

ZONING ORDINANCE
OF THE
TOWN OF MINETTO, NEW YORK

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ZONING ORDINANCE
OF THE
TOWN OF MINETTO, NEW YORK

ARTICLE 1: ENACTING CLAUSE, TITLE, PURPOSE, APPLICATION, DEFINITIONS

Section 101 Enacting Clause

Pursuant to the authority conferred by Chapter 62, Article 16 of the Town Law of the State of New York, the Town Board of the Town of Minetto hereby adopts and enacts as follows.

Section 102 Title

The Ordinance shall be known as the Zoning Ordinance of the Town of Minetto, New York.

Section 103 Purposes of the Zoning Ordinance

The purpose of this Zoning Ordinance, regulations and zoning districts as outlined on the zoning map are to provide for orderly growth in accordance with a Comprehensive Plan, to lessen congestion in the streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of populations, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements, and to promote health, safety and general welfare of the public.

The Zoning Ordinance, regulation and zoning districts have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view toward conserving the value of buildings and encouraging the most appropriate use of land.

Section 104 Application of Regulations

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.

Section 105 Validity

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision.

Section 106 Planning Board Review

Planning Board shall review the Zoning Ordinance at least every five years to assure that it is in accordance with the Comprehensive Plan starting from the year 1988.

Section 110 Definitions

As used in this Ordinance, the following words shall have these meanings:

ACCESSORY USE OR BUILDING: Use or building customarily incidental and subordinate to principal use or building, and located on the same lot.

AGRICULTURAL USE: Land comprising at least two acres used for raising livestock or agricultural products, including farm structures and storage of agricultural equipment; riding and boarding stables; and as an accessory use, sale of agricultural products raised on the property.

ALTERATION: Structural change, rearrangement, relocation, or addition to a building, other than repairs and modification in building equipment.

BASEMENT: Story partly underground. A basement shall be counted as a story if vertical distance between basement ceiling and average grade level of adjoining ground is more than six feet.

BOARDING HOUSE: Owner-occupied dwelling wherein more than three people are sheltered for profit.

BUILDING: Structure having a roof supported by columns or walls and intended for shelter or enclosure of persons, animals, or chattels.

BUILDING AREA: Total of areas taken on a horizontal plane at main finished grade level of principal building and all necessary buildings exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

BUILDING FRONT LINE: Line parallel to front lot line transecting that point in the building face, which is closest to front lot line. This face includes porches but does not include steps.

BUILDING HEIGHT: Vertical distance measured from average elevation of finished grade at front of building to highest point of roof for flat and mansard roofs and to average height between eaves and ridge for other types of roofs.

CERTIFICATE OF COMPLIANCE/OCCUPANCY: A written statement verifying that the use of land, structure, building, or premises conforms, or is in accordance with the intended use and the provisions of the Ordinance.

CLUB: Building or use catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit. Includes YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs that may have dormitory accommodations.

COMMUNITY CENTER: Meeting hall, place of assembly, museum, art gallery, library, not operated primarily for profit.

COMPREHENSIVE PLAN: A plan for development of the Town showing existing and proposed features which would provide for the improvement of the Town and its future growth, protection and development afford adequate facilities for the housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population.

COVERAGE: That percentage of lot area covered by building area.

DRIVE-IN SERVICE: Building or use where a product is sold to, or service performed for customers while they are in or near their motor vehicle.

DUMP: Land use for disposal by abandonment, dumping, burial, burning or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING UNIT: Building or part thereof used as living quarters for one family. The terms "dwelling," "one-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not include a motel, hotel, boarding house, tourist home, mobile home, camp, or similar structure.

DWELLING, ONE-FAMILY: Detached Building used as living quarters by one family.

DWELLING, TWO-FAMILY: Building used as living quarters by two families living independently of each other.

DWELLING, MULTIPLE FAMILY: Building used as living quarters by three or more families living independently of each other.

FAMILY: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no such single housekeeping unit shall contain more than five unrelated members.

GARDEN USE: Land used for gardening and the sale of garden produce grown on the property.

GASOLINE STATION: Building or land used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubrication, washing or servicing vehicles, but not including painting or body repairs.

HOME OCCUPATION: Accessory use of a service character conducted within a dwelling by residents thereof, which is clearly secondary to dwelling use for living purposes and does not change the character or have any exterior evidence of such use, and which conforms to the following additional conditions:

Home occupation shall be carried on wholly within the principal or accessory building. No more than one person outside the family shall be employed. There shall be no exterior storage of material used in the occupation.

Home occupation includes antique sales, baby-sitting, barber, beautician, cooking, drafting, dressmaking, furniture refinishing, laundering, upholsterer, artist, photographer, and electrical, radio and television repair (and other trades and businesses of similar nature as determined by the Planning Board).

"Home occupation shall not include animal hospital, commercial stable or kennel, Laundromat, convalescent home, mortuary, music or dancing instruction to groups, restaurant, garage or repair of motor vehicles and other trades and businesses of similar nature (as determined by the Planning Board).

JUNK YARD: Land or building used for collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles not in running condition.

KENNEL: Land or building used for harboring four or more dogs over six months old.

LOADING SPACE: Off-street space at least twelve feet wide by forty feet long used for temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.

LOT: Land occupied or which may be occupied by a building and its accessory uses, together with such open spaces as are required, having not less than minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Planning Board to be adequate as condition of issuance of a building permit for a building.

LOT AREA: Total area within property lines, excluding any part thereof lying within the boundaries of a street, or proposed street.

LOT, CORNER: Lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if tangents to the curve at points of intersection of side lot lines intersect at an interior angle of less than 135 degrees.

LOT DEPTH: Mean horizontal distance from street line of the lot to its opposite rear line measured at right angles to the building front line.

LOT FRONTAGE OR WIDTH: Distance measured across width of the lot at the required building front line.

MOBILE HOME: Movable living unit with or without wheels, whether on a foundation or rigid support, capable of being used for living quarters year round and built to State Building Construction Code, One-Family Regulations. A mobile home shall contain at least 380 square feet of floor area.

NONCONFORMING USE: Use of land or structure which does not comply with all regulations for the district in which it is located, where such use conforms to all applicable laws, ordinances and regulations prior to enactment or amendment of this Ordinance.

NON-RESIDENTIAL USE: Any commercial use, industrial use, school, religious institution, garden use, and agricultural use.

OWNER: Person or persons holding title to the property.

PARKING SPACE: Off-street space at least nine feet wide by twenty-two feet long used for temporary location of one licensed motor vehicle. Such space shall access to a street or alley.

PLANNED DEVELOPMENT: Area in which diverse residential, industrial, and/or commercial uses may be brought together as a compatible and unified plan of local area development considering the interest and general welfare of the Town's population.

PLAT PLAN: As required in Subdivision Regulations. (See Subdivision Regulations)

PLOT PLAN: A drawing showing boundaries of property relevant to landmarks and location of structures.

PROFESSIONAL RESIDENCE-OFFICE: Residence in which the occupant has a professional office which is clearly secondary to one-family dwelling use for living purposes and does not change the residential character, and where not more than one person outside the family is employed.

RELIGIOUS INSTITUTION: Church, temple, parish house, convent, seminary, and retreat house.

RECREATION, INDOOR: Includes bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop and similar places of indoor commercial recreation.

RESIDENTIAL USE: One-family dwelling, two-family dwelling, multiple family dwelling, professional residence-office, and mobile home.

RETAIL STORE: Enclosed restaurant, store for sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

- (a) Sales of goods and services for consumption by purchasers rather than resale and shall include sales by department stores, sporting goods stores, shoe stores, drugstores, appliance stores, furniture stores, electronic stores, liquor stores, bookstores, grocery stores and other like stores and similar businesses.
- (b) A retail store with gas sales must comply with supplementary use standards found in Section 545 of this ordinance as it relates to the sale of gasoline and must comply with the special permit process found in Section 461 of this ordinance.

SCHOOL: Parochial, private and public school, college, university and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

SIGN: Any device, structure, building or part thereof, for visual communication used for the purpose of bringing the subject thereof to the public's attention.

SIGN, ADVERTISEMENT OR BILLBOARD: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold, or offered elsewhere than upon the same lot.

SIGN, BUSINESS: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot or which it is displayed, including "For Sale or Rent" signs.

SITE PLAN: Detailed drawing(s) showing the arrangement, layout, and design of the proposed use of the land and structures. May also include appropriate proposed parking, means of normal and emergency access, screening, signs, landscaping, architectural features, location and dimensions of buildings, impact of proposed use on adjacent land uses, location of utilities and roads and other such elements.

STREET: Public way for vehicular traffic which affords principal means of access to abutting properties.

STREET LINE: Right of way line of street as dedicated by a deed or record. Where the street width is not established, the street line shall be considered to be thirty feet from centerline of street pavement.

STRUCTURE: A permanently constructed building, outbuilding, garage, carport, storage building, greenhouse, porch, elevated deck, tower, or other such construct to which state and local codes apply.

TOURIST HOME: Owner-occupied dwelling in which overnight accommodation is provided for transient guests for profit.

TRAILER: Vehicle capable of being used as seasonal sleeping or living quarters, not exceeding 380 square feet in floor area, whether self-propelled or towed, or a camper body mounted on a motor vehicle. Trailer shall also include any vehicle, which may be towed and capable of being used for carrying goods, equipment, machinery, or recreational vehicles, or as a site office.

USE, PERMITTED: Use specifically allowed in the district, excluding illegal and nonconforming uses.

YARD: Space on a lot not occupied with a building. Porches shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT: Yard between front lot line and front line of a building extended to side lot lines. Depth of front yard shall be measured from street line to front line of building.

YARD, REAR: Yard between rear lot line and rear line of a building extended to side lot lines. Depth of a rear yard shall be measured from rear lot line to front line of building.

YARD, SIDE: Yard between principal building or accessory building and a side lot line, and extending through from front yard to rear yard.

ARTICLE II: ENFORCEMENT, ADMINISTRATION AND AMENDMENTS

Section 201 Enforcement

This ordinance shall be enforced by the Code Enforcement Officer.

Section 202 Fees for Permits, Zoning Changes and Variances

Fees may be charged for permits issued and for processing of applications for zoning changes and variances.

Section 203 Building Permits

1. No building or structure shall be erected, added to, or structurally altered until a building permit has been issued by the Code Enforcement Officer.
2. Non-commercial storage buildings of less than 144 square feet do not require a Building Permit. However the owner is required to notify the Code Enforcement Officer before construction begins. They must meet New York State Building Codes and appropriate setback requirements of this Zoning Ordinance.
3. Applications for a building permit must be obtained from the Town Clerk or the Code Enforcement Officer.
4. A building permit shall be issued only after the site plan or plot plan has been approved in accordance with Articles IV and V of this document.
5. Where variances and special permits are required, the Code Enforcement Officer shall issue a building permit only after the appropriate boards review the application and approve site plans, plot plans and applications as required by the Zoning Ordinance.
6. The building permit will be displayed at the work site at all times. Building permit applicant and/or their designee shall notify the Code Enforcement Officer/Building Inspector throughout the project in accordance with the established verification check points in the building inspection program as determined by the Code Enforcement Officer/Building Inspector.

7. A building permit will be issued for a period of one year for the completion of the project for which the permit was issued. If the project requires more time to complete, the Code Enforcement Officer may grant further extensions, up to three years. After that time, the Building Permit shall be evaluated for accuracy and code compliance to any new changes or revisions to the New York State Building Code. At which time, additional permit costs will be incurred.

Section 204 Certificate of Compliance/Occupancy

No land shall be used or occupied and no building hereafter erected, altered or extended, shall be used or changed in use until a certificate of compliance or a certificate of occupancy has been issued by the Code Enforcement Officer in accordance with the provisions of this ordinance.

Section 205 Violations and Penalties

Any violation of this Ordinance is an offense punishable by a fine not exceeding \$350.00 for the first offense and \$500.00 for any subsequent offense. Each week's continued violation shall constitute a separate offense.

Section 206 Complaints of Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed and shall be filed with the Code Enforcement Officer who shall properly record such complaint and immediately investigate the complaint, and when deemed appropriate, issue an appearance ticket and prosecute the offense in Town Court.

Section 208 Administration

The Zoning and Subdivisions Administrative Manual outlines procedures and provides examples of the forms to be used in administering the Ordinance. That manual shall become a guide for this Zoning Ordinance.

Section 210 Procedure for Amendments

1. Regulations, districts and boundaries established by this Ordinance may be amended or repealed after official notice has been given and a public hearing has been held by the Town Board as required by law.
2. Each petition requesting a change of zoning regulations or district boundaries shall be typewritten, signed by the owner, filed in triplicate, and accompanied by the required fee.
3. Every such proposed amendment shall be referred to the Planning Board for a report before the public hearing.
4. Planning Board shall require a plan of proposed development for which a zoning district change is sought to assist in their understanding of the case.
5. The Town Board, on its own initiative, may also seek a change of zoning or district regulations by adopting a resolution seeking such amendment.
6. The Planning Board, on their own initiative, may also make recommendations for revisions of the Zoning Ordinance.

ARTICLE III: ZONING BOARD OF APPEALS/PLANNING BOARD

Section 301 Zoning Board of Appeals – Creation and Organization

A Zoning Board of Appeals shall consist of five members, each to be appointed for five years. The Board shall appoint a secretary and shall prescribe rules for the conduct of its affairs.

Section 302 Zoning Board of Appeals – Powers and Duties

The Zoning Board of Appeals shall have all the following powers and duties:

1. Interpretation: Upon appeal from a decision of the Code Enforcement Officer, to decide questions involving interpretation of any provision of this Ordinance.
2. Special Permits: To grant special permits required by this Ordinance.
3. Variances: To grant area and use variances as defined in Section 304 herein.

Section 303 Procedures for Interpretation, Special Permit, Variance

1. The Zoning Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Ordinance. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation claimed, use for which the special permit is sought, or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
2. For applications related to site plans or subdivisions, special permits and zoning amendments, a review by the Planning Board is required.
3. At least thirty days before the public hearing, the secretary of the Zoning Board of Appeals shall transmit to the Planning Board a copy of the application and notice of hearing. The Planning Board shall submit a report of its advisory opinion prior to the hearing. Failure of the Planning Board to submit a report shall be deemed to signify approval of application.
4. Every decision of the Zoning Board of Appeals shall be by resolution, which shall contain a full statement of their findings of fact in the case, and shall be recorded in their minutes.

Section 304 Use and Area Variances

1. Use Variances
 - a. No such use variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where located, (1a) the applicant can not realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.
 - b. The Board, in granting, of an use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Area Variances

- a. In making a determination to grant an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of an area variance.
- b. The Board, in granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Section 305 Planning Board – Creation and Organization

Planning Board shall consist of seven members, each appointed by the Town Board for a period of seven years. The Planning Board shall appoint a secretary and may select a Chairman, if so directed by the Town Board. They shall adopt such rules and regulations as deemed necessary.

Section 306 Planning Board – Powers and Duties

The Planning Board has the following responsibilities:

1. Review and approve, approve with modifications, or disapprove site plans.
2. Review and recommend approval, approve with modifications, or disapprove special permits/uses.
3. Conduct public meetings/hearings as required by this Ordinance.
4. Make recommendations, based on investigations, maps and reports, in connection with the development of the Town.
5. When so directed by the Town Board, review, revise and maintain a comprehensive master plan for the development of the Town.
6. Actions of the Planning Board shall be fully documented.

Section 310 Special Permits

In every case where a special permit is required by this Ordinance, the Zoning Board of Appeals shall grant such permit only after:

1. Referral to the Planning Board for their recommendation and receipt of their report.
2. A public hearing has been held by the Zoning Board of Appeals.

Section 311 Required Plan

An application for a special permit shall be accompanied by three sets of preliminary plans and other descriptive matter to portray clearly intentions of the applicant. These documents shall become a part of the record. Such plans shall show location of all buildings, parking, access and circulation, open

space, landscaping and other information necessary to determine if the proposed special use meets requirements of the Ordinance.

Section 312 Standards for Special Uses

The Planning Board shall recommend a special use permit subject to conditions to assure that the proposed use is in harmony with the Zoning Ordinance and will not adversely affect the neighborhood if such conditions are met by the applicant. The Planning Board shall have the authority to recommend such reasonable restrictions and conditions as are directly related to and incidental to the proposed special permit.

Section 313 Standards Applicable to All Special Uses

The Zoning Board of Appeals may grant a special permit only after it has found that all the following standards and conditions have been satisfied.

1. Location, size of use and structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with orderly development of the district.
2. Location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
3. Special use shall not conflict with any master plan, or part thereof.
4. Operations of any special use shall not be more objectionable to nearby than would be the operations of any permitted use.
5. No special permit shall be issued for use on a property where there is an existing violation of this Ordinance.

ARTICLE IV: ZONING DISTRICT REGULATIONS, ZONING MAP

Section 401 Establishment of Zoning Districts

The Town of Minetto is hereby divided into the following zoning districts:

Planned Development	PD	Residential 10,000	R.10
Agricultural 40,000	AG	Commercial	CM
Residential 20,000	R.20	Industrial	IN

Section 402 Zoning Map

The zoning districts are shown, defined and bounded on the zoning map accompanying this Ordinance. The zoning map is hereby made a part of this Ordinance, and shall be on file in the office of the Town Clerk.

Section 403 Interpretation of Zoning District Boundaries

1. Questions concerned with the exact location of district boundary lines, as shown on the zoning map, shall be resolved by the Zoning Board of Appeals.
2. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend more than fifty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 405 Standards for Multi-Family Dwelling Units

Multiple family dwelling units may be constructed to the following regulations:

Lot Area Minimum	R.10 18,000 sq. ft.	R.20 28,000 sq. ft.	Agricultural 40,000 sq. ft.
Plus an additional (over two units)	1,500 sq. ft. for each one-bedroom unit 2,000 sq. ft. for each two-bedroom unit 3,000 sq. ft. for each three-bedroom unit or more		
Building Line Minimum	120	150	150
Lot Depth Minimum	150	150	200
Front Yard Minimum	40	40	40
Rear Yard Minimum	40	40	40
Side Yard Minimum	25	25	25
Coverage Maximum	20%	20%	20%

Maximum Units per Bldg: 4 (four)

Bldg. Height Maximum: 35 feet (accessory bldg. 15 ft.)

Supplementary Regulations: Supplementary regulations in Article V also apply, as do Submittal and Approval of the site plans as set forth in Section 411 and 412. Licensed engineering approval of sewer and water is required. Emergency access availability on two sides. Off road parking with approved entrance location. Entrance shall be at least 20 ft. wide.

Section 410 Planned Development Districts

Provision is included for Planned Development Districts to permit establishment of areas in which diverse residential, commercial and industrial uses may be brought together as a compatible and unified plan to development which is in the interest and the general welfare of the public.

Area, yard, coverage, height and supplementary regulation requirements shall be comparable to minimum requirements in appropriate residential, commercial or industrial zoning districts for each specific use, except where the Planning Board finds that it is in the Public interest to modify these requirements.

Should an Owner desire to seek approval for a Planned Development District, the procedures outlined herein must be followed as to site plan review and approval of said Planned Development District by the Planning Board.

Section 411 Site Plans

The owner shall submit three sets of site plans of the proposed development to the Planning Board for review, as required in Section 502.

Section 412 Findings Required

The Planning Board shall recommend the approval, approval with modifications, or disapproval of the site plans. The Planning Board may recommend to the Town Board establishment of a Planned Development District provided that they find facts submitted with the plans established that:

1. Uses proposed will not be detrimental to present and potential surrounding uses.
2. Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
3. The proposed zoning change is in conformance with the intent of the comprehensive plan.
4. Existing and proposed streets are suitable and adequate to carry anticipated traffic within, and in the vicinity of the proposed district.
5. Existing and proposed utility services are adequate for proposed development.
6. Each phase of the proposed development, as proposed to be completed, contains required parking spaces and landscaped areas necessary for creating a desirable environment.

Section 413 Public Hearing

1. Town Board may amend the zoning map after holding a public hearing and making findings that the Planned Development District will not be detrimental to the surrounding neighborhood and that it is in conformance with the Master Plan of the Town. Such action shall have the effect only of granting permission for development of the specific proposal, in accordance with the site plans approved by the Planning Board. An appropriate notation to that effect shall be made on three sets of plans. One set shall be retained by the Town Clerk.
2. Planned development approval by the Town Board shall be secured by the owner for each phase of development.

Section 420 Agricultural 40,000 – AG

The following uses are permitted in Agricultural 40,000 Districts:

1. Agricultural Uses
2. One and Two Family Dwellings
3. Mobile Home
4. Schools
5. Religious Institution
6. Home Occupation
7. Garden Use
8. Accessory Use

Section 421 Agricultural, Uses Requiring Special Permit

The following uses are permitted after issuance of a special permit:

1. Multiple Family Dwellings
2. Professional Residence – Office
3. Boarding House
4. Community Center
5. Club
6. Public Utility
7. Mobile Home Park
8. Quarry
9. Auto Body Repair Shop

Section 422 Agricultural, Area, Yard, Coverage, Height, Supplementary Regulations

	Residential Uses	Non-Residential Uses (except Public Utility)
Lot Area Minimum	40,000 sq. ft.	80,000 sq. ft.
Building Line Minimum	150 ft	200 ft
Lot Depth Minimum	200 ft	250 ft
Front Yard Minimum	35 ft	50 ft
Rear Yard Minimum	40 ft	50 ft
Side Yard Minimum	25 ft	50 ft
Coverage Maximum	None	10%
Building Height Maximum	Three stories or 35 ft. whichever is less. No Height limit for agricultural uses.	
Supplementary Regulations:	As set forth in Article V hereof. Site plan approval required for non-residential uses.	

Section 430 Residential 20,000 – R.20

The following uses are permitted in Residential 20,000 districts.

1. Agricultural Use
2. One and Two Family Dwellings
3. School
4. Religious Institution
5. Home Occupation
6. Garden Use
7. Accessory Use

Section 431 Residential 20,000 Uses Requiring Special Permit

The following uses are permitted after issuance of a special permit:

1. Multiple Family Dwellings
2. Professional Residence-Office
3. Boarding House
4. Community Center
5. Public Utility

Section 432 Residential 20,000 Area, Yard, Coverage, Height, Supplementary Regulations

	Residential Uses		Non-Residential Uses (except Public Utility)
	One Family	Two Family	
Lot Area Minimum	20,000 sq. ft.	28,000 sq. ft.	80,000 sq. ft.
Building Line Minimum	100 ft	150 ft	200 ft
Lot Depth Minimum	125 ft	125 ft	200 ft
Front Yard Minimum	35 ft	35 ft	50 ft
Rear Yard Minimum	40 ft	40 ft	50 ft
Side Yard Minimum	15 ft	15 ft	50 ft
Coverage Maximum	20%	20%	10%

Building Height Maximum Three stories or 35 ft. whichever is less.
Accessory Building – 15 ft.

Supplementary Regulations: As set forth in Article V hereof.
Site plan approval required for non-residential uses.
Approved sewer and water systems required.

Section 440 Residential 10,000 – R.10

The following uses are permitted in Residential 10,000 districts:

1. Agricultural Use
2. One and Two Family Dwellings
3. School
4. Religious Institution
5. Home Occupation
6. Garden Use
7. Accessory

Section 441 Residential 10,000 Uses Requiring Special Permit

The following uses are permitted after issuance of a special permit:

1. Multiple Family Dwellings
2. Professional Residence – Office
3. Boarding House
4. Community Center
5. Public Utility

Section 442 Residential 10,000 Area, Yard, Coverage, Height Supplementary Regulations

	Residential Uses		Non-Residential Uses (except Public Utility)
	One Family	Two Family	
Lot Area Minimum	10,000 sq. ft.	14,000 sq. ft.	40,000 sq. ft.
Building Line Minimum	75 ft	110 ft	150 ft
Lot Depth Minimum	125 ft	125 ft	200 ft
Front Yard Minimum	30 ft	30 ft	50 ft
Rear Yard Minimum	30 ft	30 ft	50 ft
Side Yard Minimum	Total 20	15 ft	30 ft
	Minimum 8 ft.		
Coverage Maximum	25%	30%	20%
Building Height Maximum	Three stories or 35 ft. whichever is less. Accessory Building – 15 ft.		

Supplementary Regulations: As set forth in Article V hereof.
Site plan approval required for non-residential uses.
Approved sewer and water systems required.

Section 460 Commercial – CM

The following uses are permitted in Commercial districts:

1. Retail Store, Retail Service
2. Business Office
3. Personal Service
4. Restaurant
5. Hotel, Motel
6. Religious Institution
7. Community Center
8. Indoor Recreation
9. Club
10. Mortuary, Funeral Home
11. Parking
12. Accessory Use

Section 461 Commercial Uses Requiring Special Permit

The following uses are permitted after issuance of a special permit:

1. Bar
2. Motor Vehicle Sales
3. Gasoline Station
4. Car Wash
5. Drive-In Service
6. Retail Service
7. Other commercial uses upon the finding that such use is of the same general character as those permitted and which will not be detrimental to other uses within the district or to adjoining land uses.

Section 462 Commercial Area, Yard, Coverage, Supplementary Regulation

District Area Minimum	80,000 sq. ft.
District Width Minimum	200 ft.
District Depth Minimum	200 ft.
Front Yard Minimum	5 ft.
Rear Yard Minimum	20 ft., or 50 ft. when abutting residential districts
District Side Yard Minimum	20 ft., or 30 ft. when abutting residential districts
District Coverage Maximum	25%
Building Height Maximum	Two Stories or 30 ft., whichever is less. Accessory building – 15 ft.
Supplementary Regulations	As set forth in Article V hereof. Site Plan approval required.

Section 470 Industrial – IN

The following uses are permitted in Industrial Districts:

1. Enclosed Manufacturing Industries
2. Enclosed Warehouse or Wholesale Use
3. Public Utility
4. Enclosed Service and Repair
5. Enclosed Industrial Processes and Services
6. Machinery and Transportation Equipment, Sales, Service and Repair
7. Freight or Trucking Terminal
8. Garage
9. Gasoline Station, Car Wash
10. Parking
11. Accessory Use

Section 471 Industrial Uses Requiring Special Permits

1. Open Storage Use
2. Other industrial uses upon the finding that such use is of the same general character as those permitted and which will not be detrimental to other uses within the district or to adjoining land uses.

Section 472 Industrial Area, Yard, Coverage, Height, Supplementary Regulations

District Area Minimum	10 Acres
Lot Area Minimum	10,000 sq. ft.
Lot Frontage Minimum	75 ft.
Lot Depth Minimum	125 ft.
Front Yard Minimum	30 ft.
Rear and Side Yard Minimum	20 ft., or 30 ft. when abutting residential districts
Coverage Maximum	40%

Building Height Maximum Two Stories or 45 ft., whichever is less

Supplementary Regulations: As set forth in Article V hereof.
Site plan approval required.

ARTICLE V: SUPPLEMENTARY REGULATIONS

Section 501 Site Plan Review and Approval

The Planning Board, at a regular public meeting of the Board, shall review and approve, or approve with modifications, all permitted uses listed as requiring site plan approval before a building permit is issued.

Section 502 Submission of Site Plan and Supporting Data

The Owner shall submit a site plan and supporting data prepared by an architect, landscape architect, engineer, land surveyor or planner and shall include the following information presented in drawn form and accompanied by a written test:

1. Survey of the property, showing existing features of the property, including contours, large trees, buildings, structures, streets, utility casements, rights-of-way, land use, zoning and ownership of surrounding property.
2. Site plan showing proposed lots, blocks, building locations and land use areas.
3. Traffic circulation, parking, loading spaces and pedestrian walks.
4. Landscaping plans, including site grading, landscape design and open areas.
5. Preliminary architectural drawings for buildings to be considered, including floor plans, exterior elevations and sections.
6. Preliminary engineering plans, including street improvements, storm drainage system, public utility extensions, water supply and sanitary sewer facilities.
7. Engineering feasibility studies of any anticipated problems, which might arise due to the proposed development, as required by the Planning Board.
8. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
9. A description of the proposed uses, including hours of operation, number of employees, expected volume of business and type and volume of traffic expected to be generated.

Section 503 Site Plan Approval

The Planning Board shall review the site plan and supporting data before an approval with stated conditions is given and take into consideration the following:

1. Harmonious relationship between proposed uses and existing adjacent uses.
2. Maximum safety of vehicular circulation between the site and street network.
3. Adequacy of interior circulation, parking and loading facilities, with particular attention to vehicular and pedestrian safety.
4. Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection to adjacent residential districts.

Should changes or additional facilities be required by the Board, final approval of the site plan shall be conditional upon the satisfactory compliance by the Owner to the changes or additions.

Any Owner wishing to make changes in an approved site plan shall submit a revised site plan to the Planning Board for review and approval.

In the event a public hearing is required by ordinance or local law adopted by the town board, the authorized board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to under this section. The authorized board shall mail notice of said hearing to the applicant at least 10 days before said hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least 5 days prior to the date thereof and shall make a decision on the application within 62 days after such hearing, or after the day the application is received, if no hearing has been held. The time within which the board may render its decision may be extended by mutual consent of the applicant and the board. The decision of the board shall be filed in the office of the Town Clerk within 5 business days after such decision is rendered and a copy, thereof, mailed to the applicant. Nothing herein shall preclude the holding of a public hearing on any matter on which a public hearing is not so required.

In making a determination, the Planning Board shall comply with the State Environmental Quality Review Act.

Section 504 Performance Bond as a Condition of the Site Plan Approval

The Planning Board may require, as a condition of the site plan approval, that the owner file a performance bond in such amount as they determine to be in the public interest, to insure that the proposed development will be built in compliance with the accepted plans.

Section 510 Off-Street Parking Space Requirements

For every building hereafter erected, altered, or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty feet clear in width, except for one and two family dwellings. Except for one and two family dwellings, all off-street parking spaces are to be arranged so that all backing movements take place with the parking area and not in a public street.

1. Residential Uses:
 - a) One and Two Family Dwellings and Conversions:
Two parking spaces for every dwelling unit.
 - b) Multiple Family Dwellings:
Five parking spaces for every three dwelling units.

- c) Professional Residence-Office:
Three parking spaces, plus one additional parking space for every two hundred square feet of office area.
- 2. Hotel, Motel, Tourist Home, Boarding House:
Three parking spaces plus one space for every quest room.
- 3. Dormitory, Fraternity, Sorority, Nursing Home, Hospital:
Three parking spaces, plus one space for every two beds.
- 4. Places of Public Assembly:
One parking space for every five seats, or one parking space for every one hundred square feet of floor area.
- 5. Business, Professional and Medical Offices:
Three parking spaces, plus one space for every two hundred square feet of office area.
- 6. Commercial and Business, in groups over 20,000 sq. ft. of business floor area:
One parking space for every one hundred square feet of business area.
- 7. Commercial and Business, individual establishments on separate lots:
One parking space for every motor vehicle used directly in the business, plus one parking space for every two hundred square feet of floor area.
- 8. Restaurant, Eating and Drinking Establishments:
One parking space for every one hundred sq. ft. of floor area
- 9. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses:
One parking space for every motor vehicle used directly in the business, plus additional parking as required by the Board.
- 10. Unspecified Uses:
As required by the Board based upon intensity, turnover, customers, employees and vehicles used.

Section 511 Off-Street Loading Space Requirements

Every building occupied for the purpose of business or industry shall provide adequate space for loading and unloading of vehicles off the street.

Section 512 Special Parking and Loading Space Requirements

The Planning Board, under their powers of site plan review and approval, may modify requirements for parking and loading spaces and:

- 1. Require additional spaces if they find the requirements insufficient.
- 2. Require fewer spaces if they find the requirements excessive.
- 3. Permit spaces for separate uses to be combined in one parking lot.

The Board shall take into account existing parking spaces in the vicinity of the proposed development.

Section 520 Landscaping Requirements

The following are minimum landscaping requirements:

- 1. Where any land use in non-residential districts abuts land in any residential districts, a strip of land at least fifteen feet in width shall be maintained by the owner as a landscaped area in the front, side and rear yards which adjoin these other districts.
- 2. Where any permitted non-residential land use, multiple family development, or mobile home park in a residential district abuts any land use in a residential district, a strip of land at least

fifteen feet in width shall be maintained as a landscaped area in the front, side and rear yards which adjoin these uses.

3. In an industrial or commercial district, each use shall have a strip of land at least fifteen feet in width in any required front yard and at least five feet in width in any required rear and side yards, which shall be maintained as a landscaped area.
4. In a planned development district, as required by the Planning Board.
5. Landscaping shall be installed and maintained in a healthy growing condition in front, side and rear yards, and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

Section 530 Performance Standards

In all districts, uses are not permitted which exceed the following standards measured at individual property lines. The Planning Board, under its powers of the site plan approval, shall decide whether uses meet the standards. All uses shall meet New York State air and water pollution standards and shall not:

1. Emit noise in excess of 70 decibel, dpa.
2. Emit any odor, which is considered offensive.
3. Emit dust or dirt, which is considered offensive.
4. Emit any smoke in excess of Ringlemann Chart No. 2.
5. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
6. Cause, as a result of normal operations, a vibration which creates displacement of 0.003 of one inch.
7. Create glare by lighting or signs which could impair the vision of a driver of any motor vehicle.
8. Cause a fire, explosion or safety hazard.
9. Cause harmful wastes to be discharged into the sewer system, streams, or other bodies of water.

Section 531 Uses Not Permitted

In all districts, the following uses are not permitted: Junk yards, machinery wrecking yards, dumps, manufacturing or bulk storage of fuels and explosives, unenclosed manufacturing or processing of goods and materials, except in industrial districts after issuance of a Special Permit.

Section 532 Landfill

In all districts, the dumping of refuse and waste material for landfill is prohibited. Loam, rock, stone, gravel, sand, cinders, and soil may be used for landfill to grades approved by the "Building Inspector" (Code Enforcement Officer).

Section 540 Mobile Homes

No person shall park a mobile home on any public or private property, except in accordance with this Ordinance as follows:

1. In an approved mobile home park.
2. In a district specifically zoned to permit mobile homes as living accommodation.
3. In an approved mobile home sales lot.

Section 541 Mobile Home Park Permit

No person shall construct or operate a mobile home park without first obtaining a permit and site plan approval.

Section 542 Mobile Home Park Standards

The following regulations shall apply to all mobile homes in mobile home parks:

1. Mobile home parks shall be at least five acres in area and shall provide for individual mobile home lots, access driveways and parking.
2. Each mobile home lot shall be at least 8,000 square feet in area and at least seventy feet wide by one hundred feet in depth and shall front onto an access driveway or street.
3. All access driveways within a mobile home park must be at least thirty feet in width and be built to Town Standards.
4. Each mobile home lot shall have an attachment for water supply. Water supply source must be approved by the Town and State Department of Health.
5. Each mobile home lot shall have an attachment for sewage disposal. Method of sewage disposal must be in compliance with the Town and State Department of Health regulations.
6. No mobile home lot or service building shall be closer to a public street right-of-way line than fifty feet, nor closer to a property line than thirty feet.
7. A strip of land at least fifteen feet in width shall be maintained as a landscaped area abutting all mobile home park property lines.
8. No additions shall be made to a mobile home except a canopy and/or porch open on three sides and addition made by the mobile home manufacturer, or an addition built in conformance with the State Building Construction Code for one-family dwellings.

Section 545 Gasoline Station, Public Garage and Motor Vehicle Sales

Gasoline Stations, public garages and motor vehicle sales agencies shall comply with the following:

1. Lot shall not be located within three hundred feet of any lot occupied by a school, hospital, playground, library or religious institution. Measurement shall be made between nearest respective lot lines.
2. Lot size shall be at least 20,000 square feet.
3. Lot frontage shall be at least 150 feet.
4. Lot depth shall be at least 125 feet.
5. Pumps, other service devices and fuel and oil storage shall be located at least thirty feet from all lot lines.
6. All automobile parts and dismantled vehicles are to be stored within a building and no major repair work is to be performed outside a building.
7. There shall be no more than two access driveways from any street. Maximum width of each access driveway shall be thirty feet.
8. A suitable curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as a driveway.

Section 546 Public Utility Facilities

Public Utility substations and similar utility structures shall comply with the following:

1. The facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
2. A landscaped area at least fifteen feet wide shall be maintained in front, side and rear yards.
3. There shall be no open equipment visible from surrounding property.
4. Where practical, low profile equipment shall be used.

Section 550 Signs

Off premises advertising signs, billboards and roof signs are not permitted in any district. The following signs are permitted in any district:

1. Professional residence-office and home occupation signs not exceeding four square feet.
2. One "For Rent" and/or "For Sale" sign not exceeding six square feet in residential districts, thirty-two square feet in other districts.
3. Directional or informational signs not exceeding four square feet.
4. Signs necessary for public safety or welfare.
5. Signs identifying a construction project and the specialists concerned, not exceeding eight square feet for a house and sixteen square feet for other buildings.
6. Signs identifying any permitted non-residential use in a residential district, one square foot of sign for each lineal foot of building frontage, but not exceeding a total of thirty-two square feet.

Section 551 Signs in Commercial and Industrial Districts

The following additional signs are permitted in commercial and industrial districts:

1. All signs permitted under Section 550.
2. Business signs total area not to exceed two square feet for each one lineal foot of building frontage occupied by the establishment.

Section 552 Ground Sign

Every ground sign shall:

1. Not exceed twenty feet in height above finished grade.
2. Be set back at least five feet from any street line and at least ten feet from any other lot line.
3. Not exceed eighty square feet in area.

Section 553 Traffic Hazard, Safety and Obstruction

Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.
5. Withstand a wind pressure load of thirty pounds per square foot.

Section 554 Illuminated and Flashing Signs

1. Signs may be illuminated by a steady light provided that such lighting does not illuminate adjacent property.
2. Flashing, oscillating and revolving signs are not permitted, unless necessary for public safety or welfare.

Section 555 Sign by Special Permit

Other signs may be permitted after issuance of a Special Permit (by the Code Enforcement Officer), if the Zoning Board of Appeals finds that such sign:

1. Is in the public interest and is not detrimental to public safety, welfare, or surrounding properties.
2. Is of a character, size and location that it will be in harmony with orderly development of the district.

Section 560 Nonconforming Uses

Lawful use of any building or landscaping at the time of enactment of amendment of this Ordinance may be continued although such use does not conform with this Ordinance, except herein after provided.

Section 561 Discontinuance

When a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established and any future use shall be in conformity with this ordinance. Provided, however, that within two years of such discontinuance the Zoning Board of Appeals may allow the resumption of the nonconforming use.

Section 562 Change of Use

No nonconforming use shall be changed to other than a conforming use for the district in which it is situated.

Section 563 Unsafe Structures, Restoration, Alteration and Extension

A nonconforming structure or part thereof may be:

1. Restored to a safe condition.
2. Repaired, if damaged by fire or other causes, provided that construction starts within a period of one year.
3. Structurally altered only to the extent of its prior nonconformity.

A nonconforming use shall not be extended. Extension of a lawful use to any part of a nonconforming building shall not be deemed extension of such nonconforming use.

Section 564 Nonconforming Junk Yards

Nonconforming junk yards shall be discontinued and the site cleared within three years of amendment of this Ordinance.

Section 565 Nonconforming Signs

1. Nonconforming signs shall be removed when any use of the property on which the sign is located is discontinued.
2. Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to the provisions of this Ordinance. This provision shall not restrict the routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.

Section 570 Residential Lots Existing Prior to Amendment of Ordinance

In residential districts, nothing shall prohibit the use of a lot of less area or less frontage than required for a one-family dwelling in the district in which the lot is located, when such lot was held under separate ownership from the adjoining lots at the time of passage or amendment of this Ordinance.

Section 571 Dwelling on Lots

There shall be only one residential building on a lot unless otherwise approved under the Planned Unit Development provisions.

Section 572 Calculation of Building Coverage

In determining percentage of building coverage of a lot or size of yards, all principal buildings, roofed porches, garages, carports and other accessory buildings shall be included.

Section 573 Required Area or Yards

No space necessary under this Ordinance to satisfy area, yard or other open space requirements in relation to any building or use shall be counted as part of a required open space in relation to any other lot or buildings.

Section 574 Yards on Corner Lots

Any yard adjoining a street shall be considered a front yard for the purpose of this Ordinance. Only one front yard is required to comply with the minimum depth requirement. All other front yards shall either equal the minimum or be at least twenty feet in depth, whichever is less.

Section 575 Projection in Yards

Every part of a required yard shall be open from the ground to the sky unobstructed, except for ordinary projections of sills, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

Section 576 Frontage on Public Streets

All residential lots shall have at least twenty feet frontage on a street.

Section 577 Location of Driveways

All driveways must be located at least twenty-five feet from a street line intersection.

Section 578 Permit for Temporary Use and Structures

1. Code Enforcement Officer may issue a temporary permit for a period not exceeding one year, for incidental nonconforming uses as follows:
 - a. Temporary uses incidental to a construction project.
 - b. Temporary real estate sales office incidental to sub-division.
 - c. Other similar temporary incidental use.
2. Permits shall be conditioned upon agreement by the Owner to remove the use upon expiration of permit.
3. Permits may be re-issued for additional periods of six months.

Section 579 Abandonment of Construction Projects and Structures

Within six months after work on an excavation for a building has begun, or within six months after a construction project, building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site and any excavation remaining shall be covered over or filled to the normal grade by the Owner.

Section 580 Obstruction of Vision on a Corner Lot in Residential Districts

In all districts, on a corner lot within the triangular area formed by the intersection of two street property lines and a third line joining them at points thirty feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

Section 581 Fences

No fence or planting over three feet in height shall be permitted within fifteen feet of the intersection of either side of a driveway with the street line. No fence or planting shall be permitted within one foot of the street line.

Section 582 Multiple Family Dwelling Units Below Grade

No living spaces are permitted in basements of multiple family dwellings, unless the vertical distance between basement ceiling and average grade level of adjoining ground is at least four feet.

Section 583 Height Exceptions

Nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bells, clocks, fire and observation towers and essential utility structures.

Section 584 Height Exceptions by Special Permit

No radio or television antenna or tower, water or cooling tower, oil or gas holder, elevator bulkhead, chimney or similar structure in excess of the district height limits may be erected until after issuance of a Special Permit.

Section 585 Accessory Buildings in Residential Districts

Outbuildings, garages, carports, storage sheds, greenhouses and all similar accessory use buildings must be attached to the main buildings on lots, except that each residential use may have three (3) unattached accessory buildings on a lot.

Section 586 Storage of Motor Vehicles and Recreation Vehicles

In any residential district the following regulations shall apply:

1. Abandoned or junked vehicles must be parked in an enclosed garage. For purposes of this section, an abandoned or junked vehicle shall mean any vehicle which is unlicensed for a period of more than one year, or not in condition for legal use on the highway.
2. A trailer or camper shall not be used as permanent living quarters and shall not be connected permanently to sewer and water facilities or electrical hookups.
3. Exceptions to these parking section regulations may be granted after issuances of a Special Permit.

Section 587 Swimming Pools

1. Swimming pools may be installed in residential or agricultural districts only as an accessory to a dwelling for the private use of the owners and occupants of such dwelling and their families and guests and only on the conditions provided in this article.
2. All swimming pools shall be installed in the rear or side yard of the premises.
3. An enclosure shall be provided around in-ground swimming pools, such enclosures shall be in accordance with New York State Uniform Fire Prevention Building Code, Part 720.
4. No swimming pool, whether in-ground or above ground, shall be installed or maintained unless:
 - a. Such pool shall be placed in conformity with the existing rear and side yard minimum requirements set forth in Section 422, 432, and 442 of this Ordinance.
 - b. Such pool does not occupy more than 40% of the area of the rear or side yard excluding all garages or other accessory structures located in such area.
 - c. Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.
 - d. Such electrical work as is necessary to install and maintain the pool is in complete conformity with the New York State Electrical Code.
5. Swimming pool permit:

A building permit is required for the installation of any swimming pool. No building permit will be issued for installation of a permanent swimming pool until the owner has filed the necessary plans for the installation with the Code Enforcement Officer. The Code Enforcement Officer will examine the installation site to determine that the drainage of such pool is adequate and will not interfere with the public water supply system, existing sanitary facilities or with public highways.

Section 588 Septic Systems

1. No new septic system shall be installed and/or no existing septic system shall be materially altered or revised without the approval of the Code Enforcement Officer.
2. A building permit shall be required for the installation of a new septic system and alteration or repairs of an existing system.
3. Plans for each septic system installation and/or alteration shall be submitted to the Oswego County Health Service for approval prior to issuance of a building permit.
4. All installations must be witnessed and verified by the New York State Licensed Design Professional whom designed the new sanitary disposal system, alterations and/or repairs.
5. The Code Enforcement Officer shall issue a Certificate of Compliance upon completion, subsequent approval and written confirmation from the New York State Licensed Design Professional as noted in Paragraph 4.