

Zoning Ordinance

Town of Almond

County of Allegany

State of New York

Second Edition

Republication of

Original

Document

November 19, 2002

Contents

| | | |
|---------------------|-------------------------------------|----|
| Article I | - Purpose and Enactment | 3 |
| Article II | - Administration | 7 |
| Article III | - Board of Appeals | 11 |
| Article IV | - Definitions | 17 |
| Article V | - Districts | 30 |
| Article VI | - District Regulations | 33 |
| Article VII | - Schedule of Town Zoning Ordinance | 46 |
| Article VIII | - Nonconformance | 47 |
| Article IX | - Special Classifications | 50 |
| Article X | - Provisions and Modifications | 58 |
| Article XI | - Off Street Parking | 62 |
| Article XII | - Signs and Outdoor Advertising | 68 |
| Index | | 73 |
| Map | | 78 |

Editor's note:

This publication has been copied word for word in its entirety, from the republication of original document except where noted. The purpose of this reprint is to facilitate the updating of the Town of Almond's ZBA booklet. The information has been entered into a computer and following any changes (which will have been approved according to local and state regulations), will be printed and made available. In the interim, this publication is the current publication and is available to anyone at a cost of \$10.00 per book.

Dated: 11/19/02

**Zoning Ordinance, Town of Almond
County of Allegany
State of New York**

Article I Purpose and Enactment

Section

101.0 Title

A title for this Ordinance should be prepared by the Town Attorney which briefly describes the Ordinance in accordance with the Town's policy on the preparation of Ordinance titles.

101.1 Short Title

This Ordinance shall be known and may be cited by a short title of "The Almond Town Zoning Ordinance."

102.0 Purpose and Intent

102.1 The purpose of this Ordinance is to encourage the most appropriate use of land throughout the Town and to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses; all in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population, and to that end to regulate the height and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and the location of these uses within the limits of the Town.

103.0 Word Tense and Intention

103.1 For the purpose of this Ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural

Section

103.1 cont. number, unless the natural construction of the word indicates otherwise. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "shall" is mandatory and directory. The word "may" is permissive. The word "used" includes "designed, intended or arranged to be used."

104.0 Interpretation

104.1 In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of the law or Ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or Ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

105.0 Conflict With Other Laws

105.1 Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive of those imposing the higher standards shall govern.

105.2 It shall be the duty of the Zoning Inspector to cause any building, plans or premises to be inspected or examined and to order in writing the remedying of any condition found to exist in violation of this Ordinance, and he shall have the right to enter any building or premises during the daytime in the cause of his duties.

106.0 Validity and Severability

Section

106.1 In case any section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other section or provision of this Ordinance, except so far as the section or portion so declared invalid shall be inseparable from the remainder or any portion thereof.

107.0 Violations and Penalties

107.1 In addition to the remedy or remedies herein provided, any person violating this Ordinance or any provision or section thereof, may be proceeded against by the Town of Almond or by the Zoning Inspector or by the owner of any property in the Town of Almond by appropriate action or by proceeding in equity or otherwise to prevent and enjoin any threatened or real violation of this Ordinance.

107.2 Each week that a violation is permitted to exist shall constitute a separate offense.

107.3 Any violation of this Ordinance is an offense punishable by a fine not exceeding \$50.00 or by imprisonment for a period not exceeding sixty (60) days or by both such fine and imprisonment.

108.0 Amendments

108.1 The Town Board may from time to time on its own motion, or on petition, or on recommendations from the Planning Board, amend, supplement or repeal any of the regulations, provisions or sections of this Ordinance after proper and legal requirements have been met. Every such proposed amendment shall be referred to the Planning Board for report thereof before the public hearing hereinafter provided for. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a Public Hearing on the proposed amendments and cause notice to be given as follows:

1. By publishing a notice at least ten (10) days prior to such meeting stating the time, place and date thereof in the official newspaper of the Town.
2. A written notice of any proposed change or amendment affecting property within the protectively zoned area of a housing project

Section

- 108.1 cont.** authorized under the Public Housing Law, as such area is shown on an approved zoning map filed with the Zoning Inspector, shall be given to the housing authority erecting or owning the project and to the government providing financial aid for assistance thereto at least ten (10) days prior to the date of such hearing.
3. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any state park or highway shall be given to the regional State Park Commission having jurisdiction over such State Property or parkway at least ten (10) days prior to the date of such public hearing.
 4. A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries of any city, village, town or county, shall be given to the clerk of such municipality and to the clerk of the Board of supervisors at least ten (10) days prior to the date of such hearing.
 5. In case, however, of a protest against such change signed by the owners of twenty (20) percent or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet there from or of that directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least four (4) members of the Town Board.

Article II Administration

Section

201.0 Administration

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Zoning Inspector, who shall have such powers as are conferred upon him by this Ordinance, and as reasonably may be implied. He shall be appointed by the Town Board and shall receive such compensation as the town board shall determine.

202.1 Duties of the Zoning Inspector:

1. It shall be the duty of the Zoning Inspector to cause any plans, buildings or premises to be examined or inspected to determine that they are not in violation of the provisions of this Ordinance.
2. Where the Zoning Inspector, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this Ordinance, he shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which maybe invoked by the Town and the violator's rights of appeal; all as provided for by this Ordinance.
3. On the serving of notice by the Zoning Inspector to the owner of any violation of any of the provisions of this Ordinance, the Certificate of Occupancy for such building or use shall be held null and void. A new Certificate of Occupancy shall be required for any further use of such building or premises.
4. The Zoning Inspector shall maintain a permanent record of all matters considered and all action taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Town Board and other officials of the Town.

Section

203.0 Certificates and Permits

203.1 The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Ordinance. A Zoning Permit shall be prerequisite to the issuance of a Building Permit as prescribed by the building code.

1. Zoning Permit.

The Zoning Inspector is hereby empowered to issue a Zoning Permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or building or part thereof, where he shall determine that such plans are not in violation of the provisions of this Ordinance.

2. Certificate of Occupancy.

The Zoning Inspector is hereby empowered to issue a Certificate of Occupancy, which shall certify that all provisions of this Ordinance have been complied with in respect to the location and use of the building, structure or premises in questions.

204.0 Application Procedures

204.1 Procedures for a Zoning Permit.

All applications for zoning Permits shall be made to the Zoning Inspector in the detail specified in this Ordinance. Where the proposed use is a residential use in a residential or agricultural district, the Zoning Inspector shall carefully consider the application and supporting documents for compliance with this ordinance and either issue or deny the Zoning Permit applied for. When the application is for any other use in any district, the Zoning Inspector shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board and one (1) copy to the Town Engineer for their review and recommendations. The Planning Board shall determine that the proposed site plan and structures will compare favorably with community standards, other neighborhood

Section

204.1 cont. improvements and the properly intended and planned appearance throughout any street or neighborhood.

1. The Planning Board shall, within thirty (30) days after receipt of said material, approve or disapprove the proposed development or construction. In the event of disapproval, the reasons shall be stated clearly to the Zoning Inspector in writing. The Zoning Inspector shall deny a Zoning Permit for the proposed construction until such conditions as the disapproval is based upon have been corrected and written approval of the Planning Board is obtained. The absence of a reply from the Planning Board within the thirty (30) day period shall constitute approval and the zoning Inspector shall proceed on the basis of such approval.

204.2 Procedures for a Certificate of Occupancy.

Following the completion of the construction, reconstruction, or alteration of any building, or where a change in the use of a structure is proposed, the applicant shall transmit by registered mail to the Zoning Inspector a letter stating that such construction has been completed or that a new use has been proposed. Within seven (7) days of the receipt of this letter, the Building Inspector shall make all necessary inspections of the completed structure and proposed use to determine the conformance with this Ordinance. A Certificate of Occupancy shall be issued only if the zoning Inspector finds that the construction and proposed use comply with all the requirements and provisions of this Ordinance.

205.0 Application Details

205.1 Each application for a Zoning Permit shall be made in triplicate and with accompanying site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building, and the appearance and function of the proposed use or building. As a minimum, the application shall include the following information and plans for both "before" and "after" conditions:

Section

- 205.1 cont.**
1. The location, use, design, and dimensions and height of each use and building.
 2. The location and arrangement of vehicular access ways, and the location, size and capacity of all areas used for off-street parking, loading and unloading.
 3. The location and dimensions of sidewalks, walkways, and other areas established for pedestrian use.
 4. The design and treatment of open areas, buffer area and screening devices maintained; including dimensions of all areas devoted to lawns, trees and other landscaping devices.
 5. Provisions for water supply, sewage disposal, and storm drainage.
 6. Such other data and plans as the Zoning Inspector, Board of appeals or the Planning Board may require to properly take action on the application.

206.0 Application Fees

206.1 Each application for a permit provided for by this Article shall be accompanied by a fee, in accordance with the following schedule:

Fee for each Zoning Permit - (On file in Town Office)

Fee for each Certificate of Occupancy - (On file in Town Office)

Article III - Board of Appeals

Section

301.0 Creation, Appointment and Organization of Board of Appeals

A Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board, who shall also designate a Chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment. Their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur other than by expiration of term, the Town Board shall fill it by appointment for the unexpired term.

302.0 Powers and Duties (*Board of Appeals*)

302.1 The Board of Appeals shall have all the powers and duties prescribed by the Town Law of the State of New York and by this Ordinance which are more particularly specified as follows:

302.1.1 Interpretation

A. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

302.1.2 Variances

1. To vary or adopt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land or building involved but in no other case. No variance in the strict application of

Section

- 302.1.2 cont.** this Ordinance shall be granted by the Board of Appeals unless it finds that each of the following facts and conditions exist:
- a. That there are special circumstances or conditions, fully described in the findings of the Board applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings.
 - b. That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
 - c. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
2. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

The following section, 302.1-3 was an amendment drafted and accepted in February 1980 by the Town Board of Almond. It has been incorporated into this reprint for continuity and placed where it was intended.

Section

302.1-3 *Special Use Permits*

The following uses may be permitted provided special use permit is obtained from the Zoning Board of Appeals under the terms and specifications herein. Whereas the necessity for certain specific uses is recognized and at the same time appreciating the fact that they or any one of them may be or may become inimical to the public health, safety and general welfare of the community if located without consideration to the existing conditions and circumstances of the surrounding neighborhoods, the following applicable standards, conditions and proceedings are hereby established which are intended to provide the Zoning Board of Appeals

Section

302.1-3 cont.

with a guide for the purposes of reviewing certain uses not otherwise permitted in this chapter, the Zoning Board of Appeals shall review and administer applications for the following uses according to procedures spelled out under Section 306.0 of this Article entitled "Procedures for Obtaining Special Use Permits:"

A. Sawmills shall be permitted in agricultural and/or B-3 districts provided the following standards and conditions are complied with:

- 1. Lumber products and by-products shall be stored and kept in such a manner so as not to create excessive fire potential as determined by the local fire chief. Fire extinguishers of the type, number and kind approved by the local fire chief shall be required.*
- 2. A sawmill shall be subject to periodic inspection by appropriate town and other government officials, and the zoning enforcement officer.*

shall be enclosed by an appropriate frame structure so as to reduce noise nuisance to the surrounding neighborhood and to prevent entry of the building during hours when the mill is not in operation.

- 4. The owner and/or operator of the sawmill shall aspire to make the premises and structures aesthetically compatible with the neighborhood.*
- 5. The owner/or operator of a sawmill shall fence and/or otherwise secure the premises upon which the sawmill is located so as to minimize any danger presented to children or others who may trespass upon said premises. This shall include securing all milling equipment, buildings or other structures and stockpiles.*
- 6. (Not applicable to sawmills in agricultural districts) Sawdust shall be collected by a vacuum system and contained in a closed building.*

Section

302.1-3 cont. 7. The Zoning Board of Appeals may consider and impose any other necessary and reasonable conditions which it feels may be warranted, giving consideration to the existing conditions and circumstances of the surrounding neighborhoods.

303.0 Procedure

303.1 The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Ordinance. All appeals and applications made to the Board shall be in writing. Every appeal or application shall refer to the specific provision of the Ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. At least thirty (30) days before the date of the hearing on an application or appeal to the Board of Appeals, the Secretary of said Board shall transmit to the Planning Board a copy of this notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Failure to submit such report shall constitute approval of said application of appeal by the Planning Board.

304.0 Notice of Board Hearings

304.1 The Board shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Such notice shall be served upon the applicant. Public notice shall be by the publication of a notice in the official newspaper of the Town and shall briefly describe the nature of the appeal and the time and place of the hearing. The applicant shall, at least seven (7) days prior to the date of the hearing, give notice in writing by registered mail or by service in person, with adequate proof of contact thereof to all property owners within two hundred (200) feet of the property to be affected by said appeal or to all property owners of contiguous land or properties and joining said property to be affected, and other interested property owners as may be designated by the Board of appeals. The applicant must furnish proof of services in writing an properly notarized.

Section

305.0 Board of Appeals Office

The office of the Town Clerk shall be the office of the Board of Appeals and every rule, regulation, amendment, or repeal thereof and every order, requirement, decision, or determination of the Board shall immediately be filed in said office as required by the Town Law of the State of New York.

The following section, 306.0 was an amendment drafted and accepted in February, 1980 by the Town Board of Almond. It has been incorporated into this reprint for continuity and placed where it was intended.

Section

306.0 Procedures for Obtaining Special Use Permits

306.1 *All applications for special use permits shall be made to the Zoning Officer. The Zoning Officer, after determining that an application is in the proper form, shall transmit one (1) copy of the application and all supporting documents to the Secretary of the Zoning Board of appeals for referral to the Board for action thereon. Also, the Zoning Officer shall transmit one copy of the application and supporting documents to the Planning Board for review of the site plan and evaluation of the proposed use and its relationship and conformity to the goals and objectives and policies established by the Town Comprehensive Plan.*

- 1. The Planning Board shall review the application. Within thirty days (30) of receiving the application, it shall make a written report to the Zoning Board of Appeals with its findings and recommendations. It may suggest revisions to site plans or other plans as will, in its own opinion, cause the proposed use to be in substantial conformance with the comprehensive plan and its principles of land use and development.*
- 2. The Zoning Board of Appeals shall conduct a hearing on all such applications. Within 60 days of the hearing date, the Board of Appeals shall be resolution either approve or disapprove the application so heard. In approving the application, the Board may improve only those modifications or conditions specified in this chapter to protect the health, safety or general welfare of the public.*

Section

- 306.1 cont.*
- a. If the Board of Appeals approves the application, the Zoning Officer shall be furnished with a copy of the approving resolution of the Board. He shall then issue the permit applied for in accordance with the conditions imposed by the Board of Appeals.*
 - b. If any application is disapproved by the Board of Appeals, reasons shall be set forth in the resolution and a copy Sent to the Zoning Officer. The Zoning Officer shall then deny the application accordingly and the Zoning Officer shall deny issuing the permit and give the applicant a copy of the Board's reasons for disapproval.*
 - c. The Zoning Officer shall send one (1) copy of all approved or denied applications to the Planning Board and one to the Town Tax Assessor.*

Article IV - Definitions

Section

401.0

The following terms are expressed within this Ordinance with special meaning as therein applied and no other. Any word or term not expressly defined in this Section shall have the meaning as defined in a standard dictionary.

1. Accessory Building:

A subordinate building located on the same lot with the main building occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

2. Accessory Use:

A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal use or building.

3. Alley:

A permanent service way providing a secondary means of access to abutting properties.

4. Alterations:

As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Section

401.0 cont. 5. Basement:

A story partly under ground and having more than one-half (1/2) of its height above the average level of the finished grade at the front of the building.

6. Boarding or Rooming House:

A dwelling other than a hotel or lodging house, where five or more persons are housed or lodged for hire with or without meals.

7. Building:

Any permanent structure having a roof by columns, piers, or walls intended for the shelter, housing or enclosure of persons, animals or chattel.

8. Building Area:

The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

9. Building Height:

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

10. Building Line:

A line formed by the intersection of a horizontal plane at 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

Section

401.0 cont. projected surface. All yard requirements are measured to the building line.

11. Building Principal:

A building or buildings, in which is conducted the main or principal use of the lot on which said building is situated.

12. Camping Ground:

A parcel of land used or intended to be used, let or rented for occupancy by campers utilizing tents, campers, camping coaches or other such forms of recreational dwelling.

13. Cellar:

A story partly under ground and having more than one-half (1/2) of its clear height below the average level of the finished grade at the front of the building.

14. Certificate of Occupancy:

A certificate issued by the Zoning Inspector upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this ordinance and such adjustments thereto granted by the Board of appeals or the Planning Board.

15. Club, Private:

A nonprofit social organization whose premises are restricted to its members and their guests.

16. Cluster Development:

A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, but maintaining the density limitation imposed by said minimum

Section

401.0 cont. lot area through the provision of open space as a part of the subdivision plan.

17.Curb Level:

The officially established grade of the curb in front of the midpoint of the lot.

18.Dwelling:

A building or portion thereof used exclusively as the residence or sleeping place of one or more persons.

19.Dwelling Unit:

One or more rooms providing living facilities for one family including equipment for cooking, living and sleeping purposes and provisions for the same.

20.Dwelling, One-Family:

A building or dwelling unit designed for or occupied exclusively by one (1) or more persons living as a single, nonprofit housekeeping unit.

21.Dwelling, Two-Family:

A building containing two dwelling units and used exclusively for occupancy by two families living independently of each other, or two one-family dwellings having a party wall in common.

22.Dwelling, Multi-Family:

A building or portion thereof containing three or more dwelling units and used for occupancy by three or more families living independently of each other.

Section

401.0 cont. 23.Dwelling, Detached:

A dwelling having no party wall in common with another building.

24.Family:

One (1) or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

25.Farm:

Any parcel containing ten (10) acres or more of land which is used for gain in the raising of agricultural products, including crops, livestock, poultry, or dairy products.

26.Farm Building:

Any building used for the housing of agricultural equipment, produce, livestock, or poultry, or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operation of the farm as defined by this Article. The term "Farm Building: shall not include "farm dwelling."

27.Fence:

An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected for the enclosure of yard area.

28.Floor Area Total:

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 inside face of exterior walls, or from the center line of walls separating two (2) uses.

Section

401.0 cont. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

29. Garage, 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.

30. Garage, Public:

Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, servicing, or equipping of automobiles or other motor vehicles.

31. Home Occupation:

Any occupation carried on as a subordinate use by a member of the family residing on the premises of a residential lot.

32. Junk Yard:

An area, lot or unenclosed shed, exceeding two hundred (200) square feet in area, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled packed, disassembled, handled or abandoned, including auto wrecking or dismantling yards, house wrecking yards, used lumber yards, and places or yards for the use of salvaged house wrecking and structural steel materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, for the processing of used, discarded or salvaged materials as part of manufacturing operations, or for the sale, purchase or storage of used motor vehicles or salvaged machinery to be reused for the purposes for which originally manufactured.

Section

401.0 cont. 33.Kennel:

Any premises on which four (4) or more dogs over four (4) months of age are kept.

34.Lot:

A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. A lot within the meaning of this Ordinance may or may not be a lot as shown on a subdivision plat or assessment record.

35.Lot Area:

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. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

36.Lot, Corner:

A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

37.Lot, Interior:

A lot other than a corner lot.

38.Lot Lines:

The property lines bounding the lot. In the case of a lot abutting on more than one street, the owner may elect any street lot line the front lot line. The rear line shall be the lot line most distant from the front lot line.

Section

401.0 cont. 39.Lot, Through:

An interior lot having frontage on two (2) parallel or approximately parallel streets.

40.Lot Depth:

The horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

41.Lot Width:

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

42.Nonconforming Use:

Any use of any building, structure, or land existing at the time of enactment of this Ordinance which does not conform to the use regulations of the district in which it is situated.

43.Nonconforming Building:

A building which in its design or location upon a lot does not conform to the regulations of this Ordinance for the zone in which it is located.

44.Nonconforming Lot:

A lot of record existing at the date of the passage of this Ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

45.Planned Unit Development:

For the purpose of this Ordinance, a planned unit development is a cluster development consisting of a minimum of 250 homes plus business uses as described herein.

Section

401.0 cont. 46.Planning Board:

The Town of Almond Planning Board.

47.Plat:

A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

48.Principal Use:

The main use to which a building or lot is to be used.

49.Restaurant:

Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground, playfield, or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

50.Right-of-Way:

The line determining the street or highway public limit or ownership.

51.Service Station:

Any building, structure or land used primarily for the dispersing, sale, or offering for sale of automobiles and replacement or installation of minor parts and accessories; but not including major repair work such as motor replacement or rebuilding, body and fender repair or painting.

Section

401.0 cont. 52. Sign, On-Premise Advertising:

A sign shall be deemed to be any advertising display on which is shown the products sold, the name of the enterprise located on that lot or parcel or land or any other wording which reflects directly upon any onsite business or other usage thereof.

53. Signboard, billboard, Off-premises Advertising:

An advertising display on which is shown any advertisement for products or businesses other than which are sold or have occupancy on that lot or parcel of land.

54. 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, four-sided (straight sides) geometric shape which most clearly outlines the said sign.

55. Site Plan:

A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

56. Story:

That portion of a building between the surface of any floor and the surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a basement shall be counted but a cellar shall not be counted.

Section

401.0 cont. 57.Story, Half:

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

58.Street:

A public thoroughfare which affords the principal means of access to abutting property.

59.Street Line:

That line determining the limit of the highway rights of the public, either existing or contemplated.

60.Structure:

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

61.Structural Alterations:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders and exit facilities.

62.Swimming Pool, Private:

A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot.

63.Swimming Pool, Public:

Public or privately owned pools open to the general public or on a membership basis and having appropriated dressing room facilities, recreation facilities and off street parking area.

Section

401.0 cont. 64. Temporary Use:

An activity conducted for a specific limited period of time, which may not otherwise be permitted by the provisions of this Ordinance. Examples of such uses are building incidental to new construction, which are removed after the completion of the construction work.

65. True Value:

Is that dollar amount derived from the assessed value, shown on the tax card, divided by the State Equalization Rate; as shown in the sample below:

$$\frac{\text{Assessed Value}}{\text{Equalization Rate}} = \text{True Value}$$

$$\frac{\$12,200}{61\%} = \$20,000$$

66. Use:

The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

67. Yard, Front:

An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of such main building.

68. Yard, Rear:

An open space extending the full width of a lot between the rear-most main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Section

401.0 cont. 69. Yard, Side:

An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

70. Yard, Side Front:

That area of a corner lot, other than the front yard, facing the intersecting street.

71. Zoning Board:

The officially established Board of Appeals of the Town of Almond.

72. Zoning Permit:

A permit issued by the Zoning Inspector stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the district in which it is located or is to be located.

Article V - Districts

Section

501.0 Establishment

501.1 For the purpose of promoting the public health, safety, morals and general welfare of the Town of Almond, the Town is hereby divided into the following types of districts:

| <u>Designation</u> | <u>Description</u> |
|--------------------|---|
| Ag | Agricultural District |
| R-1A | Single Family Residential District |
| R-1B | Single Family Residential District |
| R-3 | Multi Family Residential District |
| R3M | Multi Family Mobile Home Park Residence District |
| B-1 | Local Business District |
| B-2 | Shopping Center District |
| B-3 | General and Highway Business District |
| I-1 | Limited Industrial District |
| I-2 | General Industrial District |

502.0 Zoning Map

502.1 Said districts are bounded as shown on a map entitled "Zoning Map of the Town of Almond," adopted and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

Section

503.0 Interpretation

503.1 Interpretation of District Boundaries

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, 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 line of street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no 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 railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. 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 the jurisdiction of the Town of Almond unless otherwise indicated.

504.0 Regulations

504.1 Except as herein provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered

Section

504.1 cont.

- A. To exceed the height,
 - B. To accommodate or house a greater number of families,
 - C. To occupy a greater percentage of lot area, or
 - D. To have narrower or smaller rear yards, front yards, side yards than is specified herein for the district in which such building is located.
3. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Article VI - District Regulations

Section

601.0 AG, Agricultural District

601.1 Permitted Principal Uses

1. Single-family residences:

A. As farm dwelling as a part of such farms.

B. As non farm dwellings so long as not more than four (4) new lots are created under the regulations of a Minor Subdivision and the regulations of the R-1 District are met.

2. Agricultural and general farming; including any customary agricultural structures or buildings, nurseries and greenhouses.

3. Single-family mobile homes.

4. Places of worship, convents, cemeteries, and other such facilities of recognized religious groups.

5. Municipal parks, playgrounds, and related buildings.

6. Home occupations.

7. Excavations.

8. Schools.

9. Major subdivisions in the Agricultural District shall meet the requirements of the Residential District - R-1A - Single Family Residences.

601.2 Permitted Accessory Uses

1. Private automobile garages.

2. Customary residential storage structures.

Section

601.2 cont. 3. Domestic pet shelters.

4. Private swimming pools.

5. Any customary farm building.

602. 0 R-1A & R-1B, Single-Family Residence District

602.1 Permitted Principal Uses

1. Single-family residences.

2. Single-family mobile homes.

3. Places of worship, convents, cemeteries, and other such facilities of recognized religious groups.

4. Municipal or private parks, playgrounds and related buildings.

5. Home occupations.

6. Schools.

602.2 Permitted Accessory Uses

1. Private automobile garages.

2. Customary residential storage structures.

3. Domestic pet shelters.

4. Private swimming pools.

604.0 R-3, Multifamily Residence District

Section

604.1 Permitted Principal Uses

1. Any use first permitted in the R-1A and R-1B, single Family Residence District.
2. Multifamily residence structures.
3. Private clubs, lodges, and meeting places.
4. Office buildings
5. Funeral homes or mortuaries.
6. Boarding houses.

604.2 Permitted Accessory Uses

1. Any permitted accessory use first permitted in the R-1A and R-1B single Family Residence District.

605.0 R-3M, Mobile Home Park Residence District

605.1 Permitted Principal Uses

1. Mobile Home Parks according to the requirements hereinafter set forth.

605.2 Permitted Accessory Uses

1. In mobile home parks, such accessory uses as:
 - A. Coin operated laundry facility.
 - B. Community buildings for the exclusive use of the park residents and their guests.
 - C. Buildings to house the maintenance equipment of the park.

Section

605.3 Mobile Home Park Requirements

1. Mobile homes shall be used only for residential purposes.
2. Each mobile home on plot shall contain at least five thousand (5,000) square feet of area.
3. Each mobile home shall be located on a site or plot having a minimum of fifty (50) feet frontage on a private internal drive.
4. Each mobile home park shall contain space for at least twenty-five (25) units.
5. All mobile home parks shall provide adequate sewer and water facilities as approved by the State and County and Town Health Officials.
6. Curb and gutter, or adequate drainage control as approved by the Town Board, shall be provided on both sides of all internal drives.
7. Continuous sidewalks, at least three (3) feet wide, shall be provided along both sides of all drives.
8. Each mobile home shall be equipped and maintained with a skirt of rigid material around the base, covering all of the undercarriage and running gear.
9. Each mobile home site or plot shall be provided with two (2) parking spaces at least ten (10) feet by twenty (20) feet.

605.4 Mobile Home Location Requirements

1. No mobile home or attachment thereto or accessory service building shall be located within seventy-five (75) feet of any public street line.
2. No mobile home or attachment thereto or accessory service building shall be located within fifteen (15) feet of any internal driveway.
3. No mobile home or attachment thereto shall be located within fifteen (15) feet of any rear site or plot lines.

Section

- 605.4 cont.** 4. Each mobile home or attachment thereto shall be maintained with a minimum distance of twenty (20) feet between any other trailer or attachment thereto.
5. No mobile home or attachment thereto shall be permitted within forty (40) feet of any service building.
6. No mobile home or attachment thereto shall be located within forty (40) feet of any other zoning district.

605.5 Development Plan Submission

1. A preliminary development plan shall be submitted showing all internal drives, mobile home sites or plots, utility line locations and sizes, the storm drainage system and the topography of the tract.
2. The final development plan shall conform to all requirements of this or any other Ordinance and to any additional requirements of the Planning Board or Town Board placed thereon.

606.0 **B-1, Local Business District**

The purpose of this district is to provide a business place where local neighborhood residents can supply themselves with day-to-day products and services of a limited nature.

606.1 Permitted Principal uses, retail sales only

1. Bakery
2. Bank
3. Bar
4. Barber Shop
5. Drug Store

Section

- 606.1 cont.**
6. Food Store
 7. Fruit Market
 8. Funeral Home or Mortuary
 9. Hardware Store
 10. Ice cream parlor, excluding drive-ins
 11. News Stand
 12. Savings and Loan
 13. Self-service laundry and dry cleaning
 14. Service Station
 15. Tobacco Store
 16. Restaurant, excluding drive-ins
 17. Shoe Repair Shop
 18. Dry cleaning and laundry shops providing only items of customer supply shall be service on the premises. Service to any product or item from collection points or pickup stations (other than retail customer route trucks) shall be prohibited.
 19. Offices or business or industrial firms, not including the manufacture or storage of goods on the premises.
 20. Temporary structures, excluding tents or canvas enclosures, shall be permitted for a period not exceeding thirty (30) days on a permit issued by the Zoning Inspector. At the end of the thirty (30) day period such structures shall either be removed or reinstalled as conforming use.
 21. Any other retail business or service establishment or use which is determined by the Board of Appeals to be of the same general character

Section

606.1 cont. as the above permitted uses, but not including any use first permitted in a less restrictive district.

606.2 Prohibited Uses

1. Billboards
2. Outdoor sales or display
3. Residential uses except as accessory to the principal business use.

607.0 **B-2, Shopping Center District**

607.1 Requirements

1. The following special provisions shall be complied with when the owner of a tract of land, containing not less than two (2) acres, wishes to have said land rezoned or developed as a B-2, Shopping Center District:
 - A. The owner shall submit to the Planning Board for its review a preliminary plan for the use and development of such tract of land for a shopping center.
 - B. The Planning Board shall investigate and ascertain whether the location, size, access, and other general characteristics of the proposed plan comply with the following conditions:
 - a. The plan shall provide for a shopping center consisting of one or more groups of establishments together with adequate and properly arranged access points and parking facilities, which will be safe to use and will have no adverse effects upon the adjoining or surrounding development.
 - b. When the development plan is found to comply with the requirements set forth in this Section and other applicable provision of this Ordinance, the Planning Board shall submit said plan with its report and recommendation to the Town Board for their consideration if such development requires rezoning. If such

Section

607.1 cont. development does not require rezoning, the Planning Board shall have final authority to approve, deny or change said development plan.

607.2 Development

1. The proposed shopping center shall conform to the following restrictions:
 - A. No building or structure shall be located less than fifty (50) feet from any lot in any R-District, not less than thirty (30) feet from any district other than the B-2 District, nor less than forty (40) feet from any street right-of-way. The shopping center shall be permanently screened, except for necessary sight clearances at entrances and exits, from all adjoining properties located in any R-District by a solid wall or compact evergreen hedge not less than four (4) or over seven (7) feet in height. The shopping center shall also be permanently screened from all properties in any R-District located across the street and within ninety (90) feet from any such shopping center by a solid wall or compact evergreen hedge not less than three (3) feet in height. The walls or hedges shall be properly and permanently landscaped and maintained.
 - B. All ground areas occupied by all the buildings shall not exceed twenty-five (25) percent of the total area of the lot or tract.
 - C. Notwithstanding any other requirements of this Ordinance, there shall be provided six (6) off-street parking spaces for every one thousand (1,000) square feet of gross floor area.
 - D. Notwithstanding any other requirements of this Ordinance, there shall be provided one (1) off-street loading or unloading space for each twenty thousand (20,000) square feet or fraction thereof of aggregate floor space of all buildings in the shopping center. At least one-third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

Section

607.4 Permitted Principal Uses

1. Any use permitted in the B-1, Local Business District
2. Retail Business
3. Appliance Store
4. Auto supplies & Accessories Store
5. Book Store
6. Camera Store
7. Indoor theatre or assembly hall
8. Interior Decorating Store
9. Dry goods Store
10. Flower Shop
11. Frozen food locker
12. Furniture Store and Household Goods
13. Jewelry Store
14. Leather Goods Store
15. Music Store
16. Notion Store
17. Optical Store
18. Paint Store
19. Rental of goods whose sale is permitted in this District

Section

607.4 cont. 20.Savings and Loan Association

21.Sporting Goods Store

22.Variety Store

23.Vegetable market

24.Wearing Apparel Store

25.Enclosed nightclub, billiard parlor, bowling alley, dance hall, skating rink,
or similar enterprise.

607.5 Prohibited Uses

1. Billboards

2. Outdoor sales or display, not in conjunction with a permitted use.

3. Residential uses, except as accessory.

4. Accessory structures.

608.0 B-3, General & Highway Business District

608.1 Permitted Principal Uses

1. Any use first permitted in the B-2, Shopping Center District.

2. Wholesale and retail Uses

3. Wholesale Distributors

4. Automobile Sales, new and used

5. Automobile Mechanical Repair, excluding body repair and painting

6. Drive-in eating and drinking establishments

Section

608.1 cont. 7. Antique Shop

8. Service stations with automobile and trailer rentals
9. Veterinary, providing all areas used to house or run animals is at least one hundred (100) feet from property line and that no offensive odors or noise shall be permitted.
10. Printing, publishing, and lithographing shop
11. Sign painting providing no sheet metal work is accomplished
12. Outdoor Sales and Displays
13. Warehousing, indoor only
14. Laundry and Dry Cleaning Plants
15. Bakery, retail only
16. Motels and Hotels

608.2 Prohibited Uses

1. Billboards
2. Residential uses, except as accessory.
3. Accessory buildings.

609.0 I-1, Limited Industrial District

The purpose of this District is to provide a use of industrially zoned land of a very limited nature whereby manufacturing and assembly production is permitted which has no vibration, smoke, dust, off-premise safety hazard or similar characteristics which are discernible to the human senses. Very low noise levels and traffic generation shall be permitted so long as they are not

Section

609.0 cont. obnoxious on neighboring lands. These uses are such as, but not limited to the following:

609.1 Permitted Principal Uses

1. Any use permitted in the B-3, General and Highway Business District.
2. Manufacturing, compounding, processing, packaging, treatment or assembly of the following materials or products:
 - A. Products from previously prepared materials such as cellophane, canvas, cloth, feathers, felt, fiber, fiberglass, leather, paper, plastics, textiles or wood (excluding lumber mills).
 - B. Laboratories; research, experimental and testing
 - C. Automobile body and painting shops
 - D. Offices of business, manufacturing or professional enterprises

610.0 **I-2, General Industrial District**

The purpose of this district is to provide a use of industrially zoned land wherein manufacturing and assembly processing can be accomplished to the benefit of both the industry and the Town. The uses set forth below form a guide in the types of usage permitted in this district.

610.1 Permitted Principal Uses

1. Any use permitted in the I-1, Limited Industrial District
2. Coal and fuel yards
3. Lumber and mill work
4. Food processing
5. Heating and Air Conditioning manufacture

Section

- 610.1 cont.**
6. Trucking and transfer terminals
 7. General assembly
 8. Chemical compounds, blending and packaging
 9. Electronic appliances, instruments and devices
 10. Stone and monument products
 11. Nut, screw and bolt manufacture
 12. Machine shops
 13. Sheet metal fabrication
 14. Contractors equipment store and yards
 15. Agricultural feed mill

Article VII - Schedule of the Town of Almond Zoning Ordinance

| District | Uses | Area | Width | Yards | | | Yards | | | Maximum Building Height | | Maximum Lot Coverage | |
|----------|--------------------|---|---|--------------------|-----------|------|-------|------|-----------|-------------------------|-------------|----------------------|------|
| | | | | Front & Side Front | Each Side | Rear | Rear | Side | Principal | Accessory | Principal % | Accessory % | |
| AG | Farms | 10 Acres | None | 40 | None | None | None | None | None | None | None | None | None |
| | Single Family | 1-1/2 Acres | 200 | 40 | 20 | 50 | 10 | 20 | 35 | None | 10 | 0 | 0 |
| R1-A | Mobile Home | 1-1/2 Acres | 200 | 40 | 20 | 50 | 10 | 20 | 35 | None | 10 | 0 | 0 |
| | Single Family | 1 Acre | 150 | 40 | 20 | 50 | 10 | 20 | 35 | None | 10 | 0 | 0 |
| R1-B | Public/Semi-Public | 5 Acres | 300 | 50 | 50 | 50 | 15 | 30 | None | 20 | 30 | 0 | 0 |
| | Single Family | 30,000 | 150 | 40 | 20 | 40 | 10 | 20 | 35 | 20 | 10 | 0 | 0 |
| R1-B | Cluster P. U. D. | 20,000 | 125 | 30 | 10 | 30 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| | Mobile Home | 20,000 | 125 | 30 | 10 | 30 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| R-3 | Single Family | 16,000 | 125 | 30 | 10 | 30 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| | Two Family | 20,000 | 100 | 30 | 10 | 30 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| R-3 | Multi Family | 2,500/Unit | 100+10' Unit to 150 | 30 | 25 | 50 | 10 | 10 | 35 | 20 | 30 | 25 | 25 |
| | Mobile Homes | 20,000 | 100 | 30 | 10 | 30 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| R-3 | Single Family | 12,000 | 90 | 30 | 10 | 30 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| | Two Family | 16,000 | 100 | 30 | 15 | 40 | 5 | 10 | 35 | 20 | 35 | 25 | 25 |
| R-3M | Multi Family | 2,000/Unit | 100 | 30 | 25 | 50 | 10 | 10 | 35 | 20 | 35 | 25 | 25 |
| | Mobile Homes | See Text For Development Standards & Requirements | See Text For Development Standards & Requirements | 40 | 20 | 35 | --- | --- | 35 | --- | --- | --- | --- |
| B-1 | Business Use | 30,000 | 300 | 40 | 20 | 35 | --- | --- | 35 | --- | --- | --- | --- |
| | Office Use | 20,000 | 250 | 40 | 20 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| B-2 | P. U. D. | 20,000 | 250 | 30 | 25 | 35 | --- | --- | 35 | --- | --- | --- | --- |
| | Shopping Centers | See Text For Development Standards & Requirements | See Text For Development Standards & Requirements | 40 | 25 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| B-3 | Business Use | None | 200 | 40 | 25 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| | Office Use | None | 150 | 40 | 15 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| I-1 | Other Uses | None | 200 | 40 | 25 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| | Manufacturing | None | 250 | 40 | 30 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| I-2 | Non Productive | None | 200 | 40 | 20 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| | Business | None | 200 | 40 | 25 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| I-2 | Manufacturing | None | 300 | 40 | 40 | 40 | --- | --- | 35 | --- | --- | --- | --- |
| | Non Productive | None | 250 | 40 | 30 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| I-2 | Business | None | 200 | 40 | 25 | 30 | --- | --- | 35 | --- | --- | --- | --- |
| | Business | None | 200 | 40 | 25 | 30 | --- | --- | 35 | --- | --- | --- | --- |

Article VIII - Nonconformance

Section

801.0 Continuance

801.1 Except as otherwise provided in this Ordinance, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued although such use or building does not conform to the regulations specified by this Ordinance for the district in which such land or building is located, provided however:

1. That no nonconforming lot shall be further reduced in size;
2. That no nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance;
3. That no nonconforming use may be expanded.

801.2 Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, or whenever the text of this Ordinance shall be changed with respect to the uses permitted in a district, the foregoing provisions shall also apply to any nonconforming uses existing therein.

802.0 Discontinuance

802.1 In any district, whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this Ordinance. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon some or of an intent to resume active operations.

Section

803.0 Amortizement

803.1 Notwithstanding any other provisions of this Ordinance, any automobile wrecking yard or other junk yard and any billboard, advertising structure or nonconforming sign in existence in any R-District at the date of enactment of this Ordinance shall at the expiration of three (3) years from such date become a prohibited and unlawful use and shall be discontinued. Provided, however, that lawfully existing signs accessory to a nonconforming business or industrial building shall not be subject to this subdivision.

804.0 Nonconforming Buildings

1. No building damaged by fire or other causes to the extent of more than seventy-five (75) percent of its true value shall be repaired or rebuilt except in conformity with the regulations of this Ordinance.
2. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the true value of the building unless said building is changed to conform to the requirements of this Ordinance.
3. Unsafe Structures. Any structure or portion thereof declared unsafe by a proper authority, but not ordered to be demolished, may be restored to a safe condition.
4. Any building which is nonconforming due to insufficient yard distances or lot area shall not be considered a nonconforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this Ordinance.

805.0 Nonconforming Uses

805.1 A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the

Section

805.1 cont. enactment of this Ordinance shall not be deemed the extension of such nonconforming use.

805.2 Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same classification upon approval of the Board of Appeals, or to a use of more restricted classification, and when so changed to a more restricted classification such use thereafter shall not be changed to a less restricted classification.

Article IX - Special Classifications

Section

- 901.0** Prohibited Uses in the Town of Almond
- 901.1** Manufacture of explosives.
- 901.2** Manufacture of poisonous gases.
- 901.3** All types of illumination which are not shaded or concealed so that the light will not interfere with the vision of motor vehicle operators or shine directly on another residential property in any R-District. Illumination which flashes, moves or simulates movement.
- 901.4** Any temporary building or structure in any R-District except those structures incidental to permanent construction projects. Any temporary building so used must be removed within thirty (30) days after the construction project is completed.
- 901.5** No fence, trees or other foliage shall be maintained on a corner lot that will materially obstruct the view of a driver of a vehicle approaching the street intersection.
- 901.6** Access to or from any B or I District through any private land of any R-District.
- 901.7** Access to or from any R-3 District through any private land of any R-1A or R-1B District.
- 901.8** Any use of any building or premises in such a manner that the health, morals, safety or welfare of the community may be endangered.
- 901.9** Any use which emits excessive and objectionable amounts of dust, fumes, noise, odor, smoke, vibration, glare or waste products.
- 901.10** All billboards, signboards, advertising signs or devices not expressly related to the business conducted on the premises or otherwise specifically permitted by this ordinance.

Section

902.0 Fencing Requirements

902.1 Any fence, wall or similar structure unduly shutting out light or air, or which may cause a nuisance, a fire hazard or a dangerous condition, is prohibited.

903.0 Junk Yard Requirements

903.1 A junk yard shall be allowed to exist only in an AG district and only if it complies with the following conditions and requirements.

1. Adequate screening shall exist to sufficiently conceal the use from public view, in accordance with existing State law.
2. The use shall not exist nearer than two hundred (200) feet from any abutting property or right-of-way line.
3. No open burning shall occur.
4. Site plan examination and approval by the Planning Board for compliance with the purposes and objectives of this Ordinance.

903.2 Exceptions

1. One junk yard per principal building not exceeding one thousand (1000) square feet in an area in the AG district will be permitted without being subject to the above conditions and requirements.

904.0 Service Station Requirements

904.1 Motor vehicle service stations may be permitted in the B-1, B-2 and B-3 districts of the Town provided that the following standards are observed.

1. The site plan submitted shall show the number and location of fuel tanks to be installed, the dimensions, and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.

Section

- 904.1 cont.** 2. The lot and yard specifications shall be as stipulated in the Schedule. All garages and filling station pumps, lubricating or other automobile service devices shall be located at least twenty (20) feet from any street line or highway right-of-way. All fuel, oil or other flammable substances shall be stored at least twenty (20) feet distant from any street or lot line.
3. The entire area of the site traveled by the motor vehicles shall be hard surfaced.
4. Any repair of motor vehicles shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
5. No motor vehicle service station shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.
6. Where such service stations abut a residential zone, they shall be screened by a buffer zone no less than ten (10) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which will be adequate to prevent the transmission of headlight glare across the boundary line. Such buffer screen shall have a minimum height of six (6) feet above the finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the zoning inspector may direct the property owner to replace said shrubs.
7. All fuel pumps shall be attendant operated.

905.0 Excavations

- 905.1** Excavation operations, including the extraction of topsoil, sand, and gravel and processing or other operations for the preparation of sand and gravel, may be permitted in the Agricultural District and Industrial District of the Town, provided that the following conditions and standards are observed.

Section

- 905.1 cont.**
1. All buildings and excavation operations shall be located or shall occur not less than fifty (50) feet from any street or property lines. Fencing or some similarly effective barrier six (6) feet in height may be required where excavations are to be a depth of four (4) feet.
 2. All buildings and structures used in such operations shall be dismantled and removed within twelve (12) months following the termination of the operations; shall be made at the expense of the operator; and shall be a condition of approval of the Use Permit.
 3. All buildings, structures, and plants used for the processing of excavated material shall be maintained so as to assure that such buildings, structures, and plants shall not become dangerously dilapidated.
 4. All equipment used for the excavation of sand and gravel and processing thereof shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations and dust conditions which are injurious or substantially annoying to all persons.
 5. All land which has been excavated must be rehabilitated in accordance with standards set herein - after within one (1) year after termination of operations; at the expense of the operator and shall be a condition of the approval of the Use Permit; and the owner or use thereof executes and delivers to the Town such surety either by means of bonds, insurance, or written agreement as determined necessary to rehabilitate said property.

905.2 Rehabilitation Standards

1. Excavations made below a water-producing depth shall be properly sloped to the water line, with banks sodded or surfaced with soil of an equal quality to the adjacent land area topsoil; such topsoil required under this Section shall be planted with trees, shrubs, legumes, or grasses upon the parts of such area where revegetation is possible.
2. Excavations not made to a water-producing depth must be graded or backfilled with non-noxious, non-flammable, non-combustible, non-decomposable, solid material and in a topographic character which

Section

905.2 cont. would result in substantial general conformity to adjacent lands; such grading or backfilling shall be designed to minimize erosion and shall be surfaced with a soil equal in quality to that of adjacent land area and planted with trees, shrubs, legumes, or grasses upon the parts of such areas where revegetation is possible.

906.0 Cluster Residential Developments

906.1 Cluster residential developments of single family dwellings may be permitted in any R-District of the Town provided that the following conditions and requirements are observed:

1. The project shall encompass a minimum land area of ten (10) acres.
2. The lot area different between the minimum lot size shown on the Schedule and the minimum lot size permitted in a Cluster Development shall be set aside as open space as provided for hereinafter.
3. The developer shall show all unsubdivided lands as permanent open space. In no case shall such lands be less than twenty five (25) percent of the total project area. All such lands shall be suitable, in the opinion of the Planning Board, for the intended use. Such lands shall be offered for dedication to the Board of Trustees of the Town.
4. The requirements of this Ordinance, insofar as density, minimum lot area, minimum lot width, minimum side and rear yard areas, and maximum lot coverage are as specified in the Schedule of this Ordinance. All other requirements of this Ordinance shall be adhered to.

907.0 Planned Unit Development

907.1 Purpose

The purpose of Planned Unit Development is to allow flexible, mixed usage of large land areas; incorporating single-family, multi-family, service commercial uses and open space within a controlled environment in a

Section

907.1 cont. manner which blends the development into an aesthetically compatible unit.

907.2 Requirements

1. Each PUD shall contain at least two hundred and fifty (250) dwelling units.
2. No such development shall contain more than one (1) apartment unit for each three (3) single family homes.
3. No such development shall contain more than two (2) businesses for each two hundred and fifty (250) dwelling units.
4. Each PUD shall set aside at least twenty (20) percent of its total land area as open space.
 - a. No single tract of open space shall contain less than twice the land area of a minimum size single family lot in such district as the development is located.
5. The Land areas and lot requirements shall be as set forth in the Schedule.
6. The use and requirements of the land shall be as regulated within that district in which the use is first permitted.
7. All land set aside as open space shall be offered to the Town Board of Trustees. This land need not be accepted as dedicated, in which case methods of control and perpetual maintenance shall be formed as are acceptable to the Town Board as adequate to serve the community.

907.3 Application Procedures

1. The application shall be in the form of a letter of intent stating the goals, objectives and planning of the proposed project. The application shall be accompanied by an accurate preliminary plan, drawn to scale, showing the elements hereinafter set forth.

Section

- 907.3 cont.**
2. The application shall be submitted in triplicate to the Town Board.
 3. The Town Board shall forward one (1) copy to the Town Planning Board and one copy to the Town Engineer.
 4. The Planning Board and the Engineer shall review the proposals and submit their findings and recommendations to the Town Board within thirty (30) days of receipt.
 5. The Planning Board shall ascertain that the proposal meets the requirements of the zoning, subdivision regulations and the master plan goals, or any other applicable item.
 6. The Engineer shall investigate the technical data of the storm and sanitary systems, the water system and related elements and give his preliminary findings to the Planning Board.
 7. The developer shall submit a statement from the State Health Department that the proposed systems of sanitary disposal and water supply meet their requirements with or without modifications.

907.4 The application and plan shall explain and/or show the following information:

1. The location, size and survey of all land uses including open spaces.
2. All interior streets, driveways and easements with those planned for dedication and those points of connection with existing streets.
3. Specific delineation of all uses indicating the number of dwelling units per lot or building and the density of each lot or parcel as well as the overall density of the proposed project.
4. A description of any covenants, grants of easement or other restrictions proposed for application upon the use of the land, buildings or structures, including proposed easements for public utilities.

Section

- 907.4 cont.**
5. A description of the manner in which any areas that are not to become publicly owned are to be maintained, including open space, streets, lighting and others according to the proposals.
 6. The overall water and sanitary sewer system with proposed points of attachment to existing systems; the proposed storm water drainage system and its relation to existing systems; evidence of preliminary discussion and approval of the New York State Department of Environmental Conservation of the proposed sewer and water systems or their recommended modifications.
 7. If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units of activities completed per phase.
 8. Evidence as required by the reviewing Boards of the applicant's ability to complete the proposed Planned Unit Development.

Article X - Provisions and Modifications

Section

1001.0 General Provisions

1001.1 No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged nor shall any land be used for any other purpose other than those included among the uses listed as permitted uses in each district by this Ordinance and meeting the requirements set forth in the Schedule. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations designated in the Schedule and this Ordinance for the district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this Ordinance, and the Certificate of Occupancy issued or implied shall become void.

1001.2 Preservation of Natural Features

Existing natural features such as trees, brooks, drainage channels, and views shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required.

1001.3 Regulation Applicable to All Zones

1. No lot shall have erected upon it more than one (1) principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered to provide a yard or open space for any other building.
2. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, and if located in the side yard area shall conform to the side yard requirements of this Ordinance and may occupy up to twenty-five (25) percent of the rear yard area.

Section

- 1001.3 cont.**
3. No structure may be erected and no plant foliage may be permitted or maintained between heights of one and one half (1 1/2) feet and ten (10) feet above ground level in the triangle formed by intersecting streets and a line joining points on such street lines twenty-five (25) feet distant from their point of intersection.
 4. Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard depth shall be measured from such proposed right-of-way line.
 5. All yards, open spaces, off-street parking, and required landscaping must be contained within the district in which the use is permitted.
 6. When a new lot is formed so as to include within its boundaries any part of former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this Ordinance either with respect to any existing structures or use and any proposed structures or use.
 7. The limitations on signs as set forth for the various districts by this Ordinance shall not apply to any sign or directional device erected by the Federal, State, County, or local government or agency thereof.
 8. The permitted accessory uses in any district shall not include any use first specified in a less restricted district. In the interpretation of this provision, an "I" district shall be considered the least restricted and an "R-1" district the most restricted.

1001.4 Residential Provisions

Any use which is noxious or offensive by reason of refuse, matter, dust, odor, smoke, gas, fumes, noise, vibration, unreasonable use of lights or night time operation shall not be permitted.

1001.5 Business - Industrial Provisions

1. The limitations on sign area as set forth by this Ordinance for the business and industrial zones shall not apply to parking lot markers,

Section

- 1001.5 cont.** directional signs, entrance and exit signs and other such signs which are erected on the premises provided that such signs do not exceed two (2) square feet in area on any one (1) side and do not contain any advertising of the use on the premises.
2. Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this Ordinance.
 3. No business use shall occupy any part of the lot within fifty (50) feet of any R-district except under the Planned Unit Development which shall conform to the requirements of the Schedule.
 4. No industrial manufacturing use shall occupy any part of any lot within one hundred (100) feet of the property line.
 5. Each lot served by either well or septic system and the other service by public facility shall have at least one (1) acre of area per family or use.
 6. Each lot served by public sewer and water shall have at least the minimum lot size specified for its district as shown on the Schedule.

1003.0 Modifications

1003.1 Height Modifications

1. Height Exceptions: The height limitations of this Ordinance shall not apply to belfries, bulkheads, chimneys, church spires, cupolas, domes, skylights, ventilators, water tanks, and other 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 required to serve and shall not occupy in the aggregate more than twenty-five (25) percent of the roof area of the main building.
2. Height and Open Space: In any district any principal building may be erected to a height in excess of that specified for the district provided that such front, side and rear yard is increased one (1) foot for each one (1) foot of such additional height.

Section

1003.2 Yard Modifications

1003.2-1 Projections into required yards

1. Chimneys, ornamental features, pilasters and roofs may extend not more than thirty-six (36) inches into any required yard.
2. Fire escapes may extend not more than four (4) feet into any required side yard and not more than six (6) feet into any required rear yard.

1003.2-2 Side Yards

1. In the case of lots which comply with the provisions of the side yard requirements, as specified in the Schedule may be reduced by six (6) inches for each foot by which a lot is less than the minimum lot width requirement specified in the Schedule for the district in which located. In any case, the side yard width shall be reduced to no less than fifty (50) percent of the requirement of the Schedule.
2. Where the side wall of a building is not parallel with the side lot line, the average width of side yard may be interpreted as the side yard width provided that at no point is the actual side yard less than five (5) feet.

1003.3 Modifications of Lot Requirements

Any parcel of land with an area or width less than prescribed for a lot in the district in which such lot is located, which parcel was under one (1) ownership at the date of the adoption of this Ordinance, and the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, provided that no structure be constructed closer than ten (10) feet to the closest lot line, and further provided that all other regulations prescribed for the district by this Ordinance are complied with.

Article XI - Off-street Parking

Section

1100.0 Parking and Loading Space Requirements

1100.1 Requirements by Usage

In all districts, every industrial, business, institutional, recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this and other applicable sections of the Zoning Ordinance.

1100.2 Requirements of Off-Street Parking Spaces

1. The size of off-street parking spaces shall be ten (10) feet wide by twenty (20) feet long for all side by side parking or eight (8) feet by twenty-three (23) feet long for all parallel parking.
2. Off-street parking facilities shall be located as hereinafter specified; where the distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve. Off-street parking spaces shall be allowed in required yards except where specifically prohibited by this Code.
 - A. Multi-unit dwellings, not more than one hundred (100) feet from the building they are required to serve.
 - B. For uses located in the B-1 District; and for hospitals, sanitariums, convalescent, nursing and rest homes, homes for the aged, retirement homes, private clubs, lodges, and offices; not more than one hundred (100) feet from the building they are required to serve.
 - C. For uses other than those specified above, not more than two hundred (200) feet from the building they are intended to serve.

Section

- 1100.2 cont.**
3. In stadiums, churches, and other places of assembly; in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating shall be counted as one seat.
 4. Whenever there is a change in use, or an increase in floor area, or other unit of measurement, and such change and such increase creates a need for an increase of more than ten (10) percent in the number of required off-street parking spaces, as determined by the requirements in this section; additional off-street parking spaces shall be provided in accordance with this Section for that addition or change in use.

The number of off-street parking facilities required shall be as set forth in the following:

Auditorium:

One (1) for each five (5) seats.

Automobile or Machine Sales and Service:

One (1) for each three hundred (300) square feet of floor area.

Banks, business and professional offices:

One (1) for each two hundred (200) square feet of floor area.

Bowling Alleys:

Five (5) for each alley plus the necessary space as set forth in this section for affiliated uses such as bars, restaurants, and other commercial uses.

Churches:

One (1) for each five (5) seats in places of worship.

Section

1100.2 cont. Dance halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditorium:

One (1) for each one hundred (100) square feet of floor area used for assembly or dancing.

Dwellings:

Two (2) for each family or dwelling unit.

Funeral Home, Mortuaries:

Six (6) for each reposeing room or parlor.

Hospitals:

One (1) for each three (3) beds.

Rooming Houses, Lodging Houses:

One (1) for each two (2) bedrooms.

Libraries, Museums, or Galleries:

One (1) for each six hundred (600) square feet of floor space.

Manufacturing Plants, Research or Testing Laboratories, Bottling Plants:

One (1) for each three hundred (300) scary feet of floor area.

Medical and Dental Clinics or Offices:

One (1) for each two hundred (200) square feet of floor area.

Motels and Hotels:

One (1) for each living or sleeping unit.

Section

1100.2 cont. Restaurants, cafe and night clubs:

One (1) for each two hundred (200) square feet of floor area.

Retail Stores, Shops, Etc.:

One (1) for each two hundred (200) square feet of floor area.

Sanitariums, Convalescent Homes, Homes for the Aged, Children's Homes:

One (1) for each three (3) beds.

Theaters, Assembly Halls, other than schools:

One (1) for each five (5) seats.

Wholesale Establishments or Warehouses:

One (1) for each three thousand (3000) square feet of floor area. In case of a use not specifically mentioned above, the requirements for off-street parking facilities to which said use is similar shall be as set forth by the Zoning Inspector.

Loading spaces shall be provided and maintained on the same premises with every building, structure, or part thereof, erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles, of material or merchandise.

1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with use of public transportation.
2. Loading or unloading space shall not be occupied or considered as any part of the required off-street parking.
3. All business districts shall include a ten (10) foot by twenty five (25) foot loading space with a fourteen (14) foot height clearance for every

Section

1100.2 cont. twenty thousand (20,000) square feet or fraction thereof of building floor or land use for the above mentioned purposes.

Off-street parking facilities shall adhere to the following:

1. Off-street parking space shall be provided as further specified in this Ordinance, and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated, and shall not be encroached upon or reduced in any manner. All parking areas, passageways, and driveways (except where provided in connection with one-family residence) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces, and shall be adequately drained, all subject to the approval of the Building Inspector.
2. For the purpose of this Ordinance a parking space shall be an area ten (10) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and providing access thereto.
3. None of the off-street parking facilities as required in the Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged.
4. The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately and further provided that the land upon which the collective facilities are located is owned or leased by one (1) or more of the collective users.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential districts from the glare of such illumination and from that of automobile headlights.

Section

- 1100.2 cont.**
6. Access drives and walkways to any B or I District through any R District shall not be permitted as this would constitute an illegal use of residentially zoned land.

 7. Off-street parking areas located in commercial districts which provide parking for twenty (20) or more vehicles shall be provided with shade trees of a type approved by the Zoning Inspector and located not greater than sixty feet on center.

Article XII - Signs and Outdoor Advertising

Section

1201.0 **General Provisions** (*signs/adv.*)

1. No outdoor sign, display structure or billboard erected prior to the effective date of this section shall be rebuilt or relocated except in conformity with the provisions of this code. The requirements of this paragraph shall not, however, be interpreted to prevent repairing or restoring to a safe condition any structural supports or the performance of maintenance operations on any existing sign and further, at such time that such maintenance is performed no change in the existing sign shall be accomplished to make the sign non-conforming or non-conforming to any greater degree than at the time of adoption of this section.
2. When any outdoor sign or display structure, or a substantial part thereof, is blown down, destroyed, taken down or removed for any purpose other than maintenance, any replacement shall be in conformity with all the requirements of this code.
3. No bill, signs or posters shall be posted, nor shall any such medium be affixed in any location of such size as may be in violation of any of the provisions of this code.
4. No outdoor sign or display structure shall be of such character or marking as to duplicate or appear to duplicate any traffic control or highway sign.
5. No outdoor sign or display structure shall be erected, constructed, or maintained so as to create or be a traffic hazard by obstructing the view of traffic at any intersection, curve or bend of any roadway, or by obstructing or confusing the view to traffic signals, railroad crossing lights or other permanent traffic controls and warning lights.
6. Where specific building lines are established or street widening is contemplated, the Zoning Inspector may limit the projection of signs in relation to the intended relocation of the curb line in that area.

Section

- 1201.0 cont.**
7. Christmas displays and other similar temporary displays erected without advertising shall not be subject to the rules and regulations of this code, but they shall, however, conform to safety standards of the Town.
 8. The computed area of all signs shall be measured by the smallest rectangle which will contain the entire area of the sign or other form of outdoor advertising exclusive of the structural supports but inclusive of the architectural features.
 9. Area of outdoor advertising display shall be deemed to be that portion of any sign on which any form of advertising or other form of public communication is displayed including any architectural forms, but excluding the structural supports holding the display. A sign projecting from a building or free standing which has more than one sign surface shall have the entire sign area computed for the purpose of administration of this Ordinance.
 10. No sign shall be permitted which projects over any public right-of-way.
 11. All types of illumination must be shielded, shaded or concealed so that it does not shine directly upon any other lot or upon any public right-of-way.
 12. No illumination which flashes, alternates or otherwise appears to flash shall be permitted.
 13. No billboard will be permitted in any district.
 14. A sign shall be deemed to be any outdoor advertising display on which is displayed the products sold, the name of the enterprise thereon located on that lot or parcel of land.
 15. A billboard shall be deemed to be any outdoor advertising display on which is displayed an advertisement for products other than which are sold or have occupancy of that lot or parcel of land.

Section

1202.0 Signs for Non-Conforming Uses

Directional or name signs or signs pertaining to or advertising products sold on premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue, any such signs shall not be expanded in area, height, number or illumination.

New signs for a non-conforming use in an R-District shall be permitted not exceeding thirty (30) square feet, may be erected only after all other signs are removed.

1203.0 District Regulations

1203.1 R-1A and R-B Single Family Residential Districts

1203.1-1 Permitted Signage

1. An unlighted sign of not over one (1) square foot in area for home occupations and personal identification.
2. One (1) illuminated bulletin board or identification sign not exceeding forty (40) square feet for any school, hospital, or any public or semi-public uses.
3. One (1) unlighted real estate sign advertising the sale, rental or construction on only the premises on which it is maintained, not exceeding a total area of twelve (12) square feet. Such sign shall be removed upon completion of the project or within ninety (90) days, whichever occurs first.
4. One (1) temporary unlighted sign not exceeding one hundred (100) square feet in area in a real estate development containing twenty five (25) or more dwelling units. Such sign shall be removed within three (3) years of the date of its construction.

1203.2 R-3 and R-3M, Multi-Family and Mobile Home Residence Districts.

1203.2-1 Permitted Signage

1. Any sign permitted and as regulated in the R-1 Districts.

Section

1203.2-1 cont. 2. A sign not exceeding six (6) square feet in area.

1203.3 B-1, Local Business District

1203.3-1 Permitted Signage

1. A total area of not more than two hundred (200) square feet for each use, to include those signs attached to the building and those free standing or any other outdoor advertising as permitted so long as no free standing sign contains more than one hundred (100) square feet of advertising.

1203.4 B-2, Shopping Center District

1203.4-1 Permitted Signage

1. Each separate business located within a shopping center may erect up to fifty (50) square feet of outdoor advertising directly at the site of the business.
2. Each shopping center may erect two (2) free standing signs totaling not over three hundred (300) square feet, to advertise only the entire shopping center complex. No individual business shall be permitted a free standing sign in any B-2 District.

1203.5 B-3, General & Highway Business District

1203.5-1 Permitted Signage

1. A total of not more than four hundred (400) square feet for each use, to include those signs attached to the building and those free standing or any other outdoor advertising as permitted so long as no free standing sign contains more than three hundred (300) square feet of advertising.

1203.6 I-1 and I-2, Industrial Districts

Section

1203.6-1 Permitted Signage

1. Four hundred (400) square feet for each use or any one (1) industry in a building covering more than fifty-five thousand (55,000) square feet of land area in an I-1 or I-2 District shall be permitted oversize sign area, calculated at two (2) percent of the floor area over forty thousand (40,000) square feet, but in no case shall any sign in either an I-1 or I-2 District be larger than one thousand (1,000) square feet.

Index

A

Accessory Building 17
Accessory Use 17
Administration 7
AG, Agricultural District 33
Alley 17
Alterations 17
Amendments 5
Amortizement 48
Application Details 9
Application Fees 10
Application Procedures 8

B

B-1, Local Business District 37
Basement 18
Board of Appeals 11
Board of Appeals Office 15
Boarding or Rooming House 18
Building 18
Building Area 18
Building Height 18
Building Line 18
Building Principal 19

C

Camping Ground 19
Cellar 19
Certificate of Occupancy 8, 19
Certificates and Permits 8
Club, Private 19
Cluster Development 19
Cluster Residential Developments 54
Conflict With Other Laws 4
Continuance 47
Creation, Appointment and Organization of Board of 11
Curb Level 20

D

Definitions 17
Development Plan Submission 37

Discontinuance 47
District Regulations 33,70
Districts 30
Duties of the Zoning Inspector 7
duty of the Zoning Inspector 4
Dwelling 20
Dwelling, Detached 21
Dwelling, Multi-Family 20
Dwelling, One-Family 20
Dwelling, Two-Family 20
Dwelling Unit 20
E
Excavations 52
F
Family 21
Farm 21
Farm Building 21
Fence: 21
Fencing Requirements 51
Floor Area Total 21
G
Garage, Private 22
Garage, Public 22
General Highway Business District 42
General Industrial District 44
General Provisions 58, 68
H
Home Occupation 22
I
Interpretation 4, 11, 31
J
Junk Yard 22
Junk Yard Requirements 51
K
Kennel 23
L
Limited Industrial District 43
Lot 23
Lot Area 23
Lot, Corner 23

Lot Depth 24
Lot, Interior 23
Lot Lines 23
Lot, Through 24
Lot Width 24

M

Mobile Home Location Requirements 36
Mobile Home Park Requirements 36
Modifications 60
Multifamily Residence District 34

N

Non-conformance 47
Nonconforming Building 24
Nonconforming Buildings 48
Nonconforming Lot 24
Nonconforming Use 24
Nonconforming Uses 48
Notice of Board Hearings 14

O

Off-street parking 62

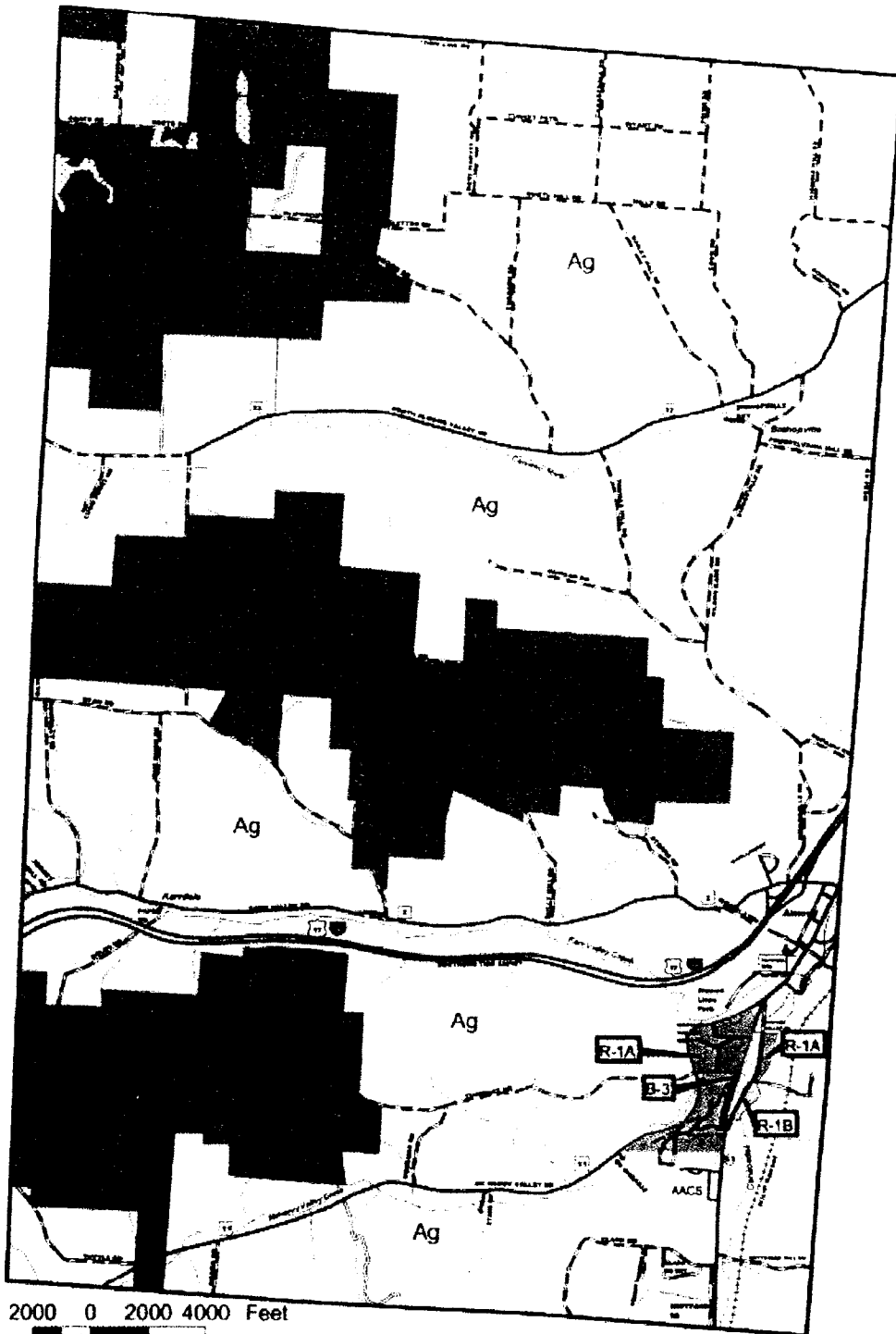
P

Parking and Loading Space Requirements 62
Planned Unit Development 24, 54
Planning Board 25
Plat 25
Powers and Duties 11
Preservation of Natural Features 58
Principal Use 25
Procedure 14
Procedures for a Certificate of Occupancy 9
Procedures for a Zoning Permit 8
Procedures for Obtaining Special Use Permits 15
Prohibited Uses in the Town of Almond 50
Purpose and Enactment 3
Purpose and Intent 3







R

R-1A & R-1B, Single-Family Residence District 34
R-3M, Mobile Home Park Residence District 35
Regulation Applicable to All Zones 58
Regulations 31

Restaurant 25
Right-of-Way 25
S
Schedule of the Town of Almond Zoning Ordinance 46
Service Station 25
Service Station Requirements 51
Shopping Center District 39
Short Title 3
Sign Area 26
Sign, On-Premise Advertising 26
Signboard, billboard, Off-premises Advertising 26
Signs for Non-Conforming Uses 70
Site Plan 26
Special Use Permits 12
Story 26
Story, Half 27
Street 27
Street Line 27
Structural Alterations 27
Structure 27
Swimming Pool, Private 27
Swimming Pool, Public 27
T
Temporary Use 28
Title 3
True Value 28
V
Validity and Severability 4
Variances 11
Violations and Penalties 5
W
Word Tense and Intention 3
Y
Yard, Front 28
Yard, Rear 28
Yard, Side 29
Yard, Side Front 29
Z
Zoning Board 29
Zoning Map 30



LEGEND

-  AGRICULTURAL DISTRICT
-  SINGLE FAMILY RESIDENTIAL DISTRICT
-  SINGLE FAMILY RESIDENTIAL DISTRICT
-  GENERAL & HIGHWAY BUSINESS DISTRICT
-  STATE LAND
-  VILLAGE OF ALMOND

2000 0 2000 4000 Feet

TOWN OF ALMOND

ALLEGANY COUNTY, NEW YORK

OFFICIAL ZONING MAP

ADOPTED AUGUST 19, 2002

