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ARTICLE 100 - TITLE EXACTING CLAUSE, PURPOSE

Section 101 - Title

An ordinance regulating and restricting the location, construction and use of buildings, structures and the use of land in the Town of Poland, County of Chautauqua, State of New York and for said purposes dividing the Town into districts. This ordinance shall be known and cited as the Zoning Ordinance of the Town of Poland.

Section 102 - Governing Body

The governing body of the Town of Poland, in the County of Chautauqua, under the authority of the Town Law of the State of New York, hereby ordains, enacts and publishes this Zoning Ordinance.

Section 103 - Purpose

The Zoning regulations and districts herein set forth and outlined upon the zoning map are made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to reduce financial burdens imposed on the community, its governmental units and its individuals by preventing excessive development in areas subject to periodic flooding, minimize danger to public health by protecting water supply and natural drainage, promote responsible flood-proofing measures within the Flood Plain and compliment neighboring communities Flood Plain Management; also to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, public utilities, schools, parks and other requirements. They have been made with reasonable consideration, among other things, as to the character of

each district and its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Poland.

Section 104 - Application of Regulations

Except hereinafter provided no structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified.

The final responsibility for the conforming of buildings and use to the requirements of this ordinance shall rest with the owner or owners of such building or use and the property on which it is located.

ARTICLE 200 - INTERPRETATION

Section 201 - Language, Interpretations

Except where specifically defined herein all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future and the plural includes the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word plot or parcel, the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of the like kind and character.

Section 202 - Definitions

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

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

1. Is subordinate to and serves a principal building or principal use.
2. Is subordinate in area, extent or purpose to the principal building or principal use served.
3. Contributes to the comfort, convenience, or necessity of occupants of principal building or principal use served.
4. Is located on the same lot as the principal building or principal use served.

Signs, home occupations and farm stands are permitted only as accessory uses.

The words "accessory uses", when listed in Article 400 of this ordinance, shall apply to uses accessory to uses permitted in the particular subsection (either Uses Permitted by Right or Uses Permitted by Special Exception) of this Ordinance in which found.

AGRICULTURE, LIMITED - The production of crops, plants and vines and trees.

AGRICULTURE, UNLIMITED - The production of crops, plants and vines and trees, or the keeping, grazing, or feeding of livestock for animal products (including serums), animal increase or value increase.

AIRSTRIP - A runway without normal airport facilities.

AIRPORT - A piece of land that is maintained for the vertical or horizontal landing or takeoff of aircraft and for receiving and discharging passengers and cargo and that usually has facilities for the shelter, supply and repair of aircraft.

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

APARTMENT HOUSE - A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

BUILDING - Any structure having a roof supported by columns or by four independent, non-party walls and intended for the shelter, housing or enclosure of persons, animals or chattel. In matters of

setback and required yards and other such respects, free standing signs larger than eight (8) square feet shall be regarded as buildings within the meaning of this Ordinance.

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

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the dock line of mansard type roofs and to the mean height between eaves and ridge for gable, hip and gambrel type roofs.

BUILDING INSPECTOR - Shall mean the building inspector of the Town of Poland.

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

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

BULK - Bulk is the term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and includes : the size, height and floor area of buildings or other structures; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

CLUB - An organization catering exclusively to members and their

guests including premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

COMMERCIAL DISTRICTS - Those districts mentioned in this Ordinance where retail sales establishments are permitted by right. Also, those areas of planned unit developments permitting retail sales establishments by right.

DWELLING UNIT - One (1) or more rooms providing living facilities, including equipment and provision for cooking for a single household including one or more persons living as a family and wherein not more than two (2) people are sheltered and /or fed for profit.

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

EMERGENCY FLOOD INSURANCE PROGRAM OR EMERGENCY PROGRAM -

The program authorized by the 1968 Act as amended. This program allows communities to become eligible without the need of a detailed rate study. This is an interim program.

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

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

FLOOD OR FLOODING - Means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of streams, rivers, or other inland areas of water, or (2) abnormally rising lake waters resulting from severe storms or hurricanes.

FLOOD INSURANCE BOUNDARY MAP - The official map from the Federal Insurance Administration by each community that has a flood hazard problem. Upon receipt of this map, the community should consider itself officially notified of their potential flooding condition.

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

FLOODPROOFING - means any combination of structural and nonstructural additions, changes, or adjustments to the properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

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

FLOODWAY FRINGE AREA - The designated area of a flood plain adjacent to the Floodway and within the "100-Year" special Flood Hazard Area.

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

GARAGES, PRIVATE - A secondary building used in conjunction

with a primary building which provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

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

GOVERNING BODY - In villages, the Board of Trustees and in towns the Town Board.

HIGHWAY ACCESS POINT - The distance between any vehicular entrance or exit to the street.

HOME OCCUPATION - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof. Which use is clearly accessory and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. There shall be no exterior evidence of such secondary use other than a small nameplate no larger than two (2) square feet. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or similar shall **not** be deemed to be a home occupation. A home occupation shall emit no offensive noise, vibration, smoke, dust, odors, heat or glare.

HOSPITAL - Unless otherwise specified, the term hospital shall be deemed to include sanitarium, sanitorium, preventorium, clinic, rest home, nursing home, convalescent home and any other care of ailments and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOSPITAL, ANIMAL - An establishment for the medical and/or surgical care of sick or injured animals.

INDUSTRIAL DISTRICT - Those districts mentioned in this Ordinance where industrial uses are permitted by right. Also, to include areas of a planned unit development permitting industrial uses and planned unit industrial developments (light and heavy).

LOT - A parcel of land occupied, or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance.

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.

LOT, CORNER - A parcel of land at the junction of and frontage on two (2) or more intersecting streets.

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

LOT LINE - Any line dividing one lot from another.

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

METAL STORAGE STRUCTURE - any constructed combination of materials, with or without wheels, leased, rented or owned, located on or attached to the ground, utilized for non-inhabited storage purposes which include: trucks, trailers, truck bodies, RV's and similar motor vehicles, or any portion thereof, shipping containers and mobile homes or any portion thereof.

MOBILE HOME - Any piece of mobile equipment designed or constructed to be towed, pulled by a motor vehicle, or self-propelled, regardless of whether the wheels are attached or unattached or a permanent or semi-permanent foundation is constructed underneath, or any structure of a permanent or semi-permanent nature is attached thereto, and intended for human occupancy.

MOBILE HOME PARK - A tract of land used or intended to be used for the parking of two (2) or more mobile homes, together with the necessary improvements and facilities on the land.

MODULAR HOME - Any building used as a dwelling unit which was constructed at a secondary location and transported to its placement site via wheeled frame or trailer. This building has a conventional, permanent and continuous foundation along its entire perimeter and forms a detached residence. Provisions of this ordinance which relate to mobile homes only do not pertain to modular homes.

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

MUNICIPALITY - Shall mean the Town of Poland.

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

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

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

existing or prospective adjacent structures or to existing or prospective development of the neighborhood.

PARKING SPACE - A required off-street parking space shall be an area of not less than one hundred and sixty-two square feet not less than eight and one-half feet wide by nineteen feet long, exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets, or alleys or from private driveways or aisles leading to streets or alleys and to be used for the storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall not be less than twelve foot in width when serving automobiles parked at forty-five degree angles in one direction nor less than twenty feet in width when serving automobiles parked perpendicular to the aisles and accommodating two way traffic.

PERMIT - Means written approval from the Town Board or Planning Board, when authorized by this ordinance or the Town Board, to construct or alter a structure or building.

PLANNING BOARD - Unless otherwise designated the Planning Board of the Town of Poland.

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

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

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

RESIDENCE, TWO FAMILY - Either of the following:

1. A building having two side yards and accommodating, but two dwelling units, with one family living over the other.
2. A detached building containing two dwelling units separated by a party wall, each having one side yard.

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

RESIDENTIAL DISTRICTS - These districts mentioned in this ordinance where single family detached, two family, and multi-family residences are permitted by right.

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

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

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

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

SIGN, ADVERTISING - A sign which offers services or goods produced or available somewhere other than on the lot on which the

sign is located. The words "advertising sign" includes the word "billboard". Neither directional warning nor other signs posted by public officials in the course of their public duty shall be construed as advertising signs.

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

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

SIGN, NAMEPLATE - Any sign attached directly to the wall of a building occupied by the person to whom such sign indicated the name, occupation and/or address of the occupant. A nameplate shall be not over two (2) square feet in size.

SIGN, TEMPORARY - A sign which offers premises for sale, rent, or development; or announces special events or calls attention to new construction or alteration; or offers a sale of seasonal garden produce, garage, household, porch items or signs of similar nature; or political signs. Temporary status of signs will expire after 90 days.

SPECIAL USE - A special use deals with special permission, granted only by the Board of Appeals to occupy land for specific purposes when such use in not permitted by right.

SPECIAL FLOOD HAZARD AREA - Means that maximum area of the flood plain that, on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of being flooded each year - "100 Year Flood")

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

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

STRUCTURE - Any constructed combination of materials leased, rented, or owned, located on or attached to the ground.

SUBSTANTIAL IMPROVEMENT - Is defined as any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the cash value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred.

THE FLOOD WATERS OF THE ONE-HUNDRED YEAR FREQUENCY - Is defined as the waters of a flood that, on the average, is likely to occur every 100 years (i.e. , that has a one percent chance of occurring each year).

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

TRACT - A large piece of land under single ownership and developed or to be developed as a single entity for two or more units of use.

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

VARIANCE - Permissive waivers from the terms of the ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, so that the spirit of the ordinance shall be observed and substantial Justice done and granted by the

Board of Appeals.

YARD, FRONT - The area extending across the entire width of the lot between the building line, or front main wall of a building and the front property line (street, or road right of way line, where right of way is unknown a line 25 feet from center of improved portion on Town Roads and a line 35 feet from center of improved portion on State and County Roads) and into which space there shall be no extension of building parts in any district, or parking space (s) including any enveloping wall, fence, or hedge around the parking area in any non-industrial or non-commercial districts.

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

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

ARTICLE 300 - ESTABLISHMENT OF DISTRICT

Section 301 - Creation and Enumeration of Districts

For the purposes of promoting the public health, safety, morals and general welfare in the Town of Poland, the Town is hereby divided into the following types of districts:

Section 401 - FP District: Flood Plain

Section 410 - CR District: Conservation - Residential

**Section 411 - SR-21.7 District; Single Family Residential
21,780 Sq. Ft.**

**Section 412 - MR-43.5: Multi-Family Residential, 43,500 Sq.
Ft.**

Section 413 - GC: General Commercial

Section 414 - HC: Highway Commercial

Section 415 - SP: Shopping Plaza

Section 416 - LI: Light Industrial

Section 417 - HI: Heavy Industrial

Section 302 - Zoning Map

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

Section 303 - Interpretation of District Boundaries

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

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines shall be construed to be such boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel hereto and at such distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

4. Where the boundary of a district follows a 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 jurisdiction of the Town of Poland unless otherwise indicated.

6. Any flood boundary shown on the Zoning Map indicates general location only. The precise location of flood plain boundaries shall be established by the Building Inspector after consulting with the Chautauqua County Planning Board.

7. Any party aggrieved by this decision may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeal are subject to court reviews in accordance with applicable laws of the State of New York.

The burden of proof shall be on the appellant.

Section 304 - Regulations

Unless otherwise noted, the regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. No building, structure or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified.

ARTICLE 400 - DISTRICT REGULATIONS

Section 401 - FP District - Flood Plain

1. Uses Permitted by Right:

Animal hospitals, animal shelters, dog kennels, stables and facilities for raising insects, birds, and fur bearing animals.
Flood retention dams and dikes and culverts and bridges as approved by the State of New York.
Forestry, lumbering and reforestation, mill structures.
Game farms, fish hatcheries, hunting and fishing reserves
Nurseries, orchards, greenhouses.
Open storage if contiguous to an industrial district.
Outdoor recreational uses including tennis courts, archery courses, parks, camps, picnic groves, golf courses, swimming, fishing and boating facilities.
Unlimited and limited agriculture.
Wildlife sanctuaries, woodland preserves, arboretums.
Essential services.
Accessory uses (All accessory structures to be used for human occupancy must be located on a parcel of land at least four (4) times the area of the structure. Said parcel of land and all access roads must be graded to an elevation above flood level).

2. Uses Permitted by Special Use Permit:

Airstrips
Accessory Uses
Rifle ranges, skeet facilities

3. Minimum Lot Area: 2 Acres

4. Minimum Lot Width: 170 feet

5. Minimum Lot Depth: 270 feet
6. Maximum Lot Coverage: 10 percent
7. Minimum Front Yard Dimension: 50 feet
8. Minimum Side Yard Dimension: 20 feet
9. Minimum Rear Yard Dimension: 50 feet
10. Maximum Building Height: 1 and 1/2 stories
11. NOTE: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 410 - CR District : Conservation Residential

1. Uses Permitted by Right:

Animal hospitals, animal shelters, dog kennels, stables and factories for raising insects, birds and fur bearing animals.

Forestry, lumbering and reforestation, excluding mill structures.

Game farm, fish hatcheries and fishing reserves.

Mobile home parks in accordance with Section 801 of this Ordinance.

Nurseries, orchards, greenhouses.

Outdoor recreational uses, including tennis courts, parks, camps, picnic groves, golf courses, swimming, fishing and boating facilities, but excluding archery courses, rifle ranges, skeet facilities, hunting reserves and uses with similar safety hazards.

Planned unit residential development and planned unit development (maximum overall residential density 4.5 dwelling units per acre) in accordance with Sections 501, 502, 505 and 506 of this

Ordinance: planned unit light industrial development in accordance with Sections 501, 502, 503 and 507 of this Ordinance.

Public uses, excluding the storage of road materials, road equipment and garages; also excluding incinerators.

Single family detached residences, or mobile homes.
Unlimited and limited agriculture.
Wildlife sanctuaries, woodland preserves, arboretums.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use:

Air strips and airports.
Club, lodge, meeting halls.
Archery courses, rifle ranges, skeet facilities, hunting reserves,
and similar uses.
Semi-public uses.
Sanitary landfill.
Radio and television towers.

3. Minimum Lot Area: 2 acres

4. Minimum Lot Width : 170 feet

5. Minimum Lot Depth : 270

6. Maximum Lot Coverage: 20 percent

7. Minimum Front Yard Dimension : 50 feet

8. Minimum Side Yard Dimensions : 20 feet each

9. Minimum Rear Yard Dimension : 50 feet

10. Maximum Building Height : 2 1/2 stories

11. NOTE: Also see General Provisions (Article 700) and
Supplemental Regulations (Article 800).

Section 411 - SR 21.7 District : Single Family Residential, 21,780 square feet.

1. Uses Permitted by Right:

Single family detached residences, excluding mobile homes except in mobile home parks.

Mobile home park in accordance with Section 801 of this Ordinance.

Limited agriculture on lots less than 10 acres.

Unlimited agriculture on more than 10 acres.

Public uses, excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.

Cluster residential development, planned unit residential development (maximum overall residential density 2.0 dwelling units per acre) in accordance with Section 501 to 506 of this Ordinance.

Essential services.

Accessory uses.

2. Uses Permitted by Special Use Permit:

Two family residences.

Club, lodge, meeting halls.

Semi-public uses.

Mobile Homes in Accordance with Section 801A of this Ordinance. Accessory uses.

3. Minimum Lot Area: 21,780 square feet.

4. Minimum Lot Width: 100 feet.

5. Maximum Lot Coverage: 30 percent

6. Minimum Front Yard Dimension: 35 feet.

7. Minimum Side Yard Dimension: 15 feet each.

8. Minimum Rear Yard Dimension: 30 feet

9. Maximum Building Height: 2 and 1/2 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulation (Article 800) of this Ordinance

Section 412 - MR 43.5 District: Multi-Family Residential, 43,560 Square Feet.

1. Uses Permitted by Right:

Multi-family residences.
Single family detached residence excluding mobile homes.
Two family residences.
Limited agriculture on lots less than 10 acres.
Unlimited agriculture on lots more than 10 acres.
Public uses excluding: the storage of road materials, road equipment and garages, incinerators and landfills of any type.
Cluster residential development, planned unit residential development and planned unit development (maximum overall residential density 15.0 dwelling units per acre) in accordance with Section 501 to 506 of this Ordinance.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Club, lodge, meeting halls.
Semi-public uses
Mobile Homes in Accordance with Section 801A of this Ordinance.
Accessory uses.

3. Minimum Lot Area: 43,560 square feet, or 3,000 square feet per dwelling unit, whichever is greater.

4. Minimum Lot Width : 150 feet.
5. Maximum Lot Coverage: 35 percent.
6. Minimum Front Yard Dimension: 50 feet
7. Minimum Side Yard Dimension: 25 feet each
8. Minimum Rear Yard Dimension: 50 feet.
9. Maximum Building Height: 2 and 1/2 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 413 - GC District. General Commercial

1. Uses Permitted by Right:

Antique and art shops
Apparel stores
Artists' studios
Automobile (new car) sales and service shops
Automobile accessory stores
Automobile washing and waxing establishments
Bakery, confectionery and ice cream shops, including the baking and processing of food products when prepared for retail uses on premises only.
Banks and financial institutions.
Barber shops, beauty parlors, chiropody, massage or similar personal service shops
Beverage stores, including the sale of beer and liquor
Boat showrooms
Book and stationery stores, including office, school and drafting supply stores
Building materials, retail sales, when conducted wholly within a building
Bus and taxi terminals

Business machines sales and services
Business and technical college and schools.
Catalog store
Catering service
China and glassware stores
Cigarette and tobacco stores
Club, lodge or meeting halls
Coin and stamp shop
Cosmetic sales
Department and variety stores
Drug stores
Eating and drinking establishments where customers are wholly served within a building
Feed and seed stores.
Florist shops.
Food stores and food lockers.
Furniture and appliance sales and service, but, not including assembly or manufacture.
Gift and novelty stores.
Hardware, paint, glass and wallpaper stores.
Hearing aid and eyeglass dispensing (retail).
Hobby shops
Home furnishing stores.
Hotels and motels.
Indoor recreation, including bowling alleys, poolhalls, dance halls and amusement centers.
Interior decorating shops.
Jewelry and watch repair shops.
Laboratories, dental or medical.
Laundries, laundrettes, cleaning and pressing establishments.
Libraries, museums, galleries.
Leather goods and luggage stores.
Locksmiths.
Medical and surgical supply stores.
Messenger and telegraph service.
Monument sales conducted wholly within a building for retail customers.
Mortuaries and funeral parlors.

Motor vehicle service stations in accordance with Section 803 of this Ordinance.

Music stores.

Newspaper publishing and distributing agencies.

News-stand

Offices.

Off-street parking.

Pet stores.

Photography studios.

Plumbing, heating and roofing supply retail sales.

Public garages in accordance with Section 803 of this Ordinance.

Public uses excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.

Radio and television station.

Repair services of household items.

Rental stores, when all items to be rented are housed within a building.

Room and boarding houses.

Schools or places of instruction for music, dancing, reading, languages, elocution and similar subjects.

Shoe and hat stores.

Sporting goods stores.

Tailor and seamstress shops.

Theaters when performances are given within a building.

Watch and clock repair.

Essential services.

Accessory uses.

2. Uses Permitted by Special Use Permit:

Retail sales and service establishments that are of a like character to the uses permitted by right, wholly housed within a building and not more objectionable to uses permitted by right by reason of noise, fumes, vibration, lights, glare, pollution, traffic, safety, health and cleanliness.

3. Minimum Lot Area; 21,780 feet.
4. Minimum Lot Width : 100 feet.
5. Maximum Lot Coverage: 50 percent
6. Minimum Front Yard Dimension: 40 feet.
7. Minimum Side Yard Dimensions 12 feet each.
8. Minimum Rear Yard Dimension: 25 feet.
9. Maximum Building Height: 3 stories
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 414 - HC District: Highway Commercial

1. Uses Permitted by Right:

Agricultural implement sales and service.
Antique and art shop.
Apparel stores.
Artists' studios.
Automobile sales and service shops.
Automobile accessory stores.
Automobile painting, upholstering and body shops.
Bakery, confectionery and ice cream shops including the baking and processing of food products when prepared for retail use on premises only.
Banks and financial institutions.
Barber shops, beauty parlors, chiropody, massage or similar personal service shops.
Beverage stores including the sale of beer and liquor.
Boat showrooms.
Book and stationery stores including office, school and drafting supply store.

Building materials, retail sales.
Bus and taxi terminals.
Business machine sales and service.
Business and technical colleges and schools.
Catalog store.
Catering service.
China and glassware stores.
Cigarette and tobacco stores.
Club, lodge or meeting halls.
Coin and stamp shops.
Cosmetic sales.
Department and variety stores.
Drug stores.
Eating and drinking establishments.
Feed and seed stores.
Florist shops.
Food stores and food lockers.
Furniture and appliance sales and service, but not including assembly or manufacture.
Gift and novelty stores.
Hardware, paint, glass and wallpaper stores.
Hearing aid and eyeglass dispensing (retail).
Hobby shops.
Home furnishing stores.
Hotels and motels.
Indoor and outdoor recreation, including bowling alleys, pool halls, dance halls, amusement centers, amusement parks, miniature golf and driving ranges.
Interior decorating shops.
Jewelry and watch repair shops.
Laboratories, dental or medical.
Laundries, laundrettes, cleaning and pressing establishments.
Libraries, museums, galleries.
Leather goods and luggage stores.
Locksmiths.
Medical and surgical supply stores.
Messenger and telegraph service.
Mobile home and trailer sales and service.

Monument sales.
Mortuaries and funeral parlors.
Motor vehicle service station in accordance with Section 803 of this Ordinance.
Music stores.
Newspaper publishing and distributing agencies.
News-stand.
Nurseries, greenhouses, garden supplies.
Offices.
Off-street parking.
Pet stores.
Photography studios.
Plumbing, heating and roofing with supply retail sales.
Public garages in accordance with Section 803 of this Ordinance.
Public uses, excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.
Radio and television station.
Repair services of household items.
Rental stores.
Rooming and boarding houses.
Schools or places of instruction for music, dancing, reading, languages, elocution, and similar subjects.
Shoe and hat stores.
Sporting goods stores.
Tailor and seamstress shops.
Theaters.
Watch and clock repair.
Retail sales and service establishments not more objectionable by reason of noise, fumes, vibration, or lights than permitted use listed above.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Animal hospitals and shelters.
Dog kennels.

Accessory uses.

3. Minimum Lot Area: 21,780 square feet.
4. Minimum Lot Width: 100 feet.
5. Maximum Lot Coverage: 45 percent.
6. Minimum Front Yard Dimension: 40 feet.
7. Minimum Side Yard Dimensions : 12 feet each.
8. Minimum Rear Yard Dimensions: 25 feet.
9. Maximum Building Height: 3 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 415 - SP District: Shopping Plaza

1. Uses Permitted by Right:

Antique and art shops.

Apparel stores.

Artist's studio

Automobile washing and waxing establishment.

Bakery, confectionery, and ice cream shops, including the baking and processing of food products when prepared for retail use on premises only.

Banks and financial institutions.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Beverage stores including the sale of beer and liquor.

Book and stationery stores, including office, school and drafting supply stores.

Business machines sales and service.

Business and technical colleges and schools.
Catalog store.
Catering service.
China and glassware stores.
Cigarette and tobacco stores.
Club, lodge or meeting halls.
Coin and stamp shops.
Cosmetic sales.
Department and variety stores.
Drug stores.
Eating and drinking establishments.
Feed and seed stores.
Florist shops.
Food stores and food lockers.
Furniture and appliance sales and service, but, not including assembly or manufacture.
Gift and novelty stores.
Hardware, paint, glass and wallpaper stores.
Hearing aid and eyeglass dispensing (retail).
Hobby shops.
Home furnishing stores.
Hotels and motels.
Indoor recreation including bowling alleys, poolhalls, dance halls, amusement centers.
Interior decorating shops.
Jewelry and watch repair shops.
Laundries, laundrettes, cleaning and pressing establishments.
Libraries, museums, galleries.
Leather goods and luggage stores.
Locksmiths.
Medical and surgical supply stores.
Messenger and telegraph service.
Motor vehicle service station in accordance with Section 803 of this Ordinance.
Music stores.
News-stand.
Nurseries, greenhouses, garden supplies.
Offices.

Pet stores.
Photography studios.
Public uses excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.
Radio and television station.
Repair services of household items.
Rental stores.
Schools or places of instruction for music, dancing, reading, languages, elocution and similar subjects.
Shoe and hat stores.
Tailor and seamstress shops.
Theaters
Watch and clock repair.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Retail sales and service establishments that are of a like character to the uses permitted by right and not more objectionable by reason of noise, fumes, vibration, lights, glare, pollution, traffic, safety, health and cleanliness.

3. Area Requirement: The tract for the shopping plaza shall contain at least three (3) contiguous acres under single ownership or control and shall be developed as a single entity.

4. Minimum Tract Width : 300 feet.

5. Maximum Tract Coverage : 40 percent.

6. Minimum Front Yard Dimension : 50 feet.

7. Minimum Side Yard Dimension (Tract) 30 feet each.

8. Minimum Rear Yard Dimension : 50 feet.

9. Maximum Building Height : 3 stories.
10. Minimum Distance Between Buildings : 30 feet.
11. Maximum Building Length : 240 feet.
12. Minimum Highway Access Points: 200 square feet.
13. Note: Also see General Provisions (Article 700) and Supplemental Regulations Article (800) of this Ordinance.

Section 416 - L I District : Light Industrial

1. Uses Permitted by Right

Automobile painting, upholstering, motor and body work.

Bottling works.

Building materials sales yard.

Carpenter and cabinet maker.

Electronic and small parts assembly and/or manufacture.

Laboratories and research facilities.

Locksmith.

Machine shops.

Manufacture, compounding, processing or treatment of such products as: bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products. **except the following:** fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats.

Manufacture, fabrication, compounding, assembling, treatment, processing of articles of merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, leather, paper and paper board, plastic, precious textiles, yarn or paint.

Metal smiths.

Motor vehicle service station in accordance with Section 803 of this Ordinance.

Motor vehicle terminals and storage.
Public uses.
Radio and television towers.
Repair shop.
Storage of materials, supplies and equipment.
Planned Unit light industrial development in accordance with
Section 507.
Wholesale business.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Airports, airstrips.
Accessory uses.

3. Minimum Lot Area : 21,780 square feet.
4. Minimum Lot Width : 100 feet.
5. Maximum Lot Coverage : 50 percent
6. Minimum Front Yard Dimension: 50 feet
7. Minimum Side Yard Dimensions: 12 feet each.
8. Minimum Rear Yard Dimension: 15 feet.
9. Maximum Building Height: 3 stories.
10. Buffer Strip : 150 feet set back will be required for any structure in an industrial zone contiguous to a boundary line of a residentially zoned district.
11. Note: Also see General Provisions (Article 700) and Supplemental Regulations Article (800) of this Ordinance.

Section 417 - HI District: Heavy Industrial

1. Uses Permitted by Right:

All uses excluding special exceptions, residences and retail commercial uses not directly related to servicing customary day to day employee needs such as restaurants, drug stores, and motor vehicle service stations.

2. Uses Permitted by Special Use Permit:

Acetylene gas manufacture.

Acid manufacture including hydrochloric, nitric, sulfuric and carbolic.

Airports, airstrips.

Ammonia, bleaching powder, or chlorine manufacture.

Ammunition manufacturing or wholesale storage of ammunition or both.

Animal black, lamp black or bone black manufacture.

Arsenal.

Bone distillation.

Cement, lime, gypsum or plaster of paris manufacture.

Creosote treatment or manufacture.

Curing, tanning or storage of raw hides and skins.

Dead animals and offal reduction.

Distillation of bones, refuse grain or wood.

Dyestuff manufacture.

Emery cloth or sandpaper manufacture.

Explosives, fireworks, and gunpowder manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Glue, sizing, or gelatin manufacture.

Incineration, reduction, storage or dumping of slaughter.

Junk and scrap yards.

Linoleum manufacture.

Match manufacture.

Paper or pulp manufacture.

Poisonous and flammable gas manufacture or storage.
Potash manufacture.
Slaughter house.
Soap.
Stockyard.
Accessory uses.

3. Minimum Lot Area : 21,780 feet
4. Minimum Lot Width: 100 feet.
5. Maximum Lot Coverage : 50 percent.
6. Minimum Front Yard Dimension : 50 feet.
7. Minimum Side Yard Dimensions : 12 feet each.
8. Minimum Rear Yard Dimension: 15 feet.
9. Maximum Building Height: 3 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

ARTICLE 400 - DISTRICT REGULATIONS

Section 401 - FP District - Flood Plain

1. Uses Permitted by Right:

Animal hospitals, animal shelters, dog kennels, stables and facilities for raising insects, birds, and fur bearing animals.
Flood retention dams and dikes and culverts and bridges as approved by the State of New York.
Forestry, lumbering and reforestation, mill structures.
Game farms, fish hatcheries, hunting and fishing reserves
Nurseries, orchards, greenhouses.
Open storage if contiguous to an industrial district.
Outdoor recreational uses including tennis courts, archery courses, parks, camps, picnic groves, golf courses, swimming, fishing and boating facilities.
Unlimited and limited agriculture.
Wildlife sanctuaries, woodland preserves, arboretums.
Essential services.
Accessory uses (All accessory structures to be used for human occupancy must be located on a parcel of land at least four (4) times the area of the structure. Said parcel of land and all access roads must be graded to an elevation above flood level).

2. Uses Permitted by Special Use Permit:

Airstrips
Accessory Uses
Rifle ranges, skeet facilities

3. Minimum Lot Area: 2 Acres

4. Minimum Lot Width: 170 feet

5. Minimum Lot Depth: 270 feet
6. Maximum Lot Coverage: 10 percent
7. Minimum Front Yard Dimension: 50 feet
8. Minimum Side Yard Dimension: 20 feet
9. Minimum Rear Yard Dimension: 50 feet
10. Maximum Building Height: 1 and 1/2 stories
11. NOTE: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 410 - CR District : Conservation Residential

1. Uses Permitted by Right:

Animal hospitals, animal shelters, dog kennels, stables and factories for raising insects, birds and fur bearing animals.

Forestry, lumbering and reforestation, excluding mill structures.

Game farm, fish hatcheries and fishing reserves.

Mobile home parks in accordance with Section 801 of this Ordinance.

Nurseries, orchards, greenhouses.

Outdoor recreational uses, including tennis courts, parks, camps, picnic groves, golf courses, swimming, fishing and boating facilities, but excluding archery courses, rifle ranges, skeet facilities, hunting reserves and uses with similar safety hazards.

Planned unit residential development and planned unit development (maximum overall residential density 4.5 dwelling units per acre) in accordance with Sections 501, 502, 505 and 506 of this

Ordinance: planned unit light industrial development in accordance with Sections 501, 502, 503 and 507 of this Ordinance.

Public uses, excluding the storage of road materials, road equipment and garages; also excluding incinerators.

5. Minimum Lot Depth: 270 feet
6. Maximum Lot Coverage: 10 percent
7. Minimum Front Yard Dimension: 50 feet
8. Minimum Side Yard Dimension: 20 feet
9. Minimum Rear Yard Dimension: 50 feet
10. Maximum Building Height: 1 and 1/2 stories
11. NOTE: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 410 - CR District : Conservation Residential

1. Uses Permitted by Right:

Animal hospitals, animal shelters, dog kennels, stables and factories for raising insects, birds and fur bearing animals.
Forestry, lumbering and reforestation, excluding mill structures.
Game farm, fish hatcheries and fishing reserves.
Mobile home parks in accordance with Section 801 of this Ordinance.
Nurseries, orchards, greenhouses.
Outdoor recreational uses, including tennis courts, parks, camps, picnic groves, golf courses, swimming, fishing and boating facilities, but excluding archery courses, rifle ranges, skeet facilities, hunting reserves and uses with similar safety hazards.
Planned unit residential development and planned unit development (maximum overall residential density 4.5 dwelling units per acre) in accordance with Sections 501, 502, 505 and 506 of this Ordinance: planned unit light industrial development in accordance with Sections 501, 502, 503 and 507 of this Ordinance.
Public uses, excluding the storage of road materials, road equipment and garages; also excluding incinerators.

Single family detached residences, or mobile homes.
Unlimited and limited agriculture.
Wildlife sanctuaries, woodland preserves, arboretums.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use:

Air strips and airports.
Club, lodge, meeting halls.
Archery courses, rifle ranges, skeet facilities, hunting reserves,
and similar uses.
Semi-public uses.
Sanitary landfill.
Radio and television towers.

3. Minimum Lot Area: 2 acres

4. Minimum Lot Width : 170 feet

5. Minimum Lot Depth : 270

6. Maximum Lot Coverage: 20 percent

7. Minimum Front Yard Dimension : 50 feet

8. Minimum Side Yard Dimensions : 20 feet each

9. Minimum Rear Yard Dimension : 50 feet

10. Maximum Building Height : 2 1/2 stories

11. NOTE: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800).

Section 411 - SR 21.7 District : Single Family Residential, 21,780 square feet.

1. Uses Permitted by Right:

Single family detached residences, excluding mobile homes except in mobile home parks.

Mobile home park in accordance with Section 801 of this Ordinance.

Limited agriculture on lots less than 10 acres.

Unlimited agriculture on more than 10 acres.

Public uses, excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.

Cluster residential development, planned unit residential development (maximum overall residential density 2.0 dwelling units per acre) in accordance with Section 501 to 506 of this Ordinance.

Essential services.

Accessory uses.

2. Uses Permitted by Special Use Permit:

Two family residences.

Club, lodge, meeting halls.

Semi-public uses.

Mobile Homes in Accordance with Section 801A of this Ordinance. Accessory uses.

3. Minimum Lot Area: 21,780 square feet.

4. Minimum Lot Width: 100 feet.

5. Maximum Lot Coverage: 30 percent

6. Minimum Front Yard Dimension: 35 feet.

7. Minimum Side Yard Dimension: 15 feet each.

8. Minimum Rear Yard Dimension: 30 feet

9. Maximum Building Height: 2 and 1/2 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulation (Article 800) of this Ordinance

Section 412 - MR 43.5 District: Multi-Family Residential, 43,560 Square Feet.

1. Uses Permitted by Right:

Multi-family residences.

Single family detached residence excluding mobile homes.

Two family residences.

Limited agriculture on lots less than 10 acres.

Unlimited agriculture on lots more than 10 acres.

Public uses excluding: the storage of road materials, road equipment and garages, incinerators and landfills of any type.

Cluster residential development, planned unit residential development and planned unit development (maximum overall residential density 15.0 dwelling units per acre) in accordance with Section 501 to 506 of this Ordinance.

Essential services.

Accessory uses.

2. Uses Permitted by Special Use Permit:

Club, lodge, meeting halls.

Semi-public uses

Mobile Homes in Accordance with Section 801A of this Ordinance.

Accessory uses.

3. Minimum Lot Area: 43,560 square feet, or 3,000 square feet per dwelling unit, whichever is greater.

9. Maximum Building Height: 2 and 1/2 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulation (Article 800) of this Ordinance

Section 412 - MR 43.5 District: Multi-Family Residential, 43,560 Square Feet.

1. Uses Permitted by Right:

Multi-family residences.
Single family detached residence excluding mobile homes.
Two family residences.
Limited agriculture on lots less than 10 acres.
Unlimited agriculture on lots more than 10 acres.
Public uses excluding: the storage of road materials, road equipment and garages, incinerators and landfills of any type.
Cluster residential development, planned unit residential development and planned unit development (maximum overall residential density 15.0 dwelling units per acre) in accordance with Section 501 to 506 of this Ordinance.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Club, lodge, meeting halls.
Semi-public uses
Mobile Homes in Accordance with Section 801A of this Ordinance.
Accessory uses.

3. Minimum Lot Area: 43,560 square feet, or 3,000 square feet per dwelling unit, whichever is greater.

4. Minimum Lot Width : 150 feet.
5. Maximum Lot Coverage: 35 percent.
6. Minimum Front Yard Dimension: 50 feet
7. Minimum Side Yard Dimension: 25 feet each
8. Minimum Rear Yard Dimension: 50 feet.
9. Maximum Building Height: 2 and 1/2 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 413 - GC District. General Commercial

1. Uses Permitted by Right:

Antique and art shops
Apparel stores
Artists' studios
Automobile (new car) sales and service shops
Automobile accessory stores
Automobile washing and waxing establishments
Bakery, confectionery and ice cream shops, including the baking and processing of food products when prepared for retail uses on premises only.
Banks and financial institutions.
Barber shops, beauty parlors, chiropody, massage or similar personal service shops
Beverage stores, including the sale of beer and liquor
Boat showrooms
Book and stationery stores, including office, school and drafting supply stores
Building materials, retail sales, when conducted wholly within a building
Bus and taxi terminals

4. Minimum Lot Width : 150 feet.
5. Maximum Lot Coverage: 35 percent.
6. Minimum Front Yard Dimension: 50 feet
7. Minimum Side Yard Dimension: 25 feet each
8. Minimum Rear Yard Dimension: 50 feet.
9. Maximum Building Height: 2 and 1/2 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 413 - GC District. General Commercial

1. Uses Permitted by Right:

Antique and art shops
Apparel stores
Artists' studios
Automobile (new car) sales and service shops
Automobile accessory stores
Automobile washing and waxing establishments
Bakery, confectionery and ice cream shops, including the baking and processing of food products when prepared for retail uses on premises only.
Banks and financial institutions.
Barber shops, beauty parlors, chiropody, massage or similar personal service shops
Beverage stores, including the sale of beer and liquor
Boat showrooms
Book and stationery stores, including office, school and drafting supply stores
Building materials, retail sales, when conducted wholly within a building
Bus and taxi terminals

Business machines sales and services
Business and technical college and schools.
Catalog store
Catering service
China and glassware stores
Cigarette and tobacco stores
Club, lodge or meeting halls
Coin and stamp shop
Cosmetic sales
Department and variety stores
Drug stores
Eating and drinking establishments where customers are wholly served within a building
Feed and seed stores.
Florist shops.
Food stores and food lockers.
Furniture and appliance sales and service, but, not including assembly or manufacture.
Gift and novelty stores.
Hardware, paint, glass and wallpaper stores.
Hearing aid and eyeglass dispensing (retail).
Hobby shops
Home furnishing stores.
Hotels and motels.
Indoor recreation, including bowling alleys, poolhalls, dance halls and amusement centers.
Interior decorating shops.
Jewelry and watch repair shops.
Laboratories, dental or medical.
Laundries, laundrettes, cleaning and pressing establishments.
Libraries, museums, galleries.
Leather goods and luggage stores.
Locksmiths.
Medical and surgical supply stores.
Messenger and telegraph service.
Monument sales conducted wholly within a building for retail customers.
Mortuaries and funeral parlors.

Motor vehicle service stations in accordance with Section 803 of this Ordinance.

Music stores.

Newspaper publishing and distributing agencies.

News-stand

Offices.

Off-street parking.

Pet stores.

Photography studios.

Plumbing, heating and roofing supply retail sales.

Public garages in accordance with Section 803 of this Ordinance.

Public uses excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.

Radio and television station.

Repair services of household items.

Rental stores, when all items to be rented are housed within a building.

Room and boarding houses.

Schools or places of instruction for music, dancing, reading, languages, elocution and similar subjects.

Shoe and hat stores.

Sporting goods stores.

Tailor and seamstress shops.

Theaters when performances are given within a building.

Watch and clock repair.

Essential services.

Accessory uses.

2. Uses Permitted by Special Use Permit:

Retail sales and service establishments that are of a like character to the uses permitted by right, wholly housed within a building and not more objectionable to uses permitted by right by reason of noise, fumes, vibration, lights, glare, pollution, traffic, safety, health and cleanliness.

3. Minimum Lot Area; 21,780 feet.
4. Minimum Lot Width : 100 feet.
5. Maximum Lot Coverage: 50 percent
6. Minimum Front Yard Dimension: 40 feet.
7. Minimum Side Yard Dimensions 12 feet each.
8. Minimum Rear Yard Dimension: 25 feet.
9. Maximum Building Height: 3 stories
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 414 - HC District: Highway Commercial

1. Uses Permitted by Right:

Agricultural implement sales and service.

Antique and art shop.

Apparel stores.

Artists' studios.

Automobile sales and service shops.

Automobile accessory stores.

Automobile painting, upholstery and body shops.

Bakery, confectionery and ice cream shops including the baking and processing of food products when prepared for retail use on premises only.

Banks and financial institutions.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Beverage stores including the sale of beer and liquor.

Boat showrooms.

Book and stationery stores including office, school and drafting supply store.

3. Minimum Lot Area; 21,780 feet.
4. Minimum Lot Width : 100 feet.
5. Maximum Lot Coverage: 50 percent
6. Minimum Front Yard Dimension: 40 feet.
7. Minimum Side Yard Dimensions 12 feet each.
8. Minimum Rear Yard Dimension: 25 feet.
9. Maximum Building Height: 3 stories
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 414 - HC District: Highway Commercial

1. Uses Permitted by Right:

Agricultural implement sales and service.

Antique and art shop.

Apparel stores.

Artists' studios.

Automobile sales and service shops.

Automobile accessory stores.

Automobile painting, upholstering and body shops.

Bakery, confectionery and ice cream shops including the baking and processing of food products when prepared for retail use on premises only.

Banks and financial institutions.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Beverage stores including the sale of beer and liquor.

Boat showrooms.

Book and stationery stores including office, school and drafting supply store.

Building materials, retail sales.
Bus and taxi terminals.
Business machine sales and service.
Business and technical colleges and schools.
Catalog store.
Catering service.
China and glassware stores.
Cigarette and tobacco stores.
Club, lodge or meeting halls.
Coin and stamp shops.
Cosmetic sales.
Department and variety stores.
Drug stores.
Eating and drinking establishments.
Feed and seed stores.
Florist shops.
Food stores and food lockers.
Furniture and appliance sales and service, but not including assembly or manufacture.
Gift and novelty stores.
Hardware, paint, glass and wallpaper stores.
Hearing aid and eyeglass dispensing (retail).
Hobby shops.
Home furnishing stores.
Hotels and motels.
Indoor and outdoor recreation, including bowling alleys, pool halls, dance halls, amusement centers, amusement parks, miniature golf and driving ranges.
Interior decorating shops.
Jewelry and watch repair shops.
Laboratories, dental or medical.
Laundries, laundrettes, cleaning and pressing establishments.
Libraries, museums, galleries.
Leather goods and luggage stores.
Locksmiths.
Medical and surgical supply stores.
Messenger and telegraph service.
Mobile home and trailer sales and service.

Monument sales.
Mortuaries and funeral parlors.
Motor vehicle service station in accordance with Section 803 of this Ordinance.
Music stores.
Newspaper publishing and distributing agencies.
News-stand.
Nurseries, greenhouses, garden supplies.
Offices.
Off-street parking.
Pet stores.
Photography studios.
Plumbing, heating and roofing with supply retail sales.
Public garages in accordance with Section 803 of this Ordinance.
Public uses, excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.
Radio and television station.
Repair services of household items.
Rental stores.
Rooming and boarding houses.
Schools or places of instruction for music, dancing, reading, languages, elocution, and similar subjects.
Shoe and hat stores.
Sporting goods stores.
Tailor and seamstress shops.
Theaters.
Watch and clock repair.
Retail sales and service establishments not more objectionable by reason of noise, fumes, vibration, or lights than permitted use listed above.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Animal hospitals and shelters.
Dog kennels.

Accessory uses.

3. Minimum Lot Area: 21,780 square feet.
4. Minimum Lot Width: 100 feet.
5. Maximum Lot Coverage: 45 percent.
6. Minimum Front Yard Dimension: 40 feet.
7. Minimum Side Yard Dimensions : 12 feet each.
8. Minimum Rear Yard Dimensions: 25 feet.
9. Maximum Building Height: 3 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 415 - SP District: Shopping Plaza

1. Uses Permitted by Right:

Antique and art shops.

Apparel stores.

Artist's studio

Automobile washing and waxing establishment.

Bakery, confectionery, and ice cream shops, including the baking and processing of food products when prepared for retail use on premises only.

Banks and financial institutions.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Beverage stores including the sale of beer and liquor.

Book and stationery stores, including office, school and drafting supply stores.

Business machines sales and service.

Accessory uses.

3. Minimum Lot Area: 21,780 square feet.
4. Minimum Lot Width: 100 feet.
5. Maximum Lot Coverage: 45 percent.
6. Minimum Front Yard Dimension: 40 feet.
7. Minimum Side Yard Dimensions : 12 feet each.
8. Minimum Rear Yard Dimensions: 25 feet.
9. Maximum Building Height: 3 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

Section 415 - SP District: Shopping Plaza

1. Uses Permitted by Right:

Antique and art shops.

Apparel stores.

Artist's studio

Automobile washing and waxing establishment.

Bakery, confectionery, and ice cream shops, including the baking and processing of food products when prepared for retail use on premises only.

Banks and financial institutions.

Barber shops, beauty parlors, chiropody, massage or similar personal service shops.

Beverage stores including the sale of beer and liquor.

Book and stationery stores, including office, school and drafting supply stores.

Business machines sales and service.

Business and technical colleges and schools.
Catalog store.
Catering service.
China and glassware stores.
Cigarette and tobacco stores.
Club, lodge or meeting halls.
Coin and stamp shops.
Cosmetic sales.
Department and variety stores.
Drug stores.
Eating and drinking establishments.
Feed and seed stores.
Florist shops.
Food stores and food lockers.
Furniture and appliance sales and service, but, not including assembly or manufacture.
Gift and novelty stores.
Hardware, paint, glass and wallpaper stores.
Hearing aid and eyeglass dispensing (retail).
Hobby shops.
Home furnishing stores.
Hotels and motels.
Indoor recreation including bowling alleys, poolhalls, dance halls, amusement centers.
Interior decorating shops.
Jewelry and watch repair shops.
Laundries, laundrettes, cleaning and pressing establishments.
Libraries, museums, galleries.
Leather goods and luggage stores.
Locksmiths.
Medical and surgical supply stores.
Messenger and telegraph service.
Motor vehicle service station in accordance with Section 803 of this Ordinance.
Music stores.
News-stand.
Nurseries, greenhouses, garden supplies.
Offices.

Pet stores.
Photography studios.
Public uses excluding the storage of road materials, road equipment and garages, incinerators and landfills of any type.
Radio and television station.
Repair services of household items.
Rental stores.
Schools or places of instruction for music, dancing, reading, languages, elocution and similar subjects.
Shoe and hat stores.
Tailor and seamstress shops.
Theaters
Watch and clock repair.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Retail sales and service establishments that are of a like character to the uses permitted by right and not more objectionable by reason of noise, fumes, vibration, lights, glare, pollution, traffic, safety, health and cleanliness.

3. Area Requirement: The tract for the shopping plaza shall contain at least three (3) contiguous acres under single ownership or control and shall be developed as a single entity.

4. Minimum Tract Width : 300 feet.

5. Maximum Tract Coverage : 40 percent.

6. Minimum Front Yard Dimension : 50 feet.

7. Minimum Side Yard Dimension (Tract) 30 feet each.

8. Minimum Rear Yard Dimension : 50 feet.

9. Maximum Building Height : 3 stories.
10. Minimum Distance Between Buildings : 30 feet.
11. Maximum Building Length : 240 feet.
12. Minimum Highway Access Points: 200 square feet.
13. Note: Also see General Provisions (Article 700) and Supplemental Regulations Article (800) of this Ordinance.

Section 416 - L I District : Light Industrial

1. Uses Permitted by Right

Automobile painting, upholstering, motor and body work.

Bottling works.

Building materials sales yard.

Carpenter and cabinet maker.

Electronic and small parts assembly and/or manufacture.

Laboratories and research facilities.

Locksmith.

Machine shops.

Manufacture, compounding, processing or treatment of such products as: bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products. **except the following:** fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats.

Manufacture, fabrication, compounding, assembling, treatment, processing of articles of merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, leather, paper and paper board, plastic, precious textiles, yarn or paint.

Metal smiths.

Motor vehicle service station in accordance with Section 803 of this Ordinance.

9. Maximum Building Height : 3 stories.
10. Minimum Distance Between Buildings : 30 feet.
11. Maximum Building Length : 240 feet.
12. Minimum Highway Access Points: 200 square feet.
13. Note: Also see General Provisions (Article 700) and Supplemental Regulations Article (800) of this Ordinance.

Section 416 - L I District : Light Industrial

1. Uses Permitted by Right

Automobile painting, upholstering, motor and body work.
Bottling works.

Building materials sales yard.

Carpenter and cabinet maker.

Electronic and small parts assembly and/or manufacture.

Laboratories and research facilities.

Locksmith.

Machine shops.

Manufacture, compounding, processing or treatment of such products as: bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products. **except the following:** fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats.

Manufacture, fabrication, compounding, assembling, treatment, processing of articles of merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, leather, paper and paper board, plastic, precious textiles, yarn or paint.

Metal smiths.

Motor vehicle service station in accordance with Section 803 of this Ordinance.

Motor vehicle terminals and storage.
Public uses.
Radio and television towers.
Repair shop.
Storage of materials, supplies and equipment.
Planned Unit light industrial development in accordance with
Section 507.
Wholesale business.
Essential services.
Accessory uses.

2. Uses Permitted by Special Use Permit:

Airports, airstrips.
Accessory uses.

3. Minimum Lot Area : 21,780 square feet.
4. Minimum Lot Width : 100 feet.
5. Maximum Lot Coverage : 50 percent
6. Minimum Front Yard Dimension: 50 feet
7. Minimum Side Yard Dimensions: 12 feet each.
8. Minimum Rear Yard Dimension: 15 feet.
9. Maximum Building Height: 3 stories.
10. Buffer Strip : 150 feet set back will be required for any structure in an industrial zone contiguous to a boundary line of a residentially zoned district.
11. Note: Also see General Provisions (Article 700) and Supplemental Regulations Article (800) of this Ordinance.

Section 417 - HI District: Heavy Industrial

1. Uses Permitted by Right:

All uses excluding special exceptions, residences and retail commercial uses not directly related to servicing customary day to day employee needs such as restaurants, drug stores, and motor vehicle service stations.

2. Uses Permitted by Special Use Permit:

Acetylene gas manufacture.

Acid manufacture including hydrochloric, nitric, sulfuric and carbolic.

Airports, airstrips.

Ammonia, bleaching powder, or chlorine manufacture.

Ammunition manufacturing or wholesale storage of ammunition or both.

Animal black, lamp black or bone black manufacture.

Arsenal.

Bone distillation.

Cement, lime, gypsum or plaster of paris manufacture.

Creosote treatment or manufacture.

Curing, tanning or storage of raw hides and skins.

Dead animals and offal reduction.

Distillation of bones, refuse grain or wood.

Dyestuff manufacture.

Emery cloth or sandpaper manufacture.

Explosives, fireworks, and gunpowder manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Glue, sizing, or gelatin manufacture.

Incineration, reduction, storage or dumping of slaughter.

Junk and scrap yards.

Linoleum manufacture.

Match manufacture.

Paper or pulp manufacture.

Poisonous and flammable gas manufacture or storage.
Potash manufacture.
Slaughter house.
Soap.
Stockyard.
Accessory uses.

3. Minimum Lot Area : 21,780 feet
4. Minimum Lot Width: 100 feet.
5. Maximum Lot Coverage : 50 percent.
6. Minimum Front Yard Dimension : 50 feet.
7. Minimum Side Yard Dimensions : 12 feet each.
8. Minimum Rear Yard Dimension: 15 feet.
9. Maximum Building Height: 3 stories.
10. Note: Also see General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance.

ARTICLE 500 - CLUSTER AND PLANNED UNIT DEVELOPMENTS

Section 501 - Purpose

1. The purpose of the procedures, standards and controls of the cluster residential development is to provide a means to take advantage of natural physical features of an area by permitting reductions in bulk and area requirements for individual lots and providing compensating areas of open space ancillary to dwelling units.
2. The purpose of the procedures, standards and controls of planned unit residential development is to encourage innovation in residential development which will provide housing of greater variety in type, design and site planning incorporating the conservation of maximum open space ancillary to said housing units. Design is primarily achieved through the basis of overall density of a given number of dwelling units per acre.
3. The purpose of the procedures, standards and controls of planned unit development is to attain the same objectives for residential development as outlined in Subsection Two (2) of this Section, while also providing for certain types of commercial and /or light industrial uses.
4. The purpose of the procedures, standards and controls of planned unit industrial developments (both light and heavy) is to provide industrial parks. Because of the proximity of such uses to residential and commercial uses, restrictions are imposed to insure both attractive and useful surroundings. Site locations are an essential aspect of such parks which need to be inter-related into their surroundings.

Section 502 - Procedure

1. Application for establishment of cluster and all types planned unit developments shall be made to the Building Inspector. Building Inspector shall refer the application to the Planning Board for consideration.
2. The Planning Board shall require the applicant to submit documentation indicating conformance to all design and improvements required by this Ordinance. Such documentation shall include, but, not be limited to the following:
 - A) Overall development plans showing:
 - Kind, location, occupancy capacity of structures, bulk and uses.
 - General floor plan of buildings,
 - Location and identification of open spaces, streets and all other means of pedestrian and vehicular circulation, parks, recreational areas and other non-building sites;
 - Provisions for automobile parking and loading;
 - General landscape plan;
 - General location and nature of public and private utilities; (including underground utilities) and other community facilities and services (including maintenance facilities)

The applicant shall include such other pertinent information as the Planning Board shall prescribe.

- B) Written statement of:
 - Facts concerning the suitability of the site, the proposed density the location and proposed uses and facilities for development in accordance with the provisions of this Ordinance. Purposes showing proposed provisions to be made for services, maintenance and continued protection of the cluster and planned unit development and adjoining territory. Disposition of open-space lands and provisions for maintenance and control of the open-space

land, financial responsibility for such open-space land must be clearly indicated. Phasing of construction or timing regarding each development area. The applicant shall include such other pertinent information as the Planning Board shall prescribe.

3. In reaching its decision on the proposed development, the Planning Board shall consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located and the safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property.

4. The Planning Board shall approve, approve with conditions or disapprove such application, and shall report its decision to the Building Inspector who shall inform the applicant of the disposition of his application and reason therefore. No building permits shall be issued by the Building Inspector until the Planning Board approves, or approves with conditions, such application.

Section 503 - Overlap Districts

In the event a cluster or planned unit development is proposed on a tract or parcel of land under the requirements and regulations of two applicable zoning districts, the requirements of the most restrictive district shall prevail.

Section 504 - Cluster Residential Development

1. Any owner of not less than five (5) contiguous acres of land located in a district permitting cluster residential development may request in writing to the Building Inspector that the regulations of cluster residential development apply to his property.

2. Uses permitted shall be the uses permitted in the district in which the cluster residential development is located.

3. The regulations of the district in which the cluster residential

development is located shall be observed and maintained with the following exceptions:

A) The minimum lot area as established in the district in which the cluster residential development is located may be reduced by twenty (20) percent;

B) The minimum lot width at the building line may be reduced by ten (10) percent;

C) The minimum front yard may be reduced to not less than twenty (20) feet;

D) The minimum rear yard may be reduced by not more than five (5) feet where the lot abuts common open-space land;

E) The maximum lot coverage shall be increased by no more than five (5) percent of the resulting lot area;

F) The minimum side yards may be reduced by not more than three (3) feet per side;

G) All lots within the planned residential area shall face and be serviced by existing or new streets constructed within the planned residential site boundaries, but shall not face on collector - type or arterial type streets;

H) Open space land shall be set aside for the common use and enjoyment of all residents in the cluster residential development. In general, the land set aside for permanent open-space shall be the area differential between the regulations and requirements of the district and Section 504 of this Ordinance. Access to the open space lands must be convenient to all residents.

I) Applicable sections of General Provisions (Article 700) and supplemental Regulations (Article 800) of this Ordinance shall be followed.

Section 505 - Planned Unit Residential Development

1. Any owner of not less than ten (10) contiguous acres of land in a district permitting planned unit residential development may request in writing to the Building Inspector that the regulations of planned unit residential development apply to his property.

2. The following uses are permitted in a planned unit residential development:

Single family detached residences excluding mobile homes;

Two family residences;

Multi-family residences, including town houses and apartment houses;

Open space designed primarily for the benefit of the residents of the planned unit residential development;

Public and semi-public uses;

Essential services;

Uses accessory to the above with the exception that home occupations are not permitted.

3. Within a planned unit residential development the following percentage of the total land area shall be devoted to the specified uses:

A) A maximum of eighty percent (80%) for the residential uses and other uses permitted, excluding the common and public open space and the spaces devoted to streets and parking within and exclusively servicing such open space or recreational use. Said maximum shall include all of the recreational, playground and athletic activity areas which are part of a school site.

B) A minimum of twenty percent (20%) for common or public open space. This area shall include space devoted to streets and parking, provided such facilities are within and service exclusively an open space area.

4. Within the planned unit residential developments the following

regulations shall apply:

A) The overall density of the land within the planned unit residential development shall not exceed dwelling units per acre as stated under the regulations for the district in which the development is located.

B) Areas designated for multi-family residences shall be developed at a density not to exceed eighteen (18) dwelling units per acre.

C) In residential areas, streets shall be so designed as to discourage through traffic.

D) Open space land shall be set aside for the common use and enjoyment of all residents of the area. Open space must be designed so that access to the open space lands must be convenient to all residents.

E) No building shall exceed fifty (50) feet in height in residential areas.

F) The minimum front yard requirement shall be twenty-five (25) foot for multi-family residences and twenty (20) foot for all other types of residences.

G) Residential buildings shall be designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.

5. Additional requirements that apply to town houses and apartment houses:

A) There shall be no continuous group of town houses consisting of more than seven (7) dwelling units.

B) For the purpose of avoiding developments resembling what we have been customarily referred to as "Row

Houses", there shall be with any contiguous group of town houses, at least three (3) different architectural plans having substantially different designs, building materials and exterior elevations. In addition, no more than three (3) continuous town houses shall have the same front setback and the variations in front setbacks shall be at least four (4) feet.

C) The length of an apartment house shall not exceed four (4) times its width.

6. The following regulations shall apply to sewage disposal and water:

A) No on-lot sewage disposal system shall be permitted. All sewage shall be discharged into a central sewerage system.

B) All areas of the planned unit development shall be connected to a central water supply system.

7. Applicable sections of General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance shall be followed.

Section 506 - Planned Unit Development

1. Any owner of not less than forty (40) contiguous acres of land in a district permitting planned unit development may request in writing to the Building Inspector that the regulations of planned unit residential development including commercial and light industrial development apply to his property.

2. The following uses are permitted in a planned unit residential development including commercial and light industrial development :

Residential:

Single family detached residences excluding mobile homes.
Two family residences.

Multi-family residences including townhouses and apartment houses.

Open space designed primarily for the benefit of the residents of the planned unit residential development.

Public and semi-public uses.

Essential services.

Uses accessory to the above uses with the exception that home occupations are not permitted.

Commercial:

Stores selling convenience goods including food products, hardware, newspapers, magazines, drugs, variety items, apparel, beer and liquor.

Motor vehicle service stations in accordance with Section 803 of this Ordinance.

Eating and drinking establishments.

Personal service establishments including beauty, barber, shoeshine, cleaning and laundry facilities.

Offices.

Banks and financial establishments.

A single retail establishment not exceeding 2,000 square feet of floor area.

Uses accessory to the above commercial uses.

Industrial:

Airports and airstrips.

Laboratories and research and development facilities.

Electronic and small parts assembly and manufacture.

Pharmaceutical production.

Plastics production and assembly.

Precision instrument manufacture and assembly.

Research equipment and research model manufacture and assembly.

Offices.

Enclosed storage of products for the above uses.

Accessory uses.

3. Area limitations for various uses. Within a planned unit development the following percentage of the total land area shall be devoted to the specified uses:

A) A maximum of eighty percent (80%) for the residential uses and other uses permitted excluding the common and public open space and the spaces devoted to streets and parking within and exclusively servicing such open space.

B) A minimum of twenty percent (20%) for common or public open space. This area shall include space devoted to streets and parking, provided such facilities are within and service exclusively an open space area.

C) A maximum of ten percent (10%) for commercial uses as permitted in paragraph two (2) of this section. Said maximum shall include the streets, parking and service areas exclusively servicing such facilities.

D) A maximum of fifteen percent (15%) for industrial uses as permitted in paragraph two (2) of this section. Said maximum shall include the streets, parking and service areas exclusively servicing such facilities.

4. Within the planned unit development the following regulations shall apply:

A) The overall density of the land within the planned unit development shall not exceed dwelling units per acre as stated under the regulations for the district in which the development is located.

B) Areas designated for multi-family residences shall be developed at a density not to exceed eighteen (18) dwelling units per acre.

C) In residential areas, streets shall be so designed as to discourage through traffic.

D) Open space land shall be set aside for the common use and enjoyment of all residents of the area. Open space must be designed so that access to the open space lands must be convenient to all residents.

E) No building shall exceed fifty (50) feet in height in residential areas.

F) The minimum front yard requirement shall be twenty-five (25) feet for multi-family residences and twenty (20) feet for all other types of residences.

G) Residential buildings shall be designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.

5. Additional requirements that apply to townhouses consisting of more than seven (7) dwelling units:

A) There shall be no continuous group of townhouses consisting of more than seven (7) dwelling units.

B) For the purpose of avoiding developments resembling what have been customarily referred to as "Row Houses", there shall be within any contiguous group of townhouses at least three (3) different architectural plans having substantially different designs, building materials and exterior elevations. In addition, no more than three (3) continuous townhouses shall have the same front setback and the variations in front setbacks shall be at least four (4) feet requirements in subsection 5 above.

C) The length of an apartment house shall not exceed four (4) times its width.

6. The following regulations shall apply to each area containing commercial uses within the planned unit development.

A) Each area within the planned unit development containing commercial uses shall contain at least two (2) contiguous acres and shall be developed as a single entity.

B) No unit of use shall exceed 2,000 square feet of floor space.

C) Each commercial area shall have a tract width of 200 feet minimum.

D) The tract coverage shall not exceed forty (40) percent maximum.

E) The minimum front yard dimension shall be forty-five (45) feet.

F) The minimum side yard dimensions for the tract shall be twenty (20) feet each.

G) The minimum rear yard dimension shall be thirty-five (35) feet.

Section 506 Continued

H) The maximum building height shall be fifty (50) feet.

I) The minimum distance between buildings shall be twenty (20) feet.

J) The maximum building length shall be 160 feet.

K) The minimum highway access points shall be 140 feet.

7. The following regulations shall apply to each area containing industrial uses within the planned unit development:

A) Each area within the planned unit development containing industrial uses shall contain at least six (6) contiguous acres and shall be developed as a single entity.

- B) No lot area shall be less than 15,000 square feet.
 - C) Each industrial area shall have a tract width of 300 feet.
 - D) The tract coverage shall not exceed forty percent (40) maximum.
 - E) The minimum front yard dimension shall be sixty (60) feet.
 - F) The minimum side yard dimensions for the tract shall be thirty (30) feet each.
 - G) The minimum rear yard dimension shall be sixty (60) feet and the maximum building height shall be fifty (50) feet.
 - H) The minimum distance between buildings shall be thirty (30) feet.
 - I) The maximum building length shall be 240 feet.
 - J) The minimum highway access points shall be 200 feet.
8. The following regulations shall apply to sewage disposal and water:
- A. No on-lot sewage disposal system shall be permitted. All sewage shall be discharged into a central sewerage system.
 - B) All areas of the planned unit development shall be connected to a central water supply system.
9. Applicable sections of General Provisions (Article 800) of this Ordinance shall be followed.

Section 507 - Planned Unit Light Industrial Development

1. Any owner of not less than forty (40) contiguous acres of land in a district permitting planned unit light industrial development may request in writing to the Building Inspector that the regulations of planned unit light industrial development shall contain two or more units of permitted use.

2. The following uses are permitted in a planned unit light industrial development:

Airports, airstrips

Automobile painting, upholstering, motor and body work

Bottling works

Building materials sales yard

Building contractors shops

Carpenter and cabinet maker

Electronic and small parts assembly and /or manufacture.

Laboratories

Locksmith

Machine shop

Manufacture, compounding, processing or treatment of such products as: bakery goods, confectioneries, cosmetics, dairy products, drugs, ice, perfumes, pharmaceuticals, toiletries and food products:

except the following: fish, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats.

Manufacture, fabrication, compounding, assembling, treatment , or cutting of articles of merchandise from the following previously prepared materials: cellophane, ceramics, cloth, film, fiber, glass, leather, paper and paperboard, plastic, precious stones, shell straw, textiles, yarn or painted wood or metal.

Metal smiths

Motor vehicle service stations in accordance with Section 803 of this Ordinance.

Motor vehicle terminals and storage.

Public uses.

Radio and television towers.
Repair shop
Storage of materials, supplies and equipment.
Wholesale businesses
Essential services
Uses accessory to the above uses.

3. Minimum Tract Area: 40 acres
4. Minimum Lot Area: 43,560 square feet.
5. Minimum Tract Width: 1,000 feet.
6. Maximum Tract Coverage: 50 percent
7. Minimum Front Yard Dimension : 50 feet
8. Minimum Side Yard Dimensions (Tract): 100 feet each
9. Minimum Rear Yard Dimension: 100 feet
10. Maximum Building Height: 3 stories
11. Minimum Distance Between Buildings: 40 feet
12. Maximum Building Length : 400 feet.
13. Highway Access Points: 400 feet.
14. Sewage Disposal Method: No on-lot sewage disposal shall be permitted. All sewage shall be discharged into a central sewerage system.
15. Water supply: All areas of the development shall be connected to a central water supply system.
16. Note: Applicable sections of General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance shall

be followed.

Section 508 - Planned Unit Heavy Industrial Development

1. Any owner of not less than forty (40) contiguous acres of land in a district permitting planned unit heavy industrial development may request in writing to the Building Inspector that the regulations of planned unit heavy industrial development apply to his property. Every planned unit heavy industrial development shall contain two or more units of permitted use.
2. All uses are permitted in a planned unit heavy industrial development except residences and retail commercial uses not directly related to servicing customary day to day employee needs such as restaurants, drug stores, and motor vehicle service stations.
3. Minimum Tract Area: 40 Acres
4. Minimum Lot Area: 43,560 square feet
5. Minimum Tract Width : 1,000 feet
6. Maximum Tract Coverage: 50 percent
7. Minimum Front Yard Dimension: 50 feet
8. Minimum Side Yard Dimensions (Tract) : 100 feet each
9. Minimum Rear Yard Dimension: 100 feet
10. Maximum Building Height: 3 stories
11. Minimum Distance Between Buildings: 40 feet
12. Maximum Building Length: 400 feet
13. Minimum Highway Access Points: 400 feet

14. Sewage Disposal Method: No on-lot sewage disposal shall be permitted. All sewage shall be discharged into a central sewerage system.

15. Water Supply: All areas of the development shall be connected to a central water supply system.

16. Note: Applicable sections of General Provisions (Article 700) and Supplemental Regulations (Article 800) of this Ordinance shall be followed.

ARTICLE 600 - SPECIAL USE

Section 601 - General Provisions

The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

Section 602 - Required Plan

A plan for the proposed development of a site for a special use shall be submitted with an application for a special use permit, and such plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping , and any other pertinent information that the Zoning Board of Appeals deems necessary.

Section 603 - Standards

The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or lights, than would be the operations of any permitted use.

Section 604 - Conditions

In the granting of special use permits, the Zoning Board of Appeals may attain such conditions and safeguards as it deems appropriate under this Ordinance.

Section 605 - Expiration

A special use permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than one (1) year for any reason.

Section 606 - Existing Violations

No permit shall be issued for a special use for a property where there is an existing violation of this Ordinance.

ARTICLE 700 - GENERAL PROVISIONS

Section 701 - Access to Public Street

Except as otherwise provided for in this Ordinance, every building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of this Ordinance.

Section 702 - Contiguous Parcels

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

Section 703 - Corner Lots

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

Section 704 - Height

1. The height limitation of this ordinance shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulk heads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional

area 20 percent of the ground floor area of the building.

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

Section 705 - Lots or Parcels of Land of Record

Any single lot or parcel of land held in one ownership, which was of record at the time of the adoption of this Ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than seventy-five percent of the minimum required dimensions or areas.

Section 706 - Top Soil

A person, firm, or corporation can strip, excavate, or otherwise remove top soil for use other than on the premises from which the same shall be taken, only to the extent it is replenished or sufficient amounts left to support future development needs.

Section 707 - Visibility

On a corner lot in any residence district no fence, wall, hedge, or other structure or planting more than three and one-half feet in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street lines. The requirements of this section shall not be deemed to prohibit the construction of any necessary retaining wall.

Section 708 - Yards

A paved terrace shall not be considered in the determination of yard sizes or lot coverage's, provided, however, that such terrace is unroofed and without walls, parapets, or other form of enclosure. Such terrace, however, may have an open guard railing not over three (3) feet high and shall not project into any yard to a point closer than four (4) feet from any lot line.

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

The space in any required yard shall be open and unobstructed except for the ordinary projection of window sills, best courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.

Bay windows, including their cornices and eaves may project into any required yard not more than two (2) feet, provided, however, that the sum of such projections on any wall does not exceed one-third the length of said wall.

Open fire escapes may extend into any required yard not more than four feet six inches.

Section 709 - Approved Sewage Disposal Facilities

Prior to issuance of a building permit, the applicant must receive preliminary approval of his sewage disposal system plans from the County Health Department. Final inspection and approval of the sewage disposal system must be obtained from the County Health Department before the issuance of the occupancy permit.

Section 710 - Construction and Sanitation

No building or buildings shall be erected in the Town of Poland which will limit the usefulness or depreciate the value of surrounding

property.

All structures shall meet with the requirements of the New York State Health Department in providing for water supplies and the disposal of sewage wastes, and all dwellings shall be provided with inside flush or chemical toilets.

All installation of sewage disposal systems shall be inspected by the Building Inspector before same are covered and no open drainage shall be allowed.

ARTICLE 800 - SUPPLEMENTAL REGULATIONS

Section 801 - Mobile Home Parks

1. A mobile home park cannot be established or created except upon a tract of land used or intended to be used for the parking of at least 50 mobile homes together with the necessary improvements and facilities upon the land. No lot or berth shall be rented or leased for residential use of a mobile home in any such park except for periods of thirty (30) days or more, and no mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of applicable local codes and ordinances.
2. The following standards shall be applicable in all mobile home parks:

Area and Bulk: Each mobile home lot shall meet the area and bulk requirements of the district in which it is located, except in CR District the minimum lot area shall be 8250 square feet, the minimum lot width shall be 75 feet, the maximum lot coverage 35 percent, the minimum front yard dimension 25 feet, the minimum side yard dimension 10 feet, the minimum rear yard dimension 25 feet and the maximum building height shall be 2 1/2 stories.

General Provisions and Supplemental Regulations: See Article 700 and 800.

Greenbelt: Each mobile home park shall be surrounded by a landscaped greenbelt at least 50 feet from each lot line, which distance may not be computed in meeting the area and bulk regulations.

Interior Drives: Interior drives shall be designed so as to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. All access ways to any public street or highway shall be located at least 200 feet from the intersection of any street lines and shall be designed in a manner conducive to save ingress and egress.

Roadway Width: All mobile home lots or berths shall abut upon a road of 50 feet having a paved all weather cartway of not less than 35 feet in width for a two-way street and not less than 24 feet in width for a one-way street.

Recreation: A recreational area equal to at least 400 square feet for each mobile home berth shall be set aside and improved according to an approved recreation plan and shall not be located in any required setback, yard or buffer area.

Service Buildings: All accessory service buildings on the mobile home park site shall be connected to all mobile home berths by a walkway of not less than three feet in width. Service building shall be provided with emergency sanitary facilities of one lavatory and one flush toilet for each six per hundred trailers.

Mobile Home Stand: Each mobile home lot or berth shall contain a mobile home stand which will not heave, shift or settle unevenly under the weight of the mobile home as a result of any frost action, poor drainage, vibration or other such forces. The material used in construction of the stand should be durable and capable of supporting the expected load regardless of the weather. Reinforced concrete runways are recommended but well compacted gravel or bituminous concrete materials properly used are suitable. Tie downs for trailers shall be required.

Soil and Ground Cover Requirements: Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

Lights: All driveways and walkways shall be lighted at night with electric lamps of not less than 100 watts each, spaced at intervals of not more than 100 feet.

Sewage: No on-lot sewage disposal system shall be

permitted. All waste from showers, bathtubs, flush toilets, urinals, lavatories, washing machines, and slop sinks in service and other buildings shall be discharged into a central sewerage system.

Skirting: Each mobile home owner shall be required to enclose the bottom portion of the mobile home with either a metal or wood skirt or other material, properly ventilated, within 60 days after arrival in the park.

Fuel Supply and Storage: All fuel oil storage tanks or cylinders shall be securely fastened in place and shall be located at the rear of the mobile home and not located less than five (5) feet from any mobile home exit. Supports or standards for fuel oil storage tanks must be of a non-combustible material.

Fires: Fires shall be allowed only in stoves, incinerators, and other equipment specifically designed for such purposes. Open fires are not permitted.

Water: All mobile homes, service and accessory buildings shall be connected to a central water system.

Electric: Each mobile home berth shall be provided with an approved electrical connection system. Underground cables are recommended where feasible.

Rubbish: All organic rubbish or storage shall be contained in air tight, vermin proof containers which shall be screened from view of any public right of way or abutting property. Refuse containers shall be located not more than 150 feet away from any mobile home berth. Rubbish collection must be not less than once weekly.

3. Permits:

3.1 It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the Town of Poland unless he holds a valid permit issued by the Building Inspector in the name of such person for specific construction, alteration or extension proposed.

3.2 All applications for permits shall be made to the Building Inspector and shall contain the following:

- a) The name and address of the applicant.
- b) Interest of the applicant in the mobile home park.
- c) Location and legal description of the mobile home park, including a map showing the physical characteristics of the property, including topography, vegetation and wetlands.
- d) Complete plans and specifications of the proposed park showing:
 - 1. The area and dimensions of the tract of land.
 - 2. The number, location, and size of all mobile home lots;
 - 3. The location and width of roadways and walkways;
 - 4. The location of service buildings and any other proposed structures;
 - 5. The location of water and sewer lines and riser pipes;
 - 6. Plans and specifications of the water supply and refuse and sewage disposal facilities;
 - 7. Plans and specifications of all buildings constructed or to be constructed within the mobile home park;
 - 8. The location and details of lighting and electrical systems;
 - 9. The phasing of the development, if any;
 - 10. Such other information as may be required by the Planning Board.

3.3 All applications shall be accompanied by a deposit of a fee of \$20.00.

3.4 The Planning Board shall approve, approve with modifications, or disapprove such application and shall report its reasoned decision to the Building Inspector.

3.5 When, upon review of the application, the Planning Board and the Building Inspector are satisfied that the proposed plan meets the requirements of this Ordinance and the County Health requirements a permit shall be issued.

4. LICENSES

4.1 It shall be unlawful for any person to operate any mobile home park within the limits of the Town of Poland unless he holds a valid license issued annually by the Building Inspector in the name of such person for the specific mobile home park. All applications for licenses shall be made to the Building Inspector who shall issue a license upon compliance by the applicant with the provisions of this Ordinance and regulations issued here-under and of other applicable legal requirements.

4.2 Every person holding a license shall give notice in writing to the Building Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a fee of \$20 (twenty dollars), the license shall be transferred if the mobile home park is in compliance and regulations issued hereunder.

4.3 Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of \$20 (twenty dollars) and shall contain: the location and legal description of the mobile home park; and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways and other service facilities.

4.4 Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit fee of \$20 (twenty dollars), and shall contain any change in the information submitted since the original license was issued or the latest renewal was granted.

4.5 Whenever upon inspection of any mobile home park, the Building Inspector finds that conditions or practices exist which are in violation of any provision of this Ordinance or regulations issued

hereunder, the Building Inspector shall give notice in writing to the person to whom the license was issued that unless such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of such suspension, such person shall cease operation of such mobile home park.

4.6 Any person whose license has been suspended, or who has received notice from the Building Inspector that his license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the Board of Appeals, provided that when no petition for such hearing shall have been filed within ten days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten day period.

5. Inspection of Mobile Home Parks

5.1 The Building Inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations issued hereunder.

5.2 The Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance and regulations issued hereunder.

5.3 The Building Inspector shall have the power to inspect the Register containing a record of all residents of the mobile home park.

5.4 It shall be the duty of the owners or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the Building Inspector free access to such premises at reasonable times for the purpose of inspection.

5.5 It shall be the duty of every occupant of a mobile home

park to give the owner thereof or his agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this Ordinance.

6. Miscellaneous Requirements:

6.1 Responsibilities of the Park Management:

a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

b) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance and regulations issued hereunder.

c) The park management shall supervise the placement of each mobile home on its mobile home stand which includes installing all utility connections.

d) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

7. Responsibilities of Park Occupants

a) The park occupant shall comply with all applicable requirements of this Ordinance and regulations issued hereunder and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

b) The park occupant shall be responsible for proper placement

of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

8. Restrictions on Occupancy

a) A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage, electrical facilities, and tie downs.

Section 801 A - Mobile Homes Not in Mobile Home Parks

1. No mobile home shall be placed on a lot unless it can be demonstrated that it meets the requirements of Federal, State and Local codes and ordinances.

2. The following standards shall be applicable to all mobile homes not in mobile home parks:

Area and Bulk: Each mobile home shall meet the area and bulk requirements of the district in which it is located or those listed below, whichever requires larger dimensions:

- a) Minimum Lot Area: 43,560 square feet.
- b) Minimum Lot Width: 150 feet.
- c) Maximum Lot Coverage: 35 percent.
- d) Minimum Front Yard Dimension : 50 feet.
- e) Minimum Side Yard Dimensions: 25 feet.
- f) Minimum Rear Yard Dimension: 50 feet.

Mobile Home Stand : Each mobile home lot or berth shall contain a mobile home stand which will not heave, shift or settle unevenly under the weight of the mobile home as a result of any frost action, poor drainage, vibration, or other such forces. The material used in the construction of the stand should be durable and capable of supporting the expected load regardless of the weather.

Reinforced concrete runways are recommended but well compacted gravel or bituminous concrete materials properly used are suitable. Tie downs for trailers shall be required.

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- d) Minimum Front Yard Dimension : 50 feet.
- e) Minimum Side Yard Dimensions: 25 feet.
- f) Minimum Rear Yard Dimension: 50 feet.

Mobile Home Stand : Each mobile home lot or berth shall contain a mobile home stand which will not heave, shift or settle unevenly under the weight of the mobile home as a result of any frost action, poor drainage, vibration, or other such forces. The material used in the construction of the stand should be durable and capable of supporting the expected load regardless of the weather. Reinforced concrete runways are recommended but well compacted gravel or bituminous concrete materials properly used are suitable. Tie downs for trailers shall be required.

Skirting: Each mobile home owner shall be required to enclose the bottom portion of the mobile home with either a metal or wood skirt or other material, properly ventilated, within 60 days after arrival.

Fuel Supply and Storage: All fuel oil storage tanks or cylinders shall be securely fastened in place and shall be located at the rear of the mobile home and located not less than five (5) feet from any mobile home exit. Supports or standards for fuel oil storage tanks must be of a non-combustible material.

3. Restriction on Occupancy: A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage, electrical facilities, and tie downs.

4. A mobile home must have a minimum floor space of 580 square feet.

5. It shall be unlawful for any person to construct, alter or extend any mobile home within the limits of the Town of Poland unless he holds a valid permit issued by the Building Inspector in the name of such person for specific construction, alteration or extension proposed.

Section 802 - Private Swimming Pools as an Accessory Use

A private swimming pool installed or maintained as an accessory use in a residential district shall meet the following requirements:

1. Any such pool which is installed in ground less than one hundred (100) feet from any property line shall be completely enclosed by a security fence not less than four (4) feet in height, with all gates or doors opening through such enclosure equipped with self-latching devices designed to keep and capable of keeping such gates or doors securely closed at all times when not in actual use of a type approved by the Building Inspector.

2. Such pool shall be maintained in a manner sufficient to meet the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.

3. Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere with the peace, comfort and repose of the occupant of any adjoining property.

4. No permission shall be granted for the installation of any swimming pool, until the owner has filed with the Building Inspector a statement by a professional engineer, licensed by the State of New York that provisions for the drainage of such pools are adequate and will not interfere with the public water supply system, or existing sanitary facilities.

Section 803 - Public Garages and Motor Vehicle Service Stations

1. No public garage or motor vehicle service station, or private garage for more than five (5) cars shall have a vehicular entrance closer than two hundred (200) feet to an entrance to a church, school, theater, hospital, public park, playground or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street, and along the street frontage if both entrances are on the same side of the street or within the same square block.

2. All motor vehicle service stations shall be so arranged and all gasoline pumps shall be placed, as to require all servicing on the premises and outside the public way; and no gasoline pump shall be placed closer to any side property line than fifty (50) feet.

3. No inoperative motor vehicles shall be kept on the premises of motor vehicle service stations for longer than two (2) weeks.

4. All waste material, motors and motor parts, will be stored within structure or enclosed within fencing so as not to be visible from

off the property.

Section 804 - Off-Street Parking

1. Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a building permit for a new or enlarged building, structure, or change in use shall include with a plot plan drawn to scale and fully dimensioned, showing any parking or loading and unloading facilities in compliance with the regulations of this Ordinance.

2. A required off-street parking space shall be an area of not less than one hundred and sixty-two square feet not less than eight and one-half feet wide by nineteen feet, exclusive of access drives or aisles, ramps, columns, or office and work areas, accessible from streets, or alleys or from private driveways or storage or parking of passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall not be less than twelve feet in width when serving automobiles parked at a forty-five degree angle in one direction nor less than twenty feet in width when serving automobiles parked perpendicular to the aisles and accommodating two way traffic.

3. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed twenty-five feet in width.

4. No parking space nor portion thereof established on the same zoning lot with a building shall be located within a required front yard. No parking spaces nor portion thereof established on a lot without a building shall be located closer to any street line than the front yard setback requirements of this Ordinance in the same manner as a building or structure. The aforementioned required setbacks shall not be applicable to the Commercial and Industrial Districts.

5. All open off-street parking space, except those accessory to single-family dwellings, shall be improved with a compacted macadam base and surfaced with some all weather dustless materials.

6. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Ordinance becomes effective, is erected, enlarged or altered for use for any of the following reasons:
(See chart)

At Least One Parking Space for Each of the Following:

MR 49.5 & SF Districts; Cluster & All Types Planned Unit Development

In All Other Areas

Uses

| <u>Uses</u> | <u>MR 49.5 & SF Districts; Cluster & All Types Planned Unit Development</u> | <u>In All Other Areas</u> |
|---|---|--|
| One Family Residence | 1/2 Dwelling Unit | Dwelling Unit |
| Two Family Residence | 1/2 Dwelling Unit | Dwelling Unit |
| Multi-Family Residence | 1/2 Dwelling Unit | Dwelling Unit |
| Church | 3 Fixed Seats | 5 Fixed Seats |
| Hospital & Homes for Aged | In-Patient Bed | In-Patient Bed |
| Elementary School | 15 Students | 20 Students |
| High School & College | 10 Students | 12 Students |
| Library, Museum | 50 Sq. Ft. Floor Area | 100 Sq. Ft. Floor Area |
| Places of Assembly, Inc. Convention Hall, Dance Hall, Skate Rink, Theatre | 100 Sq. Ft. Used for Assembly | 200 Sq. Ft. Used for Assembly |
| Club, Lodge (without sleeping accommodations) | 2 Members | 4 Members |
| Places Providing Sleeping Accommodations, Inc. Motels, Motels & Tourist Homes | Sleeping Unit | Sleeping Unit |
| Funeraries or Funeral Parlors | 1/12 Viewing Room/ 1 for every Employee | 1/8 Viewing Room/ 1 for every Employee |
| Offices, Banks | 200 Sq. Ft. Floor Area | |
| Food Market | 100 Sq. Ft. Floor Area | 200 Sq. Ft. Floor Area |
| Eating & Drinking Establishments | 4 Seats or 1 for Each 100 Sq. Ft. Floor Space, Whichever is greater | 4 Seats or 1 for Each 200 Sq. Ft. Floor Space, Whichever is More |
| Bowling Alley | 1/2 Alley | 1/2 Alley |
| Other Commercial | 150 Sq. Ft. Sales Area | 300 Sq. Ft. Sales Area |
| Industrial | Employee (Max. Working Shift) | Employee (Max. Work Shift) |
| Other Uses not Listed Above | 500 Sq. Ft. Floor Area | 500 Sq. Ft. Floor Area |

Section 805 - Loading and Unloading

1. Off-street loading and/or unloading spaces for commercial and/or industrial vehicles while loading and/or unloading shall be provided on each lot where it is deemed that such facilities are necessary to serve the use or uses on the lot. The number of loading and/or loading spaces required for commercial and/or industrial vehicles while loading and/or unloading shall be in addition to the off-street parking requirements listed in the section above. Each loading and/or loading space shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least a fifteen (15) foot vertical clearance; shall have a sixty (60) foot maneuvering area; shall have an all weather surface to provide safe and convenient access during all seasons; shall not be constructed between the street right-of-way line and the building setback line.

2. Required off-street parking space shall not be used for loading and/or loading purposes except during hours when business operations are suspended.

3. Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in, any public right-of-way.

4. No truck shall be allowed to stand in a right-of-way, an automobile parking area or in any way block the effective flow of persons or vehicles.

5. At least one (1) off-street loading and/or loading space shall be provided for all commercial and industrial establishments in excess of 3,500 square feet of floor area.

Section 806 - Signs

1. Temporary signs are allowed in all districts. Other signs are permitted only when accessory to use(s) permitted on premises in the district in which located. Off premise advertising signs of 40 square feet or less are permitted only in commercial districts. Off premise advertising signs of 12 square feet or less are permitted in all other districts.

2. Wherever located and whatever their nature, signs shall conform to the following regulations:

Condition: Every permitted sign must be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated, may be removed at the expense of the owner or lessee of the property on which it is located.

Electric Bulbs: No electric bulbs shall be exposed unless satisfactorily shielded from view by a globe or other visible barrier.

Ingress, Egress: No sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.

Light, Air : No sign shall be placed in such a position that it will obscure light or air from a building.

Attachments: No signs shall be permitted which are pasted, stapled, or otherwise attached to public utility poles or trees within the trees right-of-way line.

Traffic: No sign shall be so erected or located that, by reason of its location, shape or color, or the color, shape or location of the

lights used in conjunction therewith, such sign might interfere with traffic or be confused with or obstruct the view of effectiveness of any official traffic sign, traffic signal, or traffic marking.

Glare: Illuminating arrangements for signs shall be such that the light is concentrated upon such sign and that there shall be no glare cast upon the street, the sidewalk or adjacent property.

Flashing Sign: No sign shall be a flashing sign. Flashing signs shall be defined herein as meaning any sign that: flashes by giving off or reflecting light; or moves; or revolves in any way; or has flowing or moving lights or parts of the sign or alternates in any way its color, shape or intensity of illumination.

Abutting Sign: No sign in a commercial or industrial district shall be placed to face on an abutting residential district except when authorized as a special exception.

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

Cessation: If a use ceases for a period of six (6) calendar months, signs must be removed. Such signs may be removed by the Municipality at the expense of the owner or lessee of the property on which said sign is located.

Within Roads: No sign shall extend within a street or road.

Setbacks, Yards: In matters of setback and required yards and other such respects free-standing signs larger than eight (8) square feet shall be regarded as buildings within the meaning of this Ordinance.

Height: The top of no sign shall be more than forty (40) feet in height measured from the surface of the earth.

Building Signs: Signs attached to a building or buildings shall not project more than eighteen (18) inches from the wall upon which they are attached. Signs must be attached to parapet walls or other wall surfaces made a part of the wall structure. Signs erected on a separate superstructure attached to the roof of the building or to any other part of the building above the roof line shall not be permitted. No sign shall project higher than four (4) feet above the parapet line or the roof line, whichever is higher.

3. The following regulations apply to specific kinds of signs:

Temporary Signs: No real estate signs shall exceed six (6) square feet in area, with no more than two (2) such signs per permitted use. Other such signs shall not exceed twelve (12) square feet in area, and such signs shall be removed immediately upon the completion of work and the site or building on which the sign was erected shall be restored to its original condition upon removal of such signs.

Instructional Sign: Instructional signs may be represented by free standing signs or building signs each of which shall not exceed four (4) square feet in area.

Identification and Business Signs: In commercial and industrial districts, identification and business signs for each commercial or industrial parcel shall be limited to a total area of one hundred (100) square feet in size. No individual sign shall be greater than sixty-four (64) square feet in size. In all other districts identification and business signs shall be limited to a total area of thirty (30) square feet in size. In the case of corner lots maximum sign areas may be

doubled.

Off Premise Advertising Signs: Outdoor advertising structures shall be limited to not more than one for every 50 linear feet of street frontage. No advertising sign shall be erected within 150 feet of an adjoining Residential District boundary if designed to face directly into such District and be visible therefrom.

4. The following signs shall be exempted from these regulations:

Directional, street, traffic, public safety, information, or public service signs such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places or non-profit service or charitable clubs or organizations, may be erected or maintained provided that such signs do not advertise any commercial or industrial establishment, activity, or organization.

5. A permit from the Building Inspector shall be required before a sign other than a temporary sign may be erected, altered, or enlarged. A permit may not be issued by the Building Inspector unless all sign regulations in this Ordinance are met. All requests for erection, alteration or enlargement of any sign must be accompanied by a plan drawn to scale showing the exact size, shape, height and dimensions of such sign and its proposed location or placement upon any structure or property.

Section 806 A: Portable Signs

Portable Signs: No portable signs larger than 4' by 8' shall be used in the Town of Poland. The portable sign shall be placed at least 20 feet from the edge of the pavement or such further distance as is necessary so as not to obstruct the vision of any motorist or create a traffic hazard. A permit shall also be required

for the portable sign if the sign is to remain upon the property for a period of more than 15 days. The permit shall be obtained from the Zoning Officer and a permit fee of \$5.00-shall be imposed. The permit shall be good for a period of January through December.

Section 806 B: Fence and Building Laws

A. A building permit is required for all fences and building walls constructed in the Town of Poland with the exception of the following:

1. Fences constructed in a Conservation-Residential district which will be used for the separation of lands for agricultural use.
2. Fences and hedges 3-1/2 feet or less in height used for decoration or protection of home garden.

B. All fences requiring a building permit shall conform to the following requirements:

1. Fences shall not be more than four (4) feet in height. Fences above 4 feet in height shall require a special use permit and consideration shall be given to visibility from adjacent properties, light and air movement, etc.

2. The finished side of the fence shall face the adjoining property owner. This requirement can be waived if agreed to in writing by adjacent property owner.

3. The fence or wall shall be 3 feet from the adjoining property line. This requirement can be waived if agreed to in writing by the adjacent property owner.

4. Fences shall be permanently in the ground to insure its stability.

5. Fences, wall, property and land between fence and property shall be maintained structurally and visually.

6. All fences or walls shall be constructed ten (10) feet from the road right-of-way.

7. No fence or wall shall be constructed where it creates a fire hazard or endangers public safety.

C. Fences or walls that are in existence at the time of enactment of this law shall only be subject to Section A and Section B.

Section 807 - Performance and Design Standards for Commercial and Industrial Districts

The following regulations shall be observed in commercial and industrial districts:

Fire and Explosive Hazards: All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices.

Radioactivity or Electrical Disturbances: There shall be no activities which omit radioactivity at any point beyond the lot on which generated. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that the creator of the disturbance.

Smoke: There shall be no emission at any point from chimney or otherwise for longer than five (5) minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 of the Standard Rengleman Chart as issued by the U. S. Bureau of

5. Fences, wall, property and land between fence and property shall be maintained structurally and visually.

6. All fences or walls shall be constructed ten (10) feet from the road right-of-way.

7. No fence or wall shall be constructed where it creates a fire hazard or endangers public safety.

C. Fences or walls that are in existence at the time of enactment of this law shall only be subject to Section A and Section B.

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Mines.

Smoke, Ash, Dust, Fume, Vapor, Gasses and Other Forms of Air Pollution:

There shall be no emission at any point from any chimney or otherwise, which can cause any damage to health, to animals or vegetation or other forms of property; or which cause an excessive soiling at any point.

Liquid and Soil Wastes: There shall be no discharge at any point, into any public sewerage system, or stream or into the ground of any materials in such a way or of such a nature as can contaminate or otherwise cause the emission of hazardous materials.

Noise and Vibration: There shall be no vibration or noise level at the property line greater than the average noise level occurring on adjacent streets.

Glare: No direct or sky-reflected glare, whether from floodlights or from high temperature process shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

Odor: There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining public streets or adjacent lots.

Operation: All primary operations shall be conducted entirely within closed buildings.

Screening: A planted visual barrier, or landscape screen, shall be provided and maintained by the owner or lessee of a property between any district and contiguous residential zoned districts, except where natural or physical man-made barriers exist. This

screen shall be composed of plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of trees planted with specimens no younger than three (3) years in age, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving three (3) years after planting must be replaced. Any existing business affected by these regulations at the time of passage of this Ordinance, shall not be required to comply with the above screening requirements except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after the passage of this Ordinance initiated by a residential developer abutting a commercially or industrially zoned property for which these regulations apply, these screening requirements shall not be imposed upon such commercial or industrial property.

Storage: Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation shall be so screened by opaque ornamental fencing, walls or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level. All organic rubbish or storage shall be contained in air tight vermin-proof containers which shall also be screened from public view.

Shopping Cart Storage: Any establishment which furnishes carts or mobile baskets as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of said carts. Each designed storage area shall be clearly marked for storage of shopping carts.

Lighting: All parking areas, driveway and loading areas shall be

provided with a lighting system which shall furnish a minimum of 35 foot candles at any point during hours of operation, with lighting standards in parking areas being located not farther than one-hundred (100) feet apart. All lighting shall be completely shielded from traffic on any public right-of way and from any residential district.

Building Design: Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entrance way shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface. A curbing shall be provided to separate parking areas, streets, and driveways.

Vehicles : Any movable structure, trailer, automobile, truck or parts of these items or any other items of similar nature, allowed to remain on the premises a longer time than the required to load, unload or otherwise discharge its normal functions, shall be considered subject to all regulations set forth in this Ordinance for buildings and structures as defined herein.

Section 808 - Oil and Gas Wells

All oil or gas wells and gas and oil storage facilities shall be located in accordance with the yard requirements of this Ordinance. In addition they shall not be located within one hundred (100) feet of any existing dwelling or structure which is used to store farm products or house livestock or poultry; nearer than one hundred and fifty feet (150) from any public building or area which may be used as a place or resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic or occupancy by the public; nearer than seventy-five (75) feet to the traveled part of any state, county, township, or municipal road or any public street, road or highway; or nearer than fifty (50) feet from any public

stream, river, or other body of water. In addition, all laws and regulations enforced by the Oil and Gas Division of the New York State Conservation Department shall apply.

Section 809 - Mines and Quarries

No mine or quarry operations are authorized unless such operations adhere to the following regulations:

1. No excavation; blasting or stock piling of materials shall be located within three hundred (300) feet of any public road or other property line.

2. No power-activated sorting machinery or equipment shall be located within six hundred (600) feet of any public road or other property line and all such machinery shall be equipped with satisfactory dust elimination devices.

3. All excavation slopes shall be adequately fenced as determined by the Building Inspector.

Section 810 - Airports and Airstrips Other Than Municipal-County

The airspace above any airport or airstrip other than Municipal-County and the area within six thousand (6,000) feet in width extending in every direction from the boundaries of such airport or airstrip shall be subject to the following restrictions:

1. There shall be one approach area extending from each end of each landing strip situated within a distance of 6,000 feet from each end of each landing strip. Each approach area shall be a trapezoid 500 feet in width at the end of each landing strip and broadening to a width of 2,200 feet at a distance of 6,000 feet from the end of

each landing strip.

2. The center line of each approach area shall be a continuation of the center line of the landing strip.

3. Turning areas shall consist of all portions of airspace not included within the approach areas.

4. No building, structure or other object shall hereafter be erected, altered, reconstructed or used, nor shall any trees or other natural objects be permitted to grow or be maintained within the approach areas the height of which, above the elevation of the end of the landing strip nearest the said object, would exceed by a vertical distance $\frac{1}{10}$ th of its shortest horizontal distance from the end of such landing strip, and provided that within a distance of 6,000 feet from the end of each landing strip no such building structure or object situated in an approach area shall have a height of more than 150 feet.

5. Airport, buildings, boundary zones, flood light mountings and other airport appurtenances may be of such height and so located as to constitute obstructions with any turning area other than one adjacent to an approach area for a landing strip used, designed or intended to be used for instrument landing, subject to the limitations prescribed in this section. No buildings or structures shall hereafter be erected, altered, reconstructed or used, nor shall any trees or other natural objects be permitted to grow or be maintained within the turning areas of the height of which, above the elevation of the portion of the landing area nearest the said object is more than $\frac{1}{7}$ th its distance from such landing area or from the nearest boundary of any approach area, whichever distance is shorter; said height to be exclusive of and in addition to the height permitted at the point from or to which the measurement was taken in the approach area or landing area. Where alternate

computations within the meaning of this definition can be made the height shall be determined to be that which is more restrictive; and provided further that no such object or structure within a distance of 6,000 feet from any landing area shall have a height in excess of 150 feet.

6. No smoke stack, flag pole, elevated tank, radio station, tower, building, structure or object of any nature whatsoever, shall hereafter be erected, altered, reconstructed or used, nor shall any trees or other natural objects be permitted to grow or be maintained within six thousand (6,000) feet of the boundaries of a non-municipal or non-county airport or airstrip so as to constitute an obstruction or hazard to the operation of aircraft at heights in excess of those stated in the foregoing provisions of this ordinance.

7. Notwithstanding any other provisions of this ordinance, use shall not be made of land which will create interference with radio communications of signaling between the airport or airstrip and aircraft, cause difficulty in distinguishing airport or airstrip lights, result in glare, impair visibility in the vicinity of the airport, or otherwise interfere with the safe landing, taking off or maneuvering of aircraft.

8. Where the height limitations in any airport or airstrip area conflict with those specified for a use district with which it is combined, the more restrictive regulations shall govern.

Section 811 - Wayside Stands

Residents of the Agricultural and Residential Districts may offer for sale a stand on their premises, farm or home produce actually grown or made on the premises, provided such stand is located at least 25 feet from the paved or traveled part of the road or highway, does not represent a traffic hazard, and is maintained in

a neat and orderly manner.

Section 812 - TV Dish Antennas

TV dish antennas larger than three (3) feet shall be allowed by Permit with the following conditions being met:

A. Location - Area requirements to include setback and side yard requirements shall be met. Dish antennas shall not be located in a front yard and they shall be as inconspicuously located in relation to adjacent structures as is reasonably possible.

B. Advertising - No advertising shall be located on the antenna.

Section 813 - Abandoned Vehicles

Purpose:

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles and/or parts thereof upon privately owned properties within the Town of Poland is hereby regulated for the preservation of the health, safety and general welfare of the community. Such storage of said vehicles and/or parts constitutes an attractive nuisance to children and imperils their safety. Such storage also endangers personal property, is unsightly, depreciates property values and constitutes a public nuisance.

Definitions:

A) Motor Vehicle: Every vehicle operated, driven or capable of being operated or driven upon a public highway by any power other than muscular power. For the purposes of this ordinance Motor Vehicles shall include tractors used exclusively for agricultural purposes, self-propelled harvesting machines and self-propelled

caterpillar or crawler-type equipment and inactive farm machinery. For the purposes of this ordinance, the term Motor Vehicles shall also include motorcycles, buses, house trailers, snowmobiles, ATVs and recreational trailers.

B) Owner of Motor Vehicle: Person having the property in or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

C) Owner of Private Property: Includes the legal owner, contract purchaser, tenant, lessee, occupant, under-tenant, receiver or assignees of premises or property located within the Town of Poland.

D) Premises: Includes all parcels of real property situated in the Town of Poland, whether occupied or vacant, irrespective of size or topography.

E) Abandoned: The intent of the owner of a motor vehicle not in use if on the public highways shall establish it as abandoned. The intent of the owner shall be determined by the physical condition of the motor vehicle, his statements as to its abandonment, the length of time since the motor vehicle has last been used on the public highway, whether the motor vehicle is currently licensed, and other relevant facts. With respect to a vehicle not required to be licensed, or motor vehicles not usually used on public highways, the intent of the owner shall be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purpose intended, any statements as to its abandonment by the owner, and other relevant facts.

F) Junked: Any motor vehicle in such condition as to cost more to repair and place in operating condition than its reasonable market

value at the time before such repairs.

G) Discarded: Any motor vehicle which the owner thereof, as established by the surrounding circumstances, does not intend to recover the possession of, or any motor vehicle of which the owner cannot be found after due and reasonable inquiry.

H) Unlicensed Motor Vehicle: Any motor vehicle which has not been licensed with the proper authorities for a period of at least thirty (30) days from the expiration of the last licensing period.

Section 814 - Outdoor storage of abandoned, junk, discarded or unlicensed motor vehicles and/or parts thereof on private lands prohibited.

A) Each property owner (residential and agricultural residential) will be permitted one unlicensed car for seasonal use provided it carries a valid New York State Inspection Sticker.

B) It shall be unlawful for any person, firm or corporation either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Town of Poland, to store, deposit outside, or cause or permit to be stored or deposited more than one (1) abandoned, junked or discarded or unlicensed motor vehicle or motor vehicles and/or parts thereof upon any private land within the limits of the Town of Poland for a period of more than 90 days.

C) Notice: If the provisions of the foregoing section are violated, the enforcement officer shall serve a written notice, either personally or by mail, upon the owner, occupant, or person having charge of such property to comply with the requirements of this ordinance. The notice shall advise the occupant or property owner that an abandoned, junk, discarded or unlicensed motor vehicle or parts thereof has been stored or is being stored or deposited on the

property and must be removed within ten (10) days from the date of notice. The notice shall also state in case you fail or refuse to comply with this notice on or before the expiration of said ten (10) days, that a summons or appearance ticket will be issued requiring your appearance before the Town of Poland Justice Court.

Section 815 - Metal Storage Structures

1. Any constructed combination of materials, with or without wheels, leased, rented or owned, located on or attached to the ground utilized for non-inhabited storage purposes including trucks, trailers, truck bodies, RV's and similar motor vehicles, or any portion thereof, shipping containers and mobile homes, or any portion thereof, shall not be utilized as storage structures, except by Special Use Permit.
2. Metal storage buildings are regulated to insure that they are properly located so as to protect the rights associated with neighboring properties with respect to visibility, light and air movement, fire safety and aesthetics.
3. A Special Use Permit shall be required and the primary consideration will be the visual impact the storage unit has on the neighborhood.
4. Other Conditions - When a Special Use Permit is required, other reasonable conditions may be considered for inclusion.

Section 816 – Wind Energy Conversion Systems

Local Law #1 of the Year 2008

Be it enacted by the Town Board of the Town of Poland as Follows:

SECTION 1: PURPOSE AND INTENT

property and must be removed within ten (10) days from the date of notice. The notice shall also state in case you fail or refuse to comply with this notice on or before the expiration of said ten (10) days, that a summons or appearance ticket will be issued requiring your appearance before the Town of Poland Justice Court.

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3. A Special Use Permit shall be required and the primary consideration will be the visual impact the storage unit has on the neighborhood.

4. Other Conditions - When a Special Use Permit is required, other reasonable conditions may be considered for inclusion.

Section 816 – Wind Energy Conversion Systems

Local Law #1 of the Year 2008

Be it enacted by the Town Board of the Town of Poland as Follows:

SECTION 1: PURPOSE AND INTENT

The Town of Poland adopts this local law for the purpose of amending the Town of Poland's zoning ordinance to add the following supplemental regulations relating to Wind Energy Conversion Systems.

Article 800 Supplemental Regulations

Section 816-1. Definitions

Section 816-2. Requirements

Section 816-3. Additional Special Use Permit Requirements

Section 816-4. Penalties for Offenses

Section 816-5. Enforcement

816-1. Definitions

As used in this chapter the following terms shall have the meanings indicated:

WIND ENERGY CONVERSION SYSTEM – (WECS) a machine that converts the kinetic energy in the wind into a usable form (commonly known as a “ wind turbine” or “ windmill”). The WECS includes all parts of the system including the tower and the transmission equipment, the turbine or windmill may be on a horizontal or vertical axis, rotor or propeller.

WINDMILL FARMS – More than one WECS (two or more wind turbines or windmills) located within one site or adjacent sites.

SITE – The physical location of a WECS including the related tower and transmission equipment.

SWEPT AREA – The largest area of the WECS which extracts energy from the wind stream. In a conventional propeller-type WECS, there is a direct relationship between swept area and the rotor diameter.

TOTAL HEIGHT – The height of the tower and the furthest vertical extension of the WECS.

OVERSPEED CONTROL- A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

MINOR WECS- A relatively small mechanism [less than 1.5Kw(1 1/2 Kw)] not tied to the power grid system which does not exceed 15 feet in height and which may be roof mounted or portable.

816-2. Requirements

A. Zoning District Requirements

1. A WECS and/or a Windmill Farm may be constructed in any Town of Poland zoning district (except Flood Plain and Shopping Plaza zones.) by special use permit only. WECS and/or Windmill Farms may NOT be constructed in the Flood Plain or Shopping Plaza zones. A MINOR WECS shall not require a Special Use Permit.

2. Neither a WECS nor a Windmill Farm shall be allowed in any zoning district where the site contains less than two acres of land.
3. No Wind Turbine Tower facilities shall be installed in any location along the major axis of any existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

B. APPLICATION REQUIREMENTS: All site plans applications and Special Use Permit applications for WECS and Windmill Farms shall include a drawing that depicts the following additional requirements:

1. Property lines and physical dimensions of the site.
2. Location, approximate dimensions and types of major existing structures and uses on site.
3. Location and elevation of the proposed WECS including distance to nearest road.
4. Location of all above ground utility lines on site or within two radii of the total height of WECS.
5. Location and size of structures and trees above 35 feet within a five-hundred foot radius of the proposed WECS. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open lattice towers are not considered structures.
6. Show the zoning designations of the immediate and adjacent sites and the locations of any buildings or improvements that are within the fall zone of a proposed tower.
7. Include make, model, picture and manufacturer's specifications, including noise decibels.

C. General Provisions Approval of all site plans or Special Use Permits for the installation of a WECS or Windmill Farm shall comply with the following requirements:

1. WECS size. This chapter covers those WECS of any size except MINOR WECS.
2. Water pumpers. Non-electrical windmills used for pumping water may be exempted from the provisions of Subsection C (3) through (15), but they must be sited so as any tip over will be harmless to others.
3. Compliance with Building Code.
 - a) Building permit applications shall be accompanied by standard drawings of structural components of the wind energy conversion system, including support structures, tower, base and footings.
 - b) Where the structural components or installation vary from standard design or specification or is home built, the proposed modifications shall be certified by a New York State registered professional engineer for compliance with the seismic and structural design provisions of the building code.
4. **Compliance with Electrical Code.**
 - a) Building permit application shall be accompanied by a line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow

for a determination that the manner of installation conforms to the electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the electrical code. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

b) Where the electrical components of an installation vary the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the electrical code and good engineering practices.

c) The electrical components of any WECS installation shall be inspected and certified New York State electrical Inspector for compliance with the electrical code and good engineering practices prior to initial operation.

5. **Rotor Safety.** Each WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a professional engineer certifying that the rotor and over-speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the structural compatibility of possible towers with available rotors. This certification would normally be supplied by the manufacturer and include the distance and trajectory of the thrown blade from exploding turbine or propeller according to the Loss of Blade Theory.
6. **Guy Wires.** Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any above ground electrical transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high.
7. **Tower Access.** Towers should have either:
 - a) Tower-climbing apparatus located no closer than 12 feet from the ground.
 - b) A locked anti-climb device installed on the tower, or
 - c) The tower shall be completely enclosed by a locked, protective fence at least six feet high. For windmill farms a protective fence at least six feet high enclosing the entire site may be considered.
8. **Noise.** The WECS shall meet the requirements of any existing noise ordinance of the Town of Poland. In general the noise of the turbine shall not exceed 50 db A., as measured at the boundaries of all the closest parcels that are owned by non-site owners and abut the site parcels.
9. **Electromagnetic interference.** The WECS shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to a Town Building and Zoning Inspector that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference.
- 10) **Signs.** At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage.
- 11) **Height.** The minimum height of the lowest part of the swept area of any WECS shall be 30 feet above the highest existing major structure or tree within a two-

hundred-fifty-foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures. The overall height of a WECS unit shall be equal to or be less than 200 feet.

12. Setbacks.

a) WECS shall be set back from any property line, structure (unless it is a small nonresidential structure ancillary to the WECS), above ground utility line or other WECS a distance equal to or greater than one and half times its overall height, including blades.

b) In case of cluster development, a WECS shall be erected within the common open space area and shall be set back from all residences a distance greater than Section (12)(a) above.

13) Utility Interconnection (for those WECS which shall be interconnected to a utility grid).No wind turbine shall be installed until evidence has been given or a signal interconnection agreement, or letter of intent, with the interconnecting utility company.

14. Abatement If a wind energy conversion system or systems are not maintained in operation condition for a period one year and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The Town of Poland reserves the authority to abate any hazardous situation and to pass the cost of such abatement onto the owner or operator of the system. If the Town of Poland determines that the WECS has been abandoned or poses a safety hazard, the system shall be removed within 45 days of written notice to the owner or operator of the system.

15. Liability Insurance. The applicant, owner, lessee or assignees shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. As part of the application review process, the Town may require proof that the applicant and / or his/ her installation contractor is carrying sufficient liability, workers compensation etc. during installation and operation of proposed facility. Limits for said policy shall be set on size and scope of each project.

16. Highway Protection Bond. The Town board may, at their discretion, require the applicant to post a bond sufficient to cover possible damages caused by the transport of heavy materials required in the construction of one or more WECS.

17) Lighting of Tower. Lighting of the tower for aircraft and helicopter will conform with FAA standards for wattage and color when required.

18) Environmental Impact. Any multiple WECS or Windmill Farm project will be subject to the State Environmental Quality Review Act (SEQRA) and will require a visual assessment.

19) Decommissioning and Restoration.

a) The applicant shall include the following information regarding decommissioning and restoring the site.

- The anticipated life of the project and
- The anticipated manner in which the project will be decommissioned and site restored.

b) In cases of application for multiple WECS The Planning Board and/or the Town board may, at their discretion, require the applicant to provide an appropriate and

adequate demolition bond for purposes of removing the WECS facility. Proof of this Bond shall be provided each year or at renewal time of any Special Permit.

c) The sufficiency of the demolition bond shall be confirmed at least every five years by an analysis and report of the cost of removal and property restoration to be performed by a New York State licensed professional engineer, the cost of the same to be borne by the applicant. If said analysis and report determines that the amount of the bond in force is insufficient to cover the removal, disposal and restoration costs, the bond shall be increased to the amount necessary to cover such costs within 10 days of the applicant's receipt of such report.

816-3 Additional Special Use Permit Requirements

A. Application. Every application for a special use permit made shall be accompanied by a filing fee of \$50.00 for single WECS and \$200.00 each additional WECS.

The Special Use Permit application will include the following.

1. Name and address of the applicant.
2. Evidence that the applicant is the owner of the premises involved or that the applicant has written permission of the owner to make such application.
3. A plot plan and development plan drawn in accordance with 816-4.
 - a) Property line and physical dimensions of the proposed site;
 - b) Location, approximate dimensions and types of major existing structures and uses of site.
 - c) Location and elevation of the proposed WECS.
 - d) Where applicable, the location of all transmission facilities proposed for installation; and
 - e) Where applicable, the location of all road and other service structures proposed as part of the installation.
4. Other information as requested by the Town Planning Board, and the Town Board.

816-4. Penalties for Offenses.

Any person who violates any provision of this chapter shall be guilty of a violation and subject to a fine of not more than \$250 and not less than \$100 and shall be required to bring the unit or units into full compliance prior to initial or continued operation.

816-7. Enforcement.

A. The Town Code Enforcement or his designee shall be provided access, at any time to any WECS site for the purpose of ensuring compliance with this and any other applicable code. Such access shall be upon providing 24-hour advance notification to the owner/operator of any such site.

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

ARTICLE 900 - NON-CONFORMING USES

Article 901 - Continuation

The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this Ordinance.

Section 902 - Unsafe Structures Containing Non-conforming Uses

Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

Section 903 - Alterations

A non-conforming building may not be structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the assessed full value of the building unless said building is changed to a conforming use.

Section 905 - Construction Approved Prior to Ordinance

Nothing herein contained shall require any change in plan, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit.

Section 906 - Restoration

All lawful non-conforming uses which are damaged or destroyed by fire or other causes may be repaired, rebuilt, or re-established if a building permit is applied for within 6 months after such damage or destruction; however, the non-conforming use shall not be increased

or extended beyond the extent to which it existed on the effective date of this ordinance.

Section 907 - Abandonment

Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Ordinance.

Section 908 - Changes

Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.

Section 909- Displacement

No non-conforming use shall be extended to displace a conforming use.

Section 910 - District Changed

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

Section 911 - Signs

All non-conforming signs, billboards, commercial advertising structure and statuary, and supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this Ordinance or amendment thereto. This

provision for removal shall not apply to permissible types of signs which are improperly located on a lot or a building.

ARTICLE 1000 - ADMINISTRATION

Section 1001 - Enforcement

This Ordinance shall be enforced by the Building Inspector who shall be appointed by the Governing Body of the Town of Poland. No building permit or certificate of occupancy shall be issued by him, except where there is compliance with all provisions of this Ordinance unless applicable to Section 906 - Restoration.

Section 1002 - Duties of Building Inspector

It shall be the duty of the Building Inspector in connection with this Ordinance to do the following:

1. Make a record of non-conforming uses.
2. Issue building permits and certificates of occupancy or refuse to issue the same and give the reasons for such refusal to the applicant.
3. Keep a record of all applications for permits and a record of all permits issued with a notation of all special conditions involved.
4. Receive all required fees and deposit them with the Town Clerk.
5. Keep the Town Board and Board of Appeals informed and advised of all matters, other than routine matters in connection with this Ordinance.
6. Submit such reports as may deem necessary.
7. Whenever possible to advise and assist persons applying for building permits with the preparation of their applications.

8. Secure warrants and prosecute violators of the provisions of this Ordinance.
9. Serve all notices that may be required to be served in connection with the Ordinance.
10. Make recommendations for keeping the Zoning Ordinance and accompany map up to date.
11. Inspect new construction or changes of use during and/or after construction or change in use to insure conformity with the provisions of the Ordinance and the State Sanitary Code.

Section 1003 - Building Permits

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Building Inspector. No building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any provision of this Ordinance - unless so granted by written approval of the Board of Appeals.

The application for a building permit shall be made on a form obtained from the Building Inspector. It shall include a statement of the material to be used, an estimate of cost, the location, the proposed use, and the sanitation facilities to be provided (if any are needed). Such permit shall be valid for a one year period only. Building permits may, however, be extended for additional six-month periods with the approval of the Building Inspector.

All applications for building permits along with two copies of a layout or plot plan drawn to scale and showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and accessory buildings or any buildings that are to be erected, the location of adjoining highway right-of-way lines,

and such other information as may be necessary to determine and provide for the enforcement of this Ordinance may be transmitted by the Building Inspector to the Planning Board for their review and recommendation. The sanitation, sewerage, and waste disposal facilities shall comply with standards approved by the County and State Health Departments.

All applications for building permits for commercial and industrial buildings submitted to the Building Inspector must contain information detailing drainage and landscaping plans, off-street parking, off-street loading and any other data the Planning Board deems necessary to facilitate their review and recommendation.

One copy of the layout or plot plan shall be returned to the applicant when approved in writing by the Planning Board and a building permit shall then be granted by the Building Inspector after receipt of payment of a fee as per schedule of fees.

The Building Inspector shall attempt to notify at least two adjacent property owners when requests are filed for building permits on adjoining property. Failure of such adjacent property to receive such a notice shall not be a basis for invalidating such a building permit, nor contesting the actions of the Building Inspector, Town Clerk, Board of Appeals or the Town Board in regard to the issuance or withholding of such permit.

Section 1004 - Certificate of Occupancy

No building hereafter erected, altered or extended shall be used, occupied or changed in use nor shall any land hereafter be occupied if changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or proposed use complies with the provisions of this Ordinance.

No non-conforming use shall be maintained, renewed, changed, or extended without a certificate of occupancy having first been issued by the Building Inspector.

Certificates of occupancy shall be issued within 10 days after the erection, alternation or change in use has been inspected and approved by the Building Inspector as complying with the provisions of this Ordinance.

The Building Inspector shall maintain a record of all certificates of occupancy and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

Section 1005 - Temporary Occupancy

Under such rules and regulations as may be established by the Zoning Board of Appeals, a temporary certificate of occupancy for not more than six (6) months may be issued.

Section 1006 - Building Permit in Flood Plain

1. It shall be required that all new construction, substantial improvements, subdivision proposals, new developments and new or replacement water supply/sanitary sewage systems will come under the following permit system if it falls within the Flood Plain District:

A. The Building Inspector shall review all building permit

applications for new construction or substantial improvements to determine whether the proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and (2) use construction materials and utility equipment that are resistant to flood damage, and (3) use construction methods and practices that will minimize flood damage.

B. The Building Inspector shall review subdivision proposals and other proposed new developments to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards.

C. The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or climate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment and/or contamination during flooding.

Section 1007 - Municipal Liability

The grant of a permit or approval of a subdivision plan in any Flood Plain District shall not constitute a representation, guarantee or warranty of any kind by the municipality, or any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

ARTICLE 1100 -- BOARD OF APPEALS

Section 1101 - Creation, Appointment, Organization

A Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with enabling law. Said Board shall consist of five (5) members. The Board may prescribe for its affairs.

Section 1102 - Powers and Duties

The Board of Appeals shall have all the power and duties prescribed by law and by this Ordinance which are more particularly specified as follows:

1. Interpretation

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.

2. Special Use Permits

To issue special use permits for any of the uses for which this Ordinance requires the obtaining of such permits from the Board of Appeals.

3. Variances

To vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved or lots of record prior to establishment of this ordinance who can meet the yard

requirements, but not the minimum lot acreage requirement. No variance in the strict application of any provision of this Ordinance shall be granted by the Board of Appeals unless it finds:

A) That there are special circumstances or conditions, fully described in the finding 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. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

SECTION 1103 - PROCEDURE

The Board of Appeals shall act in strict accordance with procedure specified by law and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. 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 exception 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 required by law on an application

or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of such hearing. Upon failure to submit such report, the Planning Board shall be deemed to have approved the application or appeal. Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Appeals on the particular case.

Section 1104 - Chautauqua County Planning Board

1. Before issuing a special exception permit or granting a variance affecting any real property lying within a distance of five hundred (500) feet of the boundary of this Municipality or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

2. Within thirty (30) days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board to which referral is made, or an authorized agent of said agency shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of thirty (30) days, or such longer period as may have been agreed upon by it and the Board of Appeals, the Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproves the proposal, or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or

recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

3. Within seven days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modifications or disapproval.

Section - 1105 Fees

The governing Body of the Town of Poland shall establish a schedule of fees, charges and expenses as well as a collection procedure for any appeals taken to the Board of Appeals.

ARTICLE 1200 - PLANNING BOARD

Section 1201 - Appointment

The Town Board shall appoint a Planning Board consisting of seven (7) members as prescribed by Section 271 of the Town Law. In making the appointments to the Planning Board, the Town Board shall appoint no less than two farmers and two people engaged in business or professions. No appointment shall be valid unless the appointee is a resident in the Town of Poland.

Section 1203 - Duties

The Planning Board for the Town of Poland shall have the following duties:

1. To investigate, study, hold hearing upon, and submit reports on all appeals and matters referred to it by the Board of Appeals, Building Inspector and/or Town Board.
2. To submit reports within thirty (30) days after reference to it of any appeal or other matter unless the time shall be extended by the Building Inspector or Board making the reference.
3. To hold monthly meetings on a regularly prescribed date and time, and at such other times as the Chairman of the Planning Board may deem necessary. All meetings of the Planning Board shall be open to the public. The Secretary of the Planning Commission shall keep minutes of all meetings.
4. To prepare and change the comprehensive master plan and map for the development of the entire area of the Town of Poland.
5. To approve plots in accordance with Section 276 of the Town Law.

6. To review, recommend and approve (prior to the issuance of a building permit or occupancy permit) site plans for mobile home parks, commercial, industrial, or multi-family buildings or uses. Such site plans shall be submitted through the Building Inspector to the Planning Board at least ten (10) days prior to its next scheduled meeting and shall consist of the following:

A. A survey drawn to scale prepared by an engineer or surveyor (registered by the State of New York) showing the exact size, shape, and dimensions of the lot to be built upon;

B. The exact size and location on the lot of all existing buildings and structures;

C. The exact size and location on the lot of the structure or building proposed to be erected, moved, repaired or altered;

D. All adjacent streets or alleys with traffic flow patterns;

E. The proposed parking facilities, including the size, arrangement and number of parking stalls and placement of lighting structures;

F. The movement of all vehicles and ingress and egress drives for all off-street parking and loading area (both front and rear) to insure the prevention of blockage of vehicles entering and leaving the site;

G. Preliminary architectural and engineering sketches showing plan levels, elevation, landscape plan and any other necessary information related to water runoff control, slope, contours, type of building, etc.;

H. Area to be utilized for storage of materials and type of architectural screen to be used ;

I. Such other information as may be required by the Planning Board to determine their recommendation or decision.

ARTICLE 1300 - VIOLATIONS AND PENALTIES

Section 1301 - Violations

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Building Inspector, who shall properly record such complaint and immediately investigate.

Section 1302 - Penalties

Any violation of any provision of this Ordinance by any person shall be punishable by fine not less than fifty (\$50.00) dollars or to exceed a maximum of two-hundred (\$200.00) dollars. Persons judged to be guilty of this violation will be required to report to the Court at the Judge's discretion, but no more than thirty (30) days from the last court appearance, until this issue is resolved. Each violation remaining unresolved beyond thirty (30) days shall constitute a separate additional violation.

ARTICLE 1400 - AMENDMENTS

1. The regulations, restrictions and boundaries established by this Ordinance may, from time to time be amended, supplemented, changed or modified or repealed by ordinance in accordance with procedures provided in the Town Law. However, all amendments to this Ordinance which would change the district classification or the regulations applying to real property lying within a distance of five hundred (500) feet of the boundary of this Municipality or from the boundary of any existing or proposed right-of-way of any stream or drainage channel owned by the county, or for which the county has established channel lines or from the existing or proposed of any county or state owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

2. Within thirty days after receipt of a full statement of such

referred matter, the Chautauqua County Planning Board to which referral is made, or an authorized agent of said agency, shall report its recommendations thereon to the referring Municipal agency, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of thirty (30) days or such longer period as may have been agreed upon by it and the referring agency, the municipal body having jurisdiction to act may do so without such report. If the Chautauqua County Planning Board disapproves the proposal, or recommends modification thereof, the Municipal agency having jurisdiction shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the

members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

3. Within seven (7) days after final action by the Municipal agency having jurisdiction of the recommendations, modifications or disapproval of a referred matter, such Municipal agency shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modification or disapproval.

ARTICLE 1500 - CONFLICT, VALIDITY, REPEALER, EFFECT

Section 1501 - Conflicts

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this Ordinance are a variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 1502 - Validity

The invalidity of any provision of this Ordinance shall not invalidate any other part thereof.

Section 1503 - Repealer

Any previously adopted Zoning Ordinance or regulations of the Town of Poland, together with all changes and amendments thereto, is hereby repealed and declared to be of no effect.

Section 1504 - Effect

This Ordinance shall take effect ten (10) days after the date of its publication and posting as required by Town Law.

