale showing: exact size, shape, and location of lot to be built upon. Kind, location, occupancy capacity of structures, bulk and uses; general floor plan of buildings; location and definition of open spaces, streets, and all other means for pedestrian and vehicular circulation, parks, recreational areas and other nonbuilding sites; provisions for automobile parking and loading including size, arrangement, and number of spaces and placement of lighting standards; general landscape plan, general location and nature of public and private utilities (including underground utilities) and other community facilities and services (including maintenance facilities). Additional information related to water runoff control, slope, contour, type of building, etc.; area to be utilized for storage of materials and type of architectural screen to be used shall be provided.
 - b. Area Requirements - Requests for area concessions shall include facts concerning the suitability of the site, the proposed density, the location and proposed uses and facilities for development in accordance with the provision of this Law. Provisions for maintenance and control of the open space land with financial responsibility for such open space clearly indicated.
 - c. The applicant shall include such other pertinent information as the Planning Board shall prescribe.
3. Decisions - The Municipal Board shall approve, approve with conditions, or disapprove such applications. The decision of the Board shall be accomplished within 60 days from when all necessary information has been supplied by the applicant.

C. Standards -

1. Area Alterations - The regulations of the district in which the Cluster Residential Development is proposed for shall be observed and maintained with the following exceptions: All area and bulk requirements may be reduced by up to 30% as determined by the Municipal Board as long as County Health regulations are met.
2. Open Space - Open space land shall be set aside for the common use and enjoyment of all residents in the cluster residential development. In general, the land set aside for permanent open space shall be the area differential between the regulations and requirements of the district and the requested requirements. Access to the open space lands must be convenient to all residents.

A. Conditions for Home Occupations - To be allowed in any district, a Customary Home Occupation, must be listed under uses allowed for the district in question; and additionally, the following special standards must be met:

1. Floor Space - Not more than 40% of the first floor of the principal dwelling structure may be used and the total floor space to be utilized (including accessory buildings) shall not exceed 500 square feet.
2. Nonresident Employment - No more than 1 nonresident shall be employed.
3. Parking - Sufficient offstreet parking shall be provided to handle peak volumes.
4. Signs - A sign, no more than 20 square feet shall be allowed.
5. Nuisances - No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced which would be detrimental to neighboring properties.
6. Lot Size - The minimum lot size shall be 25% greater than the specified area.
7. Uses Allowed - Allowed uses shall include but not be limited to: antique shops, gift shops, and blacksmith shops.
8. Prohibited Uses - shall include but not be limited to: auto body repair shops.
9. Character of Neighborhood - The presence of a Customary Home Occupation shall have a minimal effect on the character of the neighborhood.

B. Eligibility - Uses not eligible for Home Occupation status possibly may be eligible for a Business Use Permit.

C. Preexisting Home Occupations - Home occupations legally existing at the time of enactment of this Law shall not be required to comply with any of the above conditions.

SECTION 604 Seasonal Hunting Camps

For the purpose of preserving rural character and providing protection for existing uses, seasonal recreation camp shall be subject to the following:

A. Conditions -

1. Lot Size - A minimum lot size of between 2 and 10 acres shall be required, depending on soils, character of neighborhood, development, density, etc.
2. Structure Location - A minimum setback of 200 feet shall be required.
3. Construction - The type, size and method of construction shall be considered. If a mobile home is to be used, it must meet floor space requirement of the district.
4. Buffer Zones - Existing natural buffers should be retained to the greatest degree possible and new buffers should be considered where it is apparent that they are necessary.
5. Year-round Conversion - The conversion of seasonal camps to year-round housing or any other allowed uses shall be allowed only by Special Use Permit.
6. Access to Public Roads - Seasonal camps must have access to public streets in accordance with the Section on "Access to Public Streets" or a 50 foot public right-of-way shall be required.
7. Other requirements - Other reasonable conditions may be required as deemed necessary.

B. Preexisting Parcels - This section shall only apply to parcels of land which are purchased after the effective date of this Law.

SECTION 605 Shooting Ranges - Commercial

A. Purpose - In order to promote safety and the general welfare of the public and to maintain the quality of neighborhoods, the following regulations are to be enforced for all commercial ranges. New ranges shall be allowed only in accordance with the following conditions.

B. Conditions - The operation of a commercial range, such as a shooting club shall be subject to the following conditions:

1. Safety Considerations - All ranges shall be so located and directed so as to present the safest situation possible with respect to the existing neighborhood.
2. Time of Day - Ranges shall only be utilized for Target Practice for the period specified in the permit.
3. Character of Neighborhood - The density, types of structures, etc., shall be considered.
4. Other Conditions - Unlisted conditions deemed necessary.

SECTION 606 Kennels

A. Permit - The application shall include a diagram drawn to scale which displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals, and any other information deemed appropriate.

B. Definitions - Any premises on which 5 or more dogs or cats over 6 months old are housed, groomed, boarded, trained, or sold for monetary gain.

C. Conditions to be Considered -

1. closeness to adjacent properties (minimum 500 feet);
2. maximum number of animals to be maintained;
3. effect on character of neighborhood; and
4. existing or proposed natural or man-made buffers.

D. Preexisting Kennels - Kennels in existence prior to the passage of this Law shall not be subject to regulations under this section generally. However, if an existing kennel becomes a nuisance, any of the above conditions can be imposed after public hearing.

SECTION 607 Roadside Stand

A. Definition - For the purpose of this Law, roadside stands shall be made up of 2 types, general roadside stand and limited roadside stand.

1. General Roadside Stand - produce and products sold are not necessarily grown or produced on premises where stand is located.
2. Limited Roadside Stand - All produce and products are grown or produced on the premises (lots) where the stand is located and are sold only by the owner(s) of said premises.

B. Regulations -

1. General Roadside Stand - Permitted in accordance with appropriate portions of Section 601 (Business Use Condition).
2. Limited Roadside Stand - Permitted with no permit as long as safe entry and exit and offstreet parking are provided.

C. Preexisting Uses - All preexisting roadside stands are exempt from this Law.

SECTION 608 -in Establishment

- A. Definition - Drive-in establishments shall include those businesses designed to either wholly or partially provide services to customers while in their automobiles parked on the premises. Example: included but are not limited to drive-in theaters, restaurants, film shops, etc.
- B. Regulations - Drive-in establishments shall be allowed by Special Use Permits in districts where they are listed and the following conditions shall be considered prior to granting the permit:
 1. section 601, Business Use Conditions;
 2. provisions for traffic to "back-up" off of streets shall be made;
 3. locational considerations will be analyzed to insure that the character of the neighborhood will not be significantly diminished;
 4. hours of operation; and
 5. the need for buffers, especially when situated near residential structures.

SECTION 609 Service Stations

- A. Entrance/Exit - No public garage or motor vehicle service station, or private garage for more than 5 vehicles shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground, or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.
- B. Location of Pumps - All motor vehicle service stations shall be so arranged and all gasoline pumps shall be so placed as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than 50 feet.
- C. Inoperative Vehicles - No inoperative motor vehicle (awaiting repair) shall be kept on the premises of motor vehicle service stations for longer than 2 weeks.
- D. Waste Materials - All waste material, motor, and motor parts, will be stored within the structure or enclosed within fencing so as not to be visible from off the property.
- E. Preexisting Uses - All service stations existing at the effective date of this Law shall comply with the following regulations of this Section: C and D. Compliance shall take place within one year. All expansions or enlargements shall be subject to all regulations in this Section which are determined to be reasonable during Special Use Permit proceedings.

SECTION 610 Auto Body Repair Shops

Commercial Auto Body Repair Shops shall be allowed in any Districts when specifically listed as an allowed use under the following conditions.

- A. Vehicle Storage - When more than 3 vehicles are stored outside, they shall be enclosed within an appropriate fence which shall make it impossible to view the vehicles.
- B. Hours of Operation - The hours of operation shall be derived so as to limit the noise during nonbusiness hours.
- C. Area Requirements - The lot on which the shop is to be located shall be a minimum of 3 acres.
- D. Location - The shop shall be allowed only if it is to be located at least 400 feet from existing residential structures on adjacent parcels.
- E. Other Conditions - Other conditions as deemed necessary by the Zoning Board of Appeals - See Section 601, Development Conditions.

SECTION 611 Private Swimming Pools

A private swimming pool installed as an accessory to a residential use shall meet the following requirements:

- A. Fence - Any such pool which is installed in-ground shall be completely enclosed by a security fence not less than 4 feet in height, and for all pools there shall be gates or doors equipped with self-closing and self-latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use.
- B. Filtration System-Noise - Pools which are equipped with an integral filtration system and filter pumps or other mechanical devices shall be so located and constructed as not to interfere with the peace, comfort, and repose of the occupant of any adjoining property.
- C. Maintenance - Both in-ground and above-ground pools, accessory buildings, fences, etc., shall be properly maintained.
- D. Draining - The Zoning Officer shall be insured that provisions for the drainage of such pools are adequate and will not interfere with adjacent properties.
- E. Area Requirements - Pool shall be installed in accordance with the area requirements of the appropriate district.

SECTION

Offstreet Parking

- A. Use - Offstreet parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a Zoning Permit for a new or enlarged building structure or change in use shall include with it a sketch fully dimensioned, showing any parking in compliance with the regulations of this Law.
- B. Size Requirements - A required offstreet parking space shall be an area of not less than 162 square feet, not less than 8½ feet wide by 19 feet long, exclusive of access drivers or aisles, ramps, columns, or office and work areas, accessible from streets, or alleys or from private driveways or storage or parking of passenger automobiles or commercial vehicles under 1½ ton capacity. Aisles between vehicular parking spaces shall not be less than 12 feet in width when serving automobiles parked at a 45 degree angle in one direction not less than 20 feet in width when serving automobiles parked perpendicular to the aisles and accommodating 2-way traffic.
- C. Street Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will at least interfere with the movement of traffic.
- D. Location - It is recommended but not mandatory that no parking space not portion thereof established on the same zoning lot with a building shall be located within a required front yard and no parking spaces nor portion thereof established on a lot without a building shall be located closer to any street line than the front yard setback requirements of this Law in the same manner as a building or structure. The aforementioned required setbacks shall not be applicable to Residential Driveways which may be used for parking.
- E. Material Composition - All open offstreet parking space, except those accessory to single-family dwellings, duplexes and farm operations shall be surfaced with some all-weather dustless materials.

- F. Number of Spaces - The following parking spaces shall be provided and satisfactorily maintained by the owner of the property for each use which, after the date when this Law becomes effective, is erected, enlarged, or altered for use for any of the following reasons:

Uses	Minimum of 1 Space Per
One-Family Residence & Mobile Home	½ Dwelling Unit
Two-Family Residence	" "
Multi-Family Residence	" "
Church	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School & College	12 Students
Library	100 Sq. Ft.
Places of Assembly, inc., Convention Hall & Dance Hall	100 Sq. Ft.
Club, Lodge (Without Sleeping Accommodations)	4 Members
Places Providing Sleeping Accommodations, inc., Hotels, Motels, & Tourist Homes	Sleeping Unit
Mortuaries or Funeral Parlors	1/8 Viewing Rm., plus 1 for Every Employee
Offices, Banks	100 Sq. Ft. Floor Area
Food Market	200 Sq. Ft. Floor Area
Eating & Drinking Establishments	4 Seats or 1 for each 200 Sq. ft. floor area whichever is more
Bowling Alley	½ Alley
Other Commercial	300 Sq. Ft. Sales Area
Industrial	Employee (max. Work Shift)
Other Uses not Listed Above	500 Sq. Ft. Floor Area
Farm Operations	Exempt

SECTION 613 Loading & Unloading

- A. Need - Offstreet loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least 1 offstreet loading and/or unloading space shall be provided for all non farm commercial establishments in excess of 3,500 square feet of floor area.
- B. Size - Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15 foot vertical clearance; shall have a 60 foot maneuvering area. Refer to Variance Section where this requirement cannot be met.
- C. Use of Parking Spaces - Parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and vehicle traffic will not be obstructed.
- D. Design - Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in any public right-of-way. No truck shall be allowed to stand in a travelled cartway or pedestrian walkway or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all-weather surface to provide safe and convenient access during all seasons.
- E. Preexisting Uses - Any use existing as of the effective date of this Law shall not be subject to this section.

A. Permit Requirements - After assurances are received that all appropriate sign requirements shall be met, a permit (if required) of the type specified below will be issued:

Type/Location Size of Sign	Allowed			Not Allowed
	By Right	Special Use	No Permit	
Business (on Lot) (Less 50 Sq. Ft.)	X			
Business (on Lot) (50+ Sq. Ft.)		X		
Business (off Lot)		X		
Temporary Sign			X	
Exempt Signs (10 Sq. Ft. Max.)			X	
Billboards				X

B. Plans - Requests for erection, alteration, or enlargement of any sign must be accompanied by a plan drawn to scale showing the exact size, shape, height, and dimensions of such sign and its proposed location or replacement upon any structure or property.

C. Special Signs -

1. Exempt Signs - The following signs shall be exempted from these regulations: Directional, street, traffic, public safety, information or public service signs such as those advertising availability of rest rooms, telephone, or similar public conveniences, and signs advertising meeting times and places or nonprofit service or charitable clubs or organizations may be erected or maintained provided that such signs do not advertise any commercial or industrial establishment, activity, or organization. Private identification signs (name plates, etc.) shall be exempt when they are reasonably sized.

2. Temporary Signs - Temporary signs shall be allowed in all districts. No real estate signs shall exceed 6 square feet in area, with no more than 2 such signs permitted use. Temporary signs shall be allowed to remain for as long as reasonably necessary before losing their temporary sign status. Other temporary signs shall not exceed 12 square feet in area, and such signs shall be removed immediately upon the completion of work and the site or building on which the sign was erected shall be restored to its original condition upon removal of such signs.

3. Billboards - Billboards shall not be permitted within the municipality. Any sign with a total area of 200 feet or more shall, for the purpose of this Law be considered to be a billboard.

D. General Regulations - All signs shall conform to the following regulations and the responsibility for conformance shall rest with the sign owner. If the owner of the sign cannot be found, than the property owner (if different from the sign owner) may be held responsible if this is deemed reasonable at a public hearing.

1. Condition -

- Every permitted sign must be constructed of durable materials and kept in good condition and repair.
- Any sign which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or lessee of the property on which it is located after reasonable attempts to have owner correct violation have failed.

2. Location -

a. Traffic -

- No sign shall be so located that the sign might interfere with traffic, be confused with or obstruct the view or effectiveness of any official traffic sign, signal or marking.
- No sign shall extend within a road or street right-of-way, poles or trees within a road or street right-of-way.

b. Ingress, Egress -

- No sign shall be erected or located which shall prevent free ingress or egress from any window, door or fire escape.
- No sign shall be so placed that it will obscure light and/or air movement from a building.

3. Height -

- No sign shall be more than 20 feet in height as measured from the ground.

4. Illumination -

a. Illuminating arrangements for signs shall be such that the light is concentrated on the sign with a minimal spillover cast on the street, sidewalk or adjacent properties.

b. Signs which contain, include or are illuminated by any flashing, intermittent or moving lights are prohibited within all Districts.

5. Contrary to Zoning - No signs shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Zoning Law.

E. Cessation -

- If a use ceases for a period of 6 consecutive months, all detached signs must be removed.
- Such signs may be removed by the municipality at the expense of the owner or lessee of the property on which the sign is located if the sign has not been removed after 30 days' notice.

F. NYS Regulations - New York State Highway regulations related to outdoor advertising shall also apply where applicable.

G. Preexisting Signs - Signs in existence before enactment of this Law, which do not meet the requirements of this Law, shall be allowed to continue as nonconforming signs (See Article VIII). However, these nonconforming signs shall meet the following requirements: Condition, Traffic, Glare, and Contrary to Zoning.

SECTION Fences

For the purpose of protecting properties adjacent to fences and walls from indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply:

- A. Definition - Fences shall, for the purpose of this Law, include hedges and walls and is further defined in Section 202.
- B. Administration (Permit Requirements) -
1. Boundary Fences - If a boundary fence is to be located more than 150 feet from structures on adjacent parcels, NO PERMIT is required. If the distance is 150 feet or less, then a Special Use Permit shall be required. Fences less than 4 feet high require no permit.
 2. Nonboundary Fences - If a nonboundary fence is to be located more than 50 feet from a property boundary, than NO PERMIT shall be required. If the distance is 50 feet or less, a Special Use Permit shall be required. Fences less than 4 feet high require no permit.
 3. Agricultural Fencing - Fencing used for agricultural purposes such as animal control, but not necessarily located on a farm, shall be exempt from all regulations with the exception of Part C6 (Maintenance) of this section.
- C. General Regulations -
1. Setback from road - Fences shall be set back a minimum of 10 feet from the edge of the road (street) and shall not be located within legal highway right-of-ways.
 2. Corner setbacks - Fences, walls, and/or hedges shall not be located so as to cut off or reduce visibility at intersections. See Section on Visibility in Article V.
 3. Proximity to neighboring properties - All fences, walls, and/or hedges shall be located no closer than 2 feet from adjacent property lines. This rule can be waived if agreed to in writing by adjacent property owners.
 4. Fire hazard - Any fence which is flammable or positioned in such a manner so as to be excessively disruptive to extinguishing a fire, shall be prohibited.
 5. Finished sides - the finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.
 6. Maintenance - All fences shall be maintained structurally and visually.
- D. Preexisting Fences - Fences in existence at the time of enactment of this Law shall only be subject to the maintenance provisions of this section. Compliance shall take place within one year of enactment of this Law.

SECTION 616 Gravel Operations

- A. Purpose - Gravel pits not regulated by the NYSDEC shall be regulated by this section, the purpose being to limit the nuisances associated with gravel pits and insure that residential neighborhoods are protected.
- B. Conditions -
1. Equipment Location - No excavation, power-activated sorting machinery, equipment, blasting or stockpiling shall be allowed within 300 feet of any residential structures located on adjacent parcels unless permission to waive this requirement is received in writing from adjacent property owners. No power-activated sorting machinery or equipment shall be located within 100 feet of any public road or other property line. Unless permission to waive this requirement is received in writing from adjacent property owners.
 2. Fencing - Fencing of all pits, excavations, etc., during and following cessation of operations until such time as reclamation is completed per state approved reclamation plan, may be required if an unsafe condition warrants such a fence as determined by the Zoning Officer. The owner of the operation may appeal the Zoning Officer's decision to the Zoning Board of appeals. When considering the appropriateness of fencing, the following shall be taken into consideration: Neighborhood character, type of operation, size of lot, population in surrounding area, topography, traffic volume, etc.
 3. State Requirements - In addition, all New York State Department of Environmental Conservation regulations on Mined Land Reclamation shall apply, covering the following areas:
 - a. State permit;
 - b. mining plan - affected land, procedures, disposition of materials, haulageways, pollution prevention (dust, noise control, drainage, and water control), screening;
 - c. reclamation plan - specific land-use objective for reclaimed land, disposition of materials, treatment of haulageways, drainage, water impoundments, grading and slopes, screening, revegetation, schedule of implementation;
 - d. reclamation bond - posted as determined by NYSDEC.

SECTION 617 Towers/Windmills

- Towers and windmills in districts, where allowed, shall be subject to the following conditions:
- A. Location - Towers and windmills shall be removed from surrounding residential structures sufficiently so as to not cause a nuisance.
- B. Buffer - The placement or retention of buffers shall be considered where they would improve the compatibility of the use with surrounding areas.
- C. Attractive Nuisance - The base of towers and windmills shall be sufficiently protected from entry either by tower/windmill design or by protective fences, etc.
- D. Danger Signs - A sign at least 5 square feet in size shall be conspicuously placed near the base of a communications tower and it shall generally state that danger exists and that no access is permitted.

SECTION 618 Solar Systems

In order to promote and protect the use of solar systems (active and passive) the following regulations shall apply:

- A. Solar Permit and Placement - The placement of structures which are to contain solar systems shall be by Special Use Permit IF protection is to be sought under Part B of this section. If no protection is sought for a solar system, then no permit shall be required for the installation unless the floor space is increased. Consideration will be given to locating the solar structure the furthest distance from adjoining properties, on the southern exposure, which is reasonably possible. This distance shall be a minimum of 100 feet and may be required to be more if the slope so dictates.
- B. Adjacent Property Control - The placement of structures, trees, towers, etc., which have the potential of blocking the sun from adjacent solar systems established by Special Use Permit under Part A of this section shall also only be allowed by Special Use Permit. The placement of said potential obstruction shall be such that it least interferes with the adjacent solar collectors while still allowing reasonable use of the land.
- C. Notification - The owners of all properties within 200 feet of the property on which the solar system is to be placed will be notified in writing of the intent to place a solar system in the neighborhood and the possible effects that this could have on future development. The date, time and location of the public hearing shall be included in the notification.

SECTION 619 Unsafe Structures

- A. Purpose and Definition - The purpose of this section is to identify obvious unsafe structures and through a series of district steps eliminate the safety problem in an equitable manner. An unsafe structure shall be defined as any structure which, due to inadequate maintenance, dilapidation, obsolescence, fire/wind or other similar types of damage become structurally unsafe, unsanitary, or in any other way is dangerous to human life. Such unsafe structures shall, for the purpose of this Law, be declared to be illegal.
- B. Initial Identification - When a potentially unsafe structure is brought to the attention of the Zoning Officer and fire inspector they shall, within a 5-day period, externally inspect the structure and report back to the Municipal Board as to whether it warrants further examination.
- C. Examination - After consultation with the Municipal Board, the Zoning Officer and fire inspector shall, if warranted, be authorized to thoroughly inspect the structure in question. The Municipal Board may also authorize a Zoning Officer with appropriate credentials to be retained to assist in the inspection. A written report of the findings shall be submitted to the Municipal Board and if applicable, the County Health Department shall receive a report also. The Municipal Board shall evaluate the report and decide what action is necessary to alleviate the problem.

- D. Notification of Owners - If the report indicates that remedial actions are necessary, the owner(s) of the property shall be notified in writing with the defects listed, the corrective actions necessary and a time schedule for completing the work. The time allowed shall be reasonably set in accordance with the amount of work involved in correcting the problem. The owner may appeal to the Zoning Board of Appeals if he believes the work to be accomplished or the time frame is not appropriate. A public hearing shall be scheduled to hear the variance/interpretation request, with a written decision resulting.
- E. Prohibition of Occupancy - If at any time the Municipal Board, upon reviewing all reports, determines that there is actual and immediate danger of failure of collapse, health or other serious safety problems which endanger life, they may order the property vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Zoning Officer. The Zoning Officer shall post a notice at each entrance stating; THIS BUILDING UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ZONING OFFICER. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation, or their agents, or other servants to remove such notice without written permission of the Zoning Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolition of the same.
- F. Noncompliance - In case the owner, agents or person in control cannot be found within a reasonable period of time, or if such owner, agent, or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate, or demolish such building or structure or portion thereof, the Municipal Board shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.

SECTION 620 Junk Cars--Private Property

- A. Number of Junk Vehicles Allowed - A maximum of 3 junk vehicles shall be allowed to be maintained outdoors by each landowner(s). More than 3 junk vehicles shall constitute a vehicle dismantling yard and be subject to regulations in the dismantling/scrap yard section..
- B. Location - All junk vehicles shall be stored when possible, so as not to be visible from public highways.
- C. Preexisting Junk Cars - All junk vehicles existing at the effective date of this Law shall be brought into compliance with this section within 6 months from date of notification.

SECTION

Vehicle Dismantling-Scrap Yards

- A. Conditions - Prior to the granting of a Special Use Permit, assurances will be received that the following conditions, where appropriate, will be met:
1. Fences -
 - a. Vehicle dismantling and scrap yards shall be completely surrounded with a fence for screening and security purposes of at least 8 feet in height.
 - b. There shall be located a gate in the fence which shall be kept locked at all times except when the vehicle dismantling or scrap yard is in operation.
 - c. The fence shall be located a minimum of 125 feet from adjacent public highways.
 - d. All dismantling and work on the vehicles or scrap shall take place within the fenced area.
 2. Location Considerations -
 - a. Vehicle dismantling and scrap yards shall be allowed where there will be a minimum negative effect on the character of existing neighborhoods.
 - b. No vehicle dismantling or scrap yard shall be permitted within 500 feet of a church, school, public building or other place of public assembly.
 - c. Vehicle dismantling and scrap yards shall not be permitted to be located upon sloped areas where an 8 foot fence will not reasonably screen the contents.
 3. Off-street Parking - Sufficient off-street parking shall be provided for customers.
 4. Fire Safety -
 - a. The Fire Inspector shall be notified prior to the granting of a Special Use Permit for a vehicle dismantling or scrap yard and be given 30 days within which to make recommendations.
 - b. Inside, adjacent to and contiguous with the fence, a strip of land at least 10 feet wide shall be kept clear of all dry grass or other growth or combustible material so as to provide a fire lane around the whole area.
 - c. There shall be maintained at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.
 - d. All vehicles and scrap shall be disassembled or dismantled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.
 5. Visual Considerations -
 - a. There shall be no stacking of vehicles or scrap above 8 feet in height from the ground.
 - b. An appropriate buffer shall be established between adjacent properties.
 6. Minimum Lot Size -
 - a. Adequate acreage shall be available to handle present and future needs of proposed vehicle dismantling or scrap yards.
 7. Other Considerations -
 - a. Suitable sanitary facilities shall be provided in accordance with State Health Laws.
 - b. Inspection of vehicle dismantling and scrap yards shall be allowed at any reasonable time to insure compliance with this and other laws.
 - c. Reasonable hours of operation may be specified.
 - d. Other reasonable conditions may be imposed as is deemed necessary.

- B. Preexisting Vehicle Dismantling and Scrap Yards - Vehicle dismantling and scrap yards in existence before the enactment of this Law shall be subject to the following: (A1) Fences, (A4) Fire Safety and (A7) Other Conditions. Compliance shall take place within a reasonable period of time as determined by the Planning Board. In addition, any expansion or enlargement of any preexisting yards shall be subject to all of the regulations of this Law when they can be reasonably enforced as determined by the permitting board.

SECTION 622 Trash Storage in Private Yards

- A. Quantity Allowed (New Trash) -
1. Trash originating from the parcel on which it is placed shall be allowed temporarily up to 500 cubic feet. However, if it is determined by the Zoning Board of Appeals, without a doubt, that a health and/or safety problem exists, then the land owner has 30 days, weather permitting, from the notification in which to remove the trash in violation.
 2. Trash originated from outside of the township shall not be allowed to be dumped on any parcel within the township.
- B. Definition of Trash - glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances, or similar materials, etc., but not to include woodpiles, lumber, building materials, compost, used farm machinery, etc.
- C. Buffers (Locations) -
1. All new accumulations of trash created after the enactment of this Law shall be out of sight of highways and adjacent properties to the greatest degree possible. Additionally, new accumulations of trash shall be placed a minimum of 200 feet from any parcel boundary or public roadways.
 2. Preexisting accumulations of trash which are clearly visible from reasonable locations on adjacent properties or pose a safety or health problem, shall be removed, covered or screened within 90 days (weather permitting) from the date of enactment of this Law.

SECTION 623 Heavy Vehicles

- A. Purpose - This section has as its main purpose the preservation of developed neighborhoods and particularly, the elimination of noise from diesel engines and air conditioning units caused by large commercial truck parking. Visual intrusion into residential neighborhoods is also a primary concern.
- B. Regulations - Heavy vehicles shall comply with the following regulations:
1. Location - Heavy vehicles shall be allowed to park in any district under the following conditions:
 - a. The vehicle is not parked on a road or in a public road right-of-way.
 - b. The vehicle is located such that a nuisance is not created. If the Zoning Board of Appeals determines a nuisance exists, the owner of the vehicle shall be required to get a Special Use Permit.
- C. Preexisting Heavy Vehicles - This section shall apply to all heavy vehicles immediately, including those that have, in the past, parked in such a manner so as not to be in compliance with this section.

SECTION 624 Large Group Gatherings

- A. Purpose - In order to promote safe and healthy gatherings of large groups of people, as defined in the definition section, certain conditions shall be complied with as defined below.
- B. Conditions - Prior to the granting of a Special Use Permit, the following will be taken into consideration:
1. traffic safety, parking, access;
 2. noise;
 3. health and sanitation;
 4. character of neighborhood development density;
 5. beverages to be served;
 6. security and traffic control;
 7. cleanup and restoration of land; and
 8. other appropriate considerations.
- C. Sponsor Responsibility - The sponsor of any large group gathering shall be responsible for compliance with any conditions which are specifically imposed as well as the overall conduct of the gathering.
- D. Exempt Gatherings - Nonprofit and local civic group sponsored gatherings shall be exempt from permit requirements.
- E. Preexisting Uses - All gatherings held after the effective date of this Law shall be subject to this section.

SECTION 625 Mobile Home Conditions

- A. Conditions - Prior to the granting of a permit for the placement of a mobile home on a private lot, it shall be insured that all regulations (except floor area requirements) required of single-family structures shall be complied with in addition to the following:
1. Placement of the mobile home on the lot shall be such that the character of the neighborhood is best considered.
 2. Adequate parking is available.
 3. Adequate storage areas will be available.
 4. Skirting constructed of fire resistant materials shall be installed, weather permitting, within 3 months from the date of placement on the lot.
 5. The minimum mobile home allowed to be placed on a lot after the enactment date of this Law shall be 12 x 50 feet (manufacturers' advertised size).
- B. Replacement of Mobile Homes - Where a mobile home is to be replaced with another mobile home or any other dwelling unit, a permit shall be required. See section on "Nonconforming Mobile Homes."
- C. Preexisting Mobile Homes - Existing mobile homes not skirted at the time of enactment of this Law shall comply with the skirting requirement (A4 above) within 1 year from the date of enactment of this Law.

SECTION 626 Temporary Permits for Mobile Home

The temporary placement of a mobile home (intended for occupation or not) on a lot shall be permitted in accordance with the following:

- A. Location on Lot - The temporary placement of mobile homes on a lot shall be in conformance with area standards of the district UNLESS it is determined that such placement would not be practical, in which case the conditions for placement shall be specified.
- B. Skirting - The installation of skirting on temporary mobile homes shall be optional as determined by the owner of the Mobile Home. If skirting is installed, it shall be constructed of a fire resistant material.
- C. Length of Time - Length of time that a mobile home may temporarily remain on a lot may be specified.
- D. Other Conditions - Conditions which must be met in granting a Special Use Permit may be specified.

SECTION 627 Mobile Home Parks

Mobile Home Parks shall consist of 2 or more mobile homes located on a single lot. In the development of new parks as well as the expansion of existing parks, the following conditions shall be maintained:

- A. Area and Setback Requirements -
 - 1. Size of Park - Parks shall be created on a parcel(s) of land totaling at least 5 acres.
 - 2. Buffer - An appropriate vegetation or open space buffer shall be located around the perimeter of the park. The type and size of the buffer shall be determined by the density and type of adjacent uses and the need for separating the uses. As a minimum, a 25 foot buffer (open space or vegetation) shall be required with the Zoning Board of Appeals determining the need for a greater buffer.
 - 3. Lot Size - Each mobile home lot shall consist of a lot of a minimum of 11,000 square feet and a minimum of 70 feet at the narrowest point. The park shall average no more than 4 mobile homes per acre.
- B. Drainage - The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
- C. Streets/Walkways/Parking -
 - 1. Parking - Space for parking of 2 automobiles must be provided for each mobile home lot adjacent to it.
 - 2. Park Roadways - Park roadways shall be a minimum of 20 feet in width and shall all have unobstructed access to a public street or highway.
 - 3. Walkways - Walkways of not less than 2 feet in width shall be provided to the service buildings.
 - 4. Grade & Surface Composition - All driveways and walkways within the park shall be of suitable grade and shall be surfaced with gravel as a minimum.
- D. Skirting - Mobile homes shall be skirted with an attractive fire resistant material within 30 days from the time of setup.
- E. Lighting & Utilities - All driveways and walkways within the park shall be lighted at night with electric lamps of such candle power and so situated as may be directed by the Zoning Board of Appeals. It is recommended that consideration in each instance be given to the construction of all utilities underground. It shall be required that all lines between the meter and lot be underground.
- F. Patios - All lots may have a patio convenient to the entrance of each mobile home.
- G. Park Design - It is recommended that the design of the park not be barracks-like in nature and not designed on the gridiron pattern with identical rectangular spaces. The angling of spaces and the clustering of mobile homes around cul-de-sacs could be considered. Should this latter type of design be hampered by the minimum space size of 11,000 feet and space width of 70 feet, the Municipal Board, upon recommendation of the Zoning Board of Appeals shall have the authority to waive those 2 requirements.

SECTION 628 Travel Trailer-Accessory Use

- A. Length of Occupancy - Travel trailers may be lived in on a seasonal basis but shall not be used as a permanent year-round home.
- B. Utility Hookups - When a travel trailer is inhabited for an extended period of time and it is possible that a health violation could exist, the Chautauque County Health Department shall be notified in writing and requested to investigate.
- C. Location - Whether inhabited or not, travel trailers shall be placed a minimum of 25 feet from any property line. Travel trailers may be stored as long as it does not create a nuisance.

SECTION 629 Travel Trailer Campgrounds (Commercial)

Travel Trailer Campgrounds shall be allowed in AR1 and T Districts by Special Use Permit in accordance with the following conditions:

- A. Area & Setback Requirements -
 - 1. All lots (pads) shall be a minimum of 75 feet from any public highway.
 - 2. A 20 foot wide buffer zone of appropriate vegetation shall be provided around the circumference of the park, where adjacent property use is of such a nature that there could be conflicts.
 - 3. Minimum lot sizes shall be 2,500 square feet for a vacation camp and 1,500 square feet for overnight camps, as required by State Law.
- B. Streets & Walkways -
 - 1. Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent streets. This shall include a minimum clear view of 150 feet while pulling out onto the adjacent street.
 - 2. Walkways shall be provided to service buildings.
- C. Parking - Offstreet parking, loading, and maneuvering space shall be provided.
- D. Occupancy - Travel trailers shall be used for seasonal occupancy only. Trailers shall not be utilized as a permanent residence.
- E. Accessory Uses - Accessory uses such as snack bars, recreational facilities, showers, laundromats, etc., customarily associated with travel trailer campgrounds shall be permitted. However, the land utilized in this manner should not account for more than 10% of the total area of the park and the services shall be directed towards the occupants of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.
- F. Location - Parks shall not be located so as to cause heavy traffic to be directed through residential areas not accustomed to or capable of supporting heavy traffic.
- G. Preexisting Camps - Travel trailer camps in existence before the enactment of this Law shall be subject to all of the regulations in this Law within reason as determined by the permitting board. Compliance shall occur within 3 month or a longer specified time period if it is determined in a written decision to be necessary.