

TOWN OF PERRYSBURG

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LOCAL LAW #1 OF 2003
RE-ENACTMENT OF ZONING LAW #1 OF
1974

A LOCAL LAW TO REGULATE AND
RESTRICT THE LOCATION SIZE AND USE
OF BUILDINGS AND OTHER STRUCTURES
AND THE USE OF LAND IN THE TOWN OF
PERRYSBURSG TO BE KNOW AS THE
PERRYSBURG ZONING LAW

BE IT ENACTED BY THE TOWN BOARD
OF THE TOWN OF PERRYSBURG AS
FOLLOWS:

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TOWN OF PERRYSBURG

ZONING LAW OF 1972

RE ADOPTED AS ZONING LAW #1 OF 2002

ENACTING CLAUSE

- 1.01 Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and for each of the purposes specified therein, the Town Board of the Town of Perrysburg, County of Cattaraugus, and State of New York, has ordained and does hereby enact the following TOWN LAW regulating and restricting the location, size and use of buildings and other structures and the use of land in the Town of Perrysburg.

SECTION 2

GENERAL PURPOSES

- 2.01 This Local Law is adopted for the purpose of promoting the health, safety, *morals*, general welfare of the community and in furtherance of the following related and more specific objectives:
- 2.02 To guide and regulate the orderly growth, development, and redevelopment of the municipality in accordance with a comprehensive plan and with long-term objective, principles, and standards deemed beneficial to the interest and welfare of the people.
- 2.03 To protect the established character and social and economic well-being of the evolving community as it is affected by the use of both private and public property.
- 2.04 To protect and preserve the natural environment and ecological systems within the community through the regulation of land to the most appropriate utilization.
- 2.05 To secure safety from fire, panic and other dangers, and to provide adequate light, air and convenience of access.
- 2.06 To prevent overcrowding of land or buildings and to avoid undue concentration of population.
- 2.07 To lessen, and where possible, to prevent traffic

congestion on public streets and highways.

- 2.08 To eliminate nonconforming uses gradually.
- 2.09 To conserve the value of buildings and to enhance the value of land throughout the municipality.
- 2.10 To lessen the potential for excessive erosion and to conserve and reasonably to protect the natural scenic beauty of the municipality and its environs.

SECTION 3

DEFINITIONS

- 3.01 Scope and Meaning of Certain Words and Terms
 - 3.01.1 Unless the context clearly indicates the contrary, words used in the present tense included the future, the singular number includes the plural, and the plural the singular.
 - 3.01.2 The word PERSON includes a profit or non-profit corporation, company, partnership or individual.
 - 3.01.3 The word SHALL is mandatory, and not directory; the word MAY is permissive.
 - 3.01.4 The word LOT includes the word PLOT and the word LAND.
 - 3.01.5 The word STRUCTURE includes the word BUILDING.
 - 3.01.6 The word USE refers to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereto is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.
 - 3.01.7 The word USED refers to the actual fact that lot or land, building or structure, or part thereof, is being occupied or maintained for a particular use
- 3.02 Definition of Words and Terms
 - 3.02.1 ACCESSORY USE, BUILDING OR STRUCTURE. A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the principal use, building or structure. The term ACCESSORY BUILDING may include a private garage, garden shed, a private playhouse, and a private greenhouse.

- 3.02.2 ALTERATION. As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or moving from one location or position to another; the term "alter" in its various modes and tenses and its participial form, refers to the making of an ALTERATION.
- 3.02.3 AUTOMOBILE LAUNDRY. A structure or building designed for the washing, waxing, simonizing, or similar treatment of automotive vehicles as its principal function. A FILLING STATION having portable washing equipment shall not be deemed to be an AUTOMOTIVE LAUNDRY where such use is an accessory service to the principal service of the FILLING STATION.
- 3.02.4 BASEMENT. A Story partly underground but having less than half of its clear height below finished grade.
- 3.02.5 BILLBOARD. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally sold, offered or existing upon such lot.
- 3.02.6 BUILDING. A structure with a roof supported by columns or walls and having a horizontal area of more than 50 square feet.
- 3.02.7 CAMPING GROUND. A lot used for overnight or longer occupancy by campers, tents or other movable or temporary dwellings or sleeping quarters for human beings, but not including such occupancy when accessory to a dwelling on the same lot and limited to seasonal use by members of the immediate family residing in said dwelling.
- 3.02.8 CELLAR (Same as Basement 3.02.4)
- 3.02.9 CLUB, COUNTRY. A club for golfing, tennis, hunting, fishing, horseback riding, skiing, or similar sports.
- 3.02.10 CLUB, MEMBERSHIP, NON-PROFIT. The premises and buildings used by a local chapter holding a valid charter from an international, national or state organization or by a bone fide local civic association catering exclusively to members and their guests primarily for a patriotic, fraternal, benevolent, social, educational, religious or political purpose. The club shall not be used in whole or in part for the conducting of any business or enterprise for profit, but this shall not be construed as preventing the utilization of a club for benefits or performances for a recognized charity; nor for the meeting of other organizations, nor for educational and cultural purposes.

- 3.02.11 COURT. An open, unoccupied space, other than a yard, on the same lot with a building. An offset to a court shall be deemed a separate inner court for the purpose of determining its least dimension, its area, and the least dimension and area of the court to which it is contiguous.
- 3.02.12 COURT, DEPTH OF. The maximum horizontal dimension at right angles to the width.
- 3.02.13 COURT, HEIGHT OF. The greatest vertical distance measured from the lowest level of such court up to the roof of the building.
- 3.02.14 COURT, INNER. Any court which is not an outer
- 3.02.15 COURT, OUTER. A court extending to a street, front yard, or rear yard.
- 3.02.16 COURT, WIDTH OF. The horizontal dimension parallel to the principal open side in the case of an OUTER COURT; and the least horizontal dimension in the case of an INNER COURT.
- 3.02.17 CUSTOM WORK, SHOP FOR. A business premises used for the making of clothes, millinery, shoes or other personal articles to individual order and measure, for sale at retail on the premises only, and not including the manufacture of "ready-to-wear" or standardized products.
- 3.02.18 DOG KENNEL. The keeping of more than four dogs that are more than six months old.
- 3.02.19 DWELLING. A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises, but not including a boarding house or rooming house, hotel or lodging house or motel.
- 3.02.20 DWELLING, MULTIPLE. A building or portion thereof used as a dwelling containing three or more dwelling units.
- 3.02.21 DWELLING UNIT. One or more rooms with provisions for cooking, living, sanitary and sleeping facilities arranged for the use of one family.
- 3.02.22 FAMILY. One or more persons occupying a dwelling unit as a single non-profit housekeeping unit. More than five persons exclusive of domestic servants, not related by blood, marriage or adoption shall not be considered to constitute one family.
- 3.02.23 FARM STRUCTURE. Any structure necessary to the operation of a farm and for the storage of farm equipment, except dwellings, garages used for the storage of non-farm

vehicles, and roadside stands used for the sale of products raised on the premises.

3.02.24

FENCE. A structure bounding an area of land designed either to limit access to the area or to screen such area from view, or both.

3.02.25

FILLING STATION. An area of land, including structure thereon, used for the supply of motor vehicle fuel, lubricants, accessories and such services as washing, polishing and minor repairs but not major repairs, collision service or painting.

3.02.26

FLAMMABLE LIQUIDS. Liquids having a flash point below 200 degrees Fahrenheit, closed cup tester, Class I flammable liquids (e.g. gasoline, ether, liquid petroleum gas) are those having flash points below 25 degrees Fahrenheit. Class II flammable liquids (e.g. alcohol, ethyl or methyl acetate) are those having a flash point below 70 degrees Fahrenheit but not below 25 degrees Fahrenheit.

3.02.27

GARAGE, PARKING. A building, not a private garage, used for the storage of automobiles, or trucks, and not used for making repairs thereto.

3.02.28

GARAGE, PRIVATE. An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.

3.02.29

GARAGE, REPAIR. A building, other than a private or a parking garage, used for storage, adjustment, painting, replacement of parts or other repair of motor vehicles, or parts thereof, whether or not accessory or incidental to another use.

3.02.30

HEIGHT OF BUILDING OR STRUCTURE. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of flat roofs; to the deck line on mansard roofs; or to the mean height between eaves and ridge for gable, hip and gambrel roofs.

3.02.31

HOME OCCUPATION. Any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use, and that does not change the character of the structure as a residence. Said activity shall not occupy more than one-half of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used, and further provided that there shall be no external evidence other than an announcement sign, and that no mechanical or electrical equipment is used except customary household equipment. However, HOME OCCUPATIONS shall not be construed to include such uses as

the following: clinic or hospital, convalescent home, restaurant, dog kennel, tea room, tourist homes, or stores.

- 3.02.32 HOME PROFESSIONAL OFFICE. The office or studio of a resident physician, surgeon, dentist, or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, real estate broker or salesman, insurance broker or agent, or teacher as herein restricted; provided that no more than two persons are employed who are not member of the family, and that such office shall be in the main building and shall not occupy more than the equivalent of one-half of the area of one floor of said building. For the purposes of this paragraph, a "teacher" shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at a time. A HOME PROFESSIONAL OFFICE shall not include the office of any person professionally engaged in the purchases or sale of economic goods stored on premises. Dancing instruction, band instrument, tea rooms, tourist homes, convalescent homes, mortuary establishments, veterinary or veterinary hospital, and stores shall not be deemed to be HOME PROFESSIONAL OFFICES. The home professional office of a physician shall not include a biological or other medical testing laboratory.
- 3.02.33 HOTEL. A building or part thereof which has a common entrance, common heating system, and general dining room, and containing seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation which are available to the public for periods of less than one week at a time. A HOTEL shall not provide DWELLING UNITS.
- 3.02.34 JUNK YARD. Any land or structure, or part thereof, exceeding 300 square feet in area, where junk, waste, discarded or salvaged materials are stored, bought, sold, exchanged, sorted, packed, disassembled, handled or abandoned, including auto wrecking or dismantling yards, house wrecking yard, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment; but not including pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, for the processing of used, discarded or salvaged materials as part of manufacturing operations, or for the sale, purchase or storage of used motor vehicles or salvaged machinery to be reused for the purposes for which originally manufactured.
- 3.02.35 LOT. A parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the

customary accessories and open spaces belonging to the same. A lot within the meaning here mayor may not be a lot as shown on a subdivision plat, assessment record, or file deed.

- 3.02.36 LOT, CORNER. A lot at the junction of and fronting on two or more intersecting streets.
- 3.02.37 LOT, INTERIOR. Any lot other than a corner lot.
- 3.02.38 LOT, THROUGH. A lot extending from one street to another.
- 3.02.39 LOT AREA. The total horizontal area included within LOT LINES.
- 3.02.40 LOT COVERAGE. The percentage of the horizontal area of the lot covered by a building or buildings, measured to the outside of the wall.
- 3.02.41 LOT LINE. Any boundary of a lot. Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.
- 3.02.42 LOT LINE, FRONT. The street right-of-way line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.
- 3.02.43 LOT LINE, REAR. The lot line opposite the front lot line.
- 3.02.44 LOT WIDTH. The horizontal dimension measured from side lot line to side lot line, along a line parallel to the street line at the required minimum front yard depth.
- 3.02.45 MANUFACTURED HOME. A structure originally equipped with or having a vehicular chassis and provided with all of the necessary appurtenances for permanent residency for one family, but which does not meet the minimum first floor area requirements of a DWELLING as provided in Section 8.10.3.
- 3.02.46 MANUFACTURED HOME PARK. A residential land use designed for the location of two or more mobile homes in designated home spaces and including appurtenant facilities and accessory services for residents only.
- 3.02.47 MOTEL. A building or group of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, and with or without restaurant facilities, designed primarily for transient automobile travelers, and provided with accessory off street parking facilities. The term MOTEL includes building designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall

not be constructed to include parking areas for MANUFACTURED HOMES or to include DWELLING UNITS except for that of the owner or manager.

- 3.02.48 NATURAL GRADE. The NATURAL GRADE of a land area to be subdivided shall be determined by calculating the difference in elevation between intersection points along the lines of a 200 - square foot grid system applied to the required topographic mapping for the subdivision, and expressing this difference as a percentage of slope between such points; the NATURAL GRADE of the individual grid squares shall be that of the maximum slope determined as described above along its bounding grid lines; the NATURAL GRADE of a subdivision will vary in accordance with the findings for each individual grid square.
- 3.02.49 NONCONFORMING BUILDING OR STRUCTURE. A building or structure lawfully existing at the effective date of this LOCAL LAW or any amendment thereto affecting such building or structure, which does not conform to the Table of Dimensional Regulations for the District in which it is situated, irrespective of the use to which structure is put.
- 3.02.50 NONCONFORMING USE. Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date of this LOCAL LAW or any amendment thereto affecting such use, which does not conform to the Table of Use Regulations for the District in which it is situated.
- 3.02.51 NON-NUISANCE INDUSTRY. Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light, beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards, and which does not include any outdoor processing of materials, or open accessory storage yard unless completely enclosed by a solid wall or fence not less than six (6) feet in height.
- 3.02.52 NURSERY SCHOOL. A building or structure, together with its lots and its accessory uses, building and structures, used as an organized instructional facility or other care for five (5) enrolled children under six (6) years of age other than the children of the resident family, but not provided with customary commercial public recreation features such as ferris wheels or roller coasters, and to furnishing sleeping quarters except for the resident family.
- 3.02.53 NURSING HOME. A building or part of a building together with its lot and accessory uses, buildings and structures, used for nursing care of two or more persons not related to the operator by family ties and for compensation. The term NURSING HOME includes rest homes and convalescent homes.
- 3.02.54 PARKING AREA. A lot or part thereof used for the storage or

parking of motor vehicles, with or without the payment of rent or charges in money and/or other consideration.

- 3.02.55 PERMITTED USE. A specific principal use of a building, structure, lot or land, or part thereof, which this LOCAL LAW provides for in particular Districts as a matter of right.
- 3.02.56 PERSONAL SERVICE ESTABLISHMENT. An office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a barber, beautician, tailor, or dressmaker.
- 3.02.57 PLANNED RESIDENTIAL DEVELOPMENT. A residential development of land based on an overall development plan approved by the Planning Board in accordance with the SPECIAL EXCEPTION USE procedure in which the dimensional regulations and the type of housing may be varied as provided, and where certain lands are set apart as permanent upon space or common land.
- 3.02.58 PLANNED COMMERCIAL-INDUSTRIAL PARK. A development of land based on an overall development plan approved by the Planning Board in accordance with the SPECIAL EXCEPTION USE procedures for commercial and industrial uses other than retail stores, personal service establishment or other uses not indicated as permitted or special exception uses in the Commercial-Industrial Park District. Such an overall development plan may provide for variance of the dimensional regulations.
- 3.02.59 PROHIBITED USE. A use of a building, structure, lot or land, or part thereof, which is not listed as a PERMITTED or SPECIAL EXCEPTION USE.
- 3.02.60 RESEARCH INSTITUTE OR LABORATORY. A building for experimentation in pure or applied research design, development, and production of prototype machines or devices or of new products, and uses accessory thereto: with respect to the application of this Ordinance, such RESEARCH INSTITUTE or LABORATORY shall meet the standards of a NON-NUISANCE INDUSTRY.
- 3.02.61 RETAIL STORE. An establishment engaged in buying goods for resale to the general public for personal and household consumption, such as appliance shop, baker, confectioner, delicatessen, drug store, florist, fruit shop, grocer, hardware store, package liquor store, shoe shop, stationary store, tobacconist and variety store. RETAIL STORE shall not be deemed to include establishments such as motor vehicle sales rooms that are specifically listed.
- 3.02.62 SEASONAL COTTAGE. A dwelling unit occupied less than eight (8) months of each year.

- 3.02.63 SIGN. Any kind of billboard, sign-board, pennant, or other shape or device or display, used as an advertisement, announcement, or direction, including any text, symbol, lights, marks, letters, or figures painted thereon or painted on or incorporated in the composition of an exterior surface of a building or structure.
- 3.02.64 SIGN, BUSINESS. A temporary or permanent sign which directs attention to a business of profession conducted upon the property.
- 3.02.65 SIGN, PROFESSIONAL OR ANNOUNCEMENT. A temporary or permanent sign which directs attention to a resident's home, a home occupation, a home professional office, or a public or semi-public building.
- 3.02.66 SIGN, REAL ESTATE OR CONSTRUCTION. A sign advertising land or improvements thereto, or describing construction activity or a firm doing work related to construction on the premises on which sign is located.
- 3.02.67 SIGN, TEMPORARY. A temporary sign which directs attention to a special activity or entertainment, or one which indicates the location of a real estate subdivision.
- 3.02.68 SPECIAL EXCEPTION USE. A use in one or more Districts, for which the Planning Board may grant a permit, pursuant to the provisions of Section 11.
- 3.02.69 STREET. Any Federal, State, County or Municipal highway or road, or any street shown upon a subdivision plat filed in the County Clerk's office.
- 3.02.70 STREET LINE. The dividing line between a lot and a street right-of-way.
- 3.02.71 STRUCTURE. Anything constructed or erected on or under the ground or upon another structure or building.
- 3.02.72 SWIMMING POOL. An artificial pool of water having a depth at any point of more than eighteen inches and a surface area of greater than one hundred square feet, designed or intended for the purpose of bathing or swimming and including all appurtenant equipment.
- 3.02.73 TRAVEL TRAILER. A vehicle for temporary or transient living quarters for one family. A TRAVEL-TRAILER shall not be considered as a DWELLING or a MANUFACTURED HOME.
- 3.02.74 VARIANCE. A modification of the regulations of this Local Law, granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Section 12.

- 3.02.75 WALL. A structure of wood, stone or other materials or combination thereof intended for defense, security, screening, or enclosure, or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.
- 3.02.76 YARD, FRONT. An open unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building and the front lot line of the lot, and extending from side lot line to side lot line.
- 3.02.77 YARD, REAR. A space on the same lot with a building, situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.
- 3.02.78 YARD, SIDE. An open unoccupied space on the same lot with a building, situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists.

SECTION 4

APPLICATION OF REGULATIONS

4.01

General Application

The provisions of the Local Law shall be deemed to be specific. Those uses and procedures for which there are no specific provisions shall be subject to review.

4.02

Use Regulations

(a) Except as hereinafter provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used except for a purpose specifically permitted by the provisions of the Table of Use Regulations for the District in which such building or structure, lot or land is located on the Zoning Map.

(b) Any lawful use that does not conform to the Use Regulations shall be deemed a nonconforming use (see Section 10).

(c) A Special Exception Use authorized by the Planning Board shall be deemed a conforming use.

(D) A use authorized by a variance from the Use Regulations, granted by the Board of Appeals, shall be deemed a nonconforming use.

4.03

Dimensional Regulations

(a) Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged, rebuilt, or moved except in conformity with the provisions of the Table of Dimensional Regulations for the District in which such building or structure is located on the Zoning Map.

(b) Any lawful existing building or structure that does not conform to such Dimensional Regulations, shall be deemed a nonconforming

building or structure, irrespective of the use to which it is put (see section 10).

(c) A building or structure or part thereof authorized as a variance from the Dimensional Regulations, granted by the Board of Appeals, shall be deemed a nonconforming building or structure or part thereof.

4.04 No part of a yard or other open space required about any building for the purpose of complying with the provisions here shall be included as a part of a yard or other open space similarly required for another building.

4.05 No lot, yard, setback, parking area or other open space shall be so reduced in area, dimension or capacity less than the minimum required. If already less than the minimum required, said area, dimension or capacity shall not be further reduced.

SECTION 5

ESTABLISHMENT OF DISTRICTS

5.01 Districts

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

RR	-	120 Recreational Residence District
AR	-	40 Agricultural Residence District
SR	-	30 Suburban Residence District
VR	-	7.2 Village Residence District
MR	-	Multiple Residence District
MHP	-	Mobile Home Park District
VB	-	Village Business District
HC	-	Highway Commercial District
SC	-	Shopping Center District
CIP	-	Commercial - Industrial Park District

5.02 Boundaries of District on Zoning Map

- (a) The boundaries of each of the Districts listed in Section 5.01 are hereby established as shown upon the duly adopted Zoning Map which accompanies this Local Law, and which, with all notations, references and other matters is hereby declared a part of this Local Law. Said zoning map shall show the effective date of this Local Law and of each subsequent amendment to said map, and shall be duly certified by the Municipal Clerk.
- (b) The District boundary lines, unless shown otherwise, are intended generally to follow street centerlines, railroad right-of-way boundary lines or their centerlines, other similar right-of-way lines, or lot lines or boundaries of subdivisions, or municipal boundary lines, all as shown on the Zoning Map. Where a District boundary line does not follow such a line on the Zoning Map, the distance between the parallel lines shall be as dimensioned on the Zoning Map. Such dimensions shall be construed to read from the outside edge of all rights-of-way rather than from their centerlines.
- (c) Where the street layout actually on the ground varies from the street layout as shown on the Zoning Map, the designation shown on the mapped streets shall be applied in such a way as to carry out the Building Inspector's judgment as to the purpose and intent of the Zoning Map for the particular area in question. Disagreements

in regards to the Building Inspector's judgment may be brought to the Zoning Appeals Board in writing.

- (d) When the location of a District boundary line cannot be otherwise determined, the determination thereof shall be made by the Building Inspector by scaling the distance on the Zoning Map from a line of known location to such District boundary line.
- (e) In the case of uncertainty as to the true location of a District boundary line in a particular instance, an appeal may be taken to the Board of Appeals, as provided in Section 11.
- (f) When a District boundary line divides a lot in a single ownership at the effective date of this Local Law Or any subsequent amendment thereto, the Board of Appeals may permit an extension into one District of a lawful conforming use existing in the other District, as hereinafter provided in Section 11.04.3(a).

SECTION 6

DISTRICT REGULATIONS

Application of Tables

- 6.01 Within any District, a building, structure or lot shall only be used for one of the uses indicated in Section 6.02 and 6.04, the Tables of Use Regulations, for the specific District in which it is located on the Zoning Map, and in accordance with the particular classification of that use in that District. Further, any such building, structure or lot shall only be utilized in conformance with the provisions of the same Section 6.03 and 6.05, the Tables of Dimensional Regulations. In addition, such use shall comply with all other applicable provisions.
- 6.02 See table section

6.02 Residence Districts- Table of Use Regulations

P= Permitted Use
 SE= Special Exception Use
 X= Prohibited Use

ALL UNLISTED USES ARE SUBJECT TO REVIEW IN ALL DISTRICTS

Use Classifications	RR-120	AR-40	SR-30	VR-7.2	MR	MHP
A. RESIDENTIAL USES						
1 One-family detached dwelling	P	P	P	P	P	X
2 Two- family detached dwelling	X	X	SE	P	P	X
3 Manufactured housing (individual)						
4 Multiple Dwelling	X	X	X	X	P	X
5 Mobile home parks	X	X	X	X	X	SE
6 Conversion of existing one-family detached dwelling for two families	SE	SE	SE	SE	SE	X
7 Planned residential development	SE	SE	SE	SE	SE	X
8 Seasonal cottage, cabin, camping ground	SE	SE	X	X	X	X
B. RESIDENTIAL COMMUNITY FACILITIES						
1 Church or Similar place of worship or religious instruction, parish house or rectory, seminary, convent	P	P	P	P	X	X
2 Nursery school	SE	SE	SE	SE	X	X
3 Park, playground or recreational area operated by the municipality or New York State	P	P	P		P	X
4 Private recreation area, non-profit	SE	SE	SE	X	X	X
5 Public library, musuem, community center, fire station, government office building	P	P	P	P	X	X
6 School, elementary or high, public denomination or private non-profit accredited by New York Education Dept.	P	P	P	P	X	X
C. GENERAL COMMUNITY FACILITIES						
1 Bus passenger shelter	SE	SE	SE	SE	SE	SE
2 Cemetery	SE	SE	SE	X	X	X
3 College, university non-profit	SE	SE	SE	X	X	X
4 Country club	SE	SE	SE	X	X	X
5 Hospital, including auxillary services and functions	SE	SE	SE	SE	X	X

C. GENERAL COMMUNITY FACILITIES CONT'D.

6	Membershiop club, non-profit	SE	SE	SE	SE	SE	X
7	Nursing home, rest home	SE	SE	SE	SE	SE	X
8	Philanthropic, fraternal, social or educational organization office or meeting room	SE	SE	SE	SE	SE	X
9	Public medical research building or similar facility	SE	SE	SE	X	X	X
10	Public utility structure or right-of-way including sewage treatment plant, sanitary landfill or water supply facility necessary to serve the community, but excluding business office, repair or storage of equipment	SE	SE	SE	SE	SE	SE

D. BUSINESS USE

1	Agriculture, excluding animal husbandry	P	P	P	P	X	X
2	Animal husbandry	P	P	SE	X	X	X
3	Funeral home	X	X	SE	X	X	X
4	Greenhouse, plant nursery	SE	SE	SE	X	X	X
5	Professional office, medical arts building	X	SE	SE	SE	X	X
6	Veterinarian, veterinary hospital or clinic	X	SE	SE	X	X	X
7	Riding stable	SE	SE	X	X	X	X
8	Commercial recreation	SE	SE	X	X	X	X

E. INDUSTRIAL USES

1	Quarries, clay, sand and gravel pits	X	SE	SE	X	X	X
2	Saw Mill	X	SE	X	X	X	X
3	Underground gas wells used for gas storage	SE	SE	X	X	X	X

F. ACCESSORY USES

1	Accomodations for not more than two roomers in one or two family detached dwelling, provided that separate kitchen and entrance facilities shall not be provided	P	P	P	P	P	X
2	Customary accessory structure, and/or use	P	P	P	P	P	P
3	Home occupation in one or two family detached dwelling	P	P	P	P	SE	X
4	Home professional office	P	P	P	P	SE	X

F. ACCESSORY USES- CONT'D

5 Manufactured home only for occupancy by parents or dependents of occupants of a permanent home

SE SE SE X X X

6 Private garage or private offstreet parking area pursuant to Section 8

P P P P P P

7 Private swimminmg pool pursuant to Section 12.04.17

P P P P P P

8 Roadside stand for sale of farm or home occupation products having a horizontal area of 24 square feet or more

SE SE SE X X X

6.03 Residence Districts- Table of Dimensional Regulations

	RR-120	AR-40	SR-20	VR-7	2MR	MHP
1 LOT AREA MINIMUM (A) ----- Sq. Feet Under 15% Natural grade	80,000	40,000	30,000	7,200	20,000	200,000
Over 15% Natural Grade	200,000	80,000	30,000	7,200	20,000	200,000
2 LOT AREA MINIMUM PER DWELLING UNIT SQ. FT	same	as	above	3,600	2,000	7,200
3 LOT COVERAGE - % OF TOTAL LOT AREA OCCUPIED BY MAIN AND ACCESSORY BUILDINGS %Under 15%						
Natural Grade	15	15	30	35	40	10
Over 15% Natural Grade	10	10	20	30	40	10
4 LOT DEPTH - MINIMUM SQ. FT	300	200	100	100	100	300
5 LOT WIDTH - Mimimum Feet (at building line)	50% of lot depth	50% of lot depth	100	60	100	300
6 HEIGHT -MAXIMUM FEET						
Principal or residential building	30	30	30	30	30	30
farm structures	no limit	no limit	no limit	12	12	12
accessory stuctures	12	12	12	12	12	12
7 YARDS - MINIMUM FEET						
front per highway right of way	100	60	40	40	20	50
side for one	50	40	20	10	15	50
side total for both on interior lot	50	40	20	10	15	50
side abutting side street on corner lot	100	80	40	25	20	80
rear	50	50	40	30	25	50

(a) Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the municipality.

6.04 Commercial and Industrial Districts- Table of Use Regualtions

P = Permitted Use
 SE = Special Exception Use
 X = Prohibited Use

ALL UNLISTED USES ARE SUBJECT TO REVIEW IN ALL DISTRICTS

	VILLAGE BUSINESS	HIGHWAY COMMERCIAL	STATE COMMER CIAL	COMMERCIAL INDUSTEIAL PARK
USE CLASSIFICATIONS				
A. RESIDENTIAL USES				
1 Dwelling units over first floor non-residential uses	SE	SE	X	X
2 Dwelling lawfully existing prior to adoption of this Ordinance or any subsequent amendment thereto	P	P	X	P
B. RESIDENTIAL COMMUNITY FACILITIES				
1 Church or similar place of worship or religious instruction, parish house, rectory, seminary or convent	P	P	P	X
2 Nursery School	X	X	X	X
3 Park, playground or recreational area operated by the municipality	P	P	P	P
4 Public library, museum, community center	P	P	P	P
5 Fire station, municipal office or any government building of similar character	P	P	P	P
6 School, elementary, or high, public, denominational or private, non-profit, accredited by the New York State Education Department	P	P	X	X
C. GENERAL COMMUNITY FACILITIES				
1 Bus passenger shelter	SE	SE	SE	SE
2 Membership club, non-profit	P	P	P	SE
3 Philanthropic, fraternal, social or educational institution office or meeting room, non-profit	P	P	P	SE

C. GENERAL COMMUNITY FACILITIES- CONT'D

4	Public utility, structure or right-of-way, including airport, sewage treatment plant, sanitary landfill or water supply facility, necessary to serve the community	SE	SE	SE	SE
5	Public passenger transportation station or terminal	SE	SE	SE	SE

D. BUSINESS USES

1	Auditorium, meeting hall	SE	SE	SE	SE
2	Automobile laundry	X	SE	SE	SE
3	Bank	P	P	P	P
4	Bowling alley	SE	SE	SE	SE
5	Dance hall, skating rink	X	SE	SE	SE
6	Eating establishment: drive in, open-front or curbside service	X	SE	SE	SE
7	Building material supply and incidental mill work	SE	SE	X	P
8	contractor's equipment storage	X	SE	X	P
9	Feed and solid fuel storage community center				
10	Filling station	SE	SE	SE	SE
11	Funeral home	P	P	X	X
12	Greenhouse, plant nursery	X	P	X	P
13	Hotel, motel	SE	SE	X	SE
14	Mobile home park, trailer camp	X	X	X	X
15	Motor vehicle, mobile home or boat salesroom or outdoor sales lot for products for sale and/or hire	X	P	X	P
16	Office: business, professional or utility	P	P	P	P
17	Parking garage, storage garage	X	X	X	X
18	Personal service shop: barber shop, beauty parlor, dry cleaning or laundry service of less than 4,00 sq. ft. using only self contained solvent reclaiming units, professional studio, travel agency or similar shop	P	X	P	X
19	Radio or TV broadcasting studio	P	P	P	P
20	Recreation facility, outdoor	X	X	X	SE
21	Repair garage	X	SE	X	SE
22	Repair shop for household, business or personal appliances	P	P	SE	P

D. BUSINESS USES- CONT'D

23	Resturant	P	P	P	P
24	Retail shop or store, (excluding open front business and pet shops)	P	SE	P	SE
25	Shop for custom work and for making articles to be sold ar retail on premises, employing a maximum of five employees	P	P	X	P
26	Tavern	P	P	P	X
27	Theater or motion picture theater, other than an outdoor drive-in theater	SE	SE	SE	SE
28	Veterinarian, veterinary hospital or clinic	X	SE	X	SE
29	Vocation school	P	P	P	P
30	Wholesale business	SE	SE	X	P

E. INDUSTRIAL USES

1	Non-nuisance industry	X	X	X	P
2	Printing or publishing plant	X	P	X	P
3	Truck terminal, truck transfer system	X	SE	X	SE
4	Laundry plant, dry-cleaning plant	X	X	X	SE
5	Storage of fuel or other liquid in tanks	X	X	X	SE
6	Outdoor storage area	X	X	X	SE
7	Warehouse	X	SE	X	P
8	Research institute or laboratory, using machines not exceeding 5 HP	X	SE	X	P
9	Planned Commercial- Industrial Park	X	X	X	SE

F. ACCESSORY USES

1	Caretaker's or owner's dwelling unit	SE	SE	SE	SE
2	Customary or accessory uses, building or structure, except prohibited uses	P	P	P	P
3	Private garage or off-street parking area pursuant to Section 7	P	P	P	P
4	Private swimming pool pursuant to Section 10.04.17	SE	SE	SE	SE
5	Signs pursuant to Section 9	P	P	P	P

6.05 Commercial and Industrial Districts- Table of Dimensional Regualtions

	Village Business	Highway Comm.	State Comm1	Comm.I Industrial Park
1 LOT AREA - MIN. (a) - Sq. Ft.	no reqmt.	20,000	40,000	80,000
2 LOT AREA - Min. per dwellong unit - sq. ft	3,600	3,600	no requirement	
3 LOT COVERAGE - % of total lot area occupied by Main and Accessory buildings	60	20	30	20
4 LOT DEPTH - MIN. - FT.	no reqmt.	150	200	200
5 LOT WIDTH - MIN. - FT.	no reqmt.	100	200	200
6 HEIGHT - MAX. - FT.	30	30	40	40
7 YARDS - MIN. - FT.				
Front	10	50	70	50
Side - min. for one	no reqmt.	20	50	25
Side- total for both on interior lot	except 10'	40	100	50
Side- abutting side street on corner lot	min. if prov'd	70	70	50
Rear	20	50	50	50

(a) Where public sewerage is not available no lot shall be built upon which has insufficient space for a private sanitary waste disposal system as determined by the municipality/ county.

SECTION 7

SUPPLEMENTAL USE AND DIMENSIONAL REGULATIONS

7.01

Placement of all Accessory Buildings and Uses Including
Garages, and Offstreet Parking and Truck Loading Spaces

In All Districts:

(a) Accessory buildings, including garages, if detached from a main building or if connected only by an open breezeway-type structure, shall be not less than 10 feet from the main building.

(b) A private garage may be constructed as a structural part of a main building, provided that when so constructed, the garage walls shall be regarded as the walls of the main building in applying the front, rear, and side yard regulations.

(c) Accessory buildings, including private garages, shall not be placed within a required front yard, nor within a required side yard.

(d) An access driveway may be located within a required yard.

(e) Required accessory offstreet parking area or truck loading space shall not be encroached upon by buildings, open storage, or any other use.

(f) The storage of manure, or of odor or dust producing substances as an accessory use shall not be permitted within 100 feet of any lot line.

(g) The following shall apply to all forms of animal husbandry except the keeping of animals as household pets:

(1) All shelters or pens for horses or other farm livestock, more than 30 chickens or fowl, or more than two dogs more than six (6) weeks old shall be at least 100 feet from any lot line; provided, however, that shelters or pens for fur-bearing animals, more than four (4) hogs or commercial livestock feeding shall be at least 500 feet from any lot line, except that an existing shelter may remain and be added to, provided that the addition shall not encroach on a required yard.

(2) The disposal of animal wastes shall be provided for in such a manner as to prevent any nuisance or sanitary problems.

(h) The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials or the collecting, dismantling, storage, salvaging, or abandonment of machinery or vehicles not in operating condition shall constitute a junk yard which is a prohibited use and a violation, provided, however, the storage of agricultural equipment, machinery and vehicles which are used on the premises or are intended for use on the premises, as an accessory use to an agricultural use shall not constitute a junk yard.

(i) A building basement, or a garage or other non-residential accessory space shall not be used for dwelling purposes unless approved by the Cattaraugus County Board of Health; provided, however, that no such approved use shall exceed one (1) year in duration and then only when it is related to the construction of a main dwelling on the site. The Board of Appeals may grant not more than one (1) year extension of such temporary dwelling use in accordance with Section 12.04.3 (g).

7.01.2

In Residence Districts:

(a) Accessory buildings or farm structures located within a front or side yard shall meet the minimum front and side yard requirements set forth in Section 7.03.

(b) Accessory buildings or farm structures may be located in the minimum required rear yard provided that such building or farm structure shall be set back from any side or rear lot line, the minimum distances set forth herein:

In the RR-120 and AR-40 District	40 feet
In the SR-30 District	20 feet
In the VR-7.2 District	5 feet
In the MR District	40 feet
In the MHP District	50 feet

(c) Accessory off-street parking areas shall be paved in accordance with municipal specifications.

(d) Accessory storage of Class I and II flammable liquids shall be limited to underground storage with a capacity not exceeding 300 gallons, except that as an accessory use on a farm with an area of more than 50 acres such storage may be above ground and have a capacity not exceeding 2,000 gallons.

7.01.3

In Non-Residence Districts:

(a) Accessory off-street parking areas may be located within

required front, side or rear yards except where a transitional yard is required in conformance with Section 6.05.

(b) Accessory storage of Class I and II flammable liquids, in Districts where such storage is not a special exception use, shall be limited to an underground tank with a capacity not exceeding 12.000 gallons.

7.02 Lot Area, Lot Coverage and Lot Width

7.02.1 In all Districts except the VB District, the lot frontage at the street line shall be not less than 40 feet.

7.03 Height

7.03.1 Nothing herein contained shall restrict the height of the following:

(a) Church, spire, cupola, dome, belfry, clock, tower, flagpole, chimney flue, elevator shaft or stair bulkhead, water tank, stage tower or scenery loft, radio or television tower, transmission line or tower, windmill or generator, barns or silos or similar structure.

7.03.2 No building or structure erected pursuant to Section 7.03.1 to a height in excess of the height limit for the District in which it is situated shall:

(a) Have a lot coverage in excess of 10 percent of the lot area

(b) Be used for residence or tenancy purposes

(c) Have any sign, name-plate display, or advertising device of any kind whatsoever inscribed upon or attached to such building or structure.

7.04 Yards

7.04.1 The following accessory structures may be located in any required front or rear yards:

(a) Awning or movable canopy not exceeding ten (10) feet in height or an area equivalent to five (5) percent of the required yard area of the yard in which it is located

(b) Open arbor or trellis

(c) Retaining wall, fence or masonry wall, pursuant to Section 7.08

(d) Unroofed steps; patio or terrace not higher than one (1) foot above ground level, provided that they shall not extend more than ten (10) feet into a required front yard or more than four (4) feet into a required side yard

7.04.2 The space in a required front yard shall be open and unobstructed except for structures provided for in Section 7.04.1 and the following:

(a) An unroofed balcony, projecting not more than eight (8) feet into the yard

(b) Other projections specifically authorized in Section 7.04.3 and 7.04.4.

7.04.3 Every part of a required yard shall be open ,to the sky unobstructed except for retaining walls and for accessory buildings in a rear yard, and except for the ordinary projection of sills, belt courses, and ornamental features projecting not to exceed six (6) inches. Cornices and eaves shall not project more than 18 inches.

7.04.4 Open or lattice-enclosed fireproof fire escapes or stairways, required by law, projecting into a yard not more than four (4) feet, and the ordinary projections of chimneys and pilasters shall be permitted by the Building Inspector when placed so as not to obstruct light and ventilation.

7.04.5 Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages.

7.04.6 In all Residence Districts, where 25 percent of the block frontage within 200 feet of a proposed building is already improved with buildings, or 25 percent of the opposite block frontage across the street, the front yard shall be required to exceed the minimum dimension stipulated for the District in which it is situated, in cases where the average alignment of the two nearest buildings within 200 feet on the same side of the street if 25 percent improved, or otherwise on the opposite side of the street, exceeds such minimum dimension. Such front yard shall extend to such average alignment, provided, however, that in no case shall such front yard be required to exceed by more than 10 feet the minimum required front yard prescribed for the District in which such proposed building is situated. The provisions of the Section shall not apply to the required side yard on the street side of a building on a corner lot.

7.05

Required Transitional Yards and Screening

In order to assure orderly and compatible relationship between Residence Districts and Non-Residence Districts along their common boundary lines, the following requirements shall be met along such boundaries:

(a) Minimum required transitional side and rear yards within Non-Residence Districts adjoining Residence Districts shall be 30 feet

(b) In a VB or HC District the minimum required screening within required transitional side and rear yards shall be six (6) foot high stockade-type fence or equivalent in natural landscaping to be erected and maintained by the nonresidential property owner along the side and rear property lines

(c) In an SC or CIP District the minimum required screening within a required transitional side or rear yard shall be an eight (8) foot high, six (6) foot wide protective planting strip in accordance with specifications established by the municipality and guaranteed by a maintenance bond.

7.06

Courts

7.06.1

In all Districts, the least horizontal dimension of an inner court at its lowest level shall be not less than the larger of following two dimensions:

(a) One-third (1/3) of the maximum height above such lowest level of the building walls erected on the same lot and bounding such court.

7.06.2

In all Districts, the least width of an outer court at its lowest level shall be not less than the largest of the following three dimensions:

(a) One-third (1/3) of the maximum height above such lowest level of the building walls erected on the same lot and bounding such court.

(b) Two-thirds (2/3) of the horizontal depth of such court

(c) 15 Feet

7.06.3

In all districts, the horizontal depth of an outer court shall not exceed one and one-half (1 1/2) times its least width.

7.07 Spacing Between Buildings

7.07.1 In the layout for development of a group of garden apartments or other buildings on a lot or tract of land, a horizontal distance of not less than 35 feet or two-thirds (2/3) the height of the higher building, whichever is the greater, shall be maintained between all main buildings; and between main buildings and major detached accessory buildings or groups of accessory buildings, such as a garage compound, having a ground coverage equal to that of a main building.

7.07.2 The above requirement of Section 7.07.1 need not exceed 35 feet when the top of one building is less than eight (8) feet above the level of the first floor of the other building.

7.07.3 Minor accessory buildings shall meet the requirements of Section 7.01.1

7.08 Permitted Fences and Walls

7.08.1 In a Residence District:

(a) No fence or wall within two (2) feet of a lot line in a required front or side yard shall have a height greater than four (4) feet. Any other placement or height would require special exception.

(b) No fence or wall within ten (10) feet of a lot line in a required rear yard shall have a height greater than six (6) feet. Any other placement or height would require special exception.

(c) Retaining wall of any necessary height.

7.08.2 In a Non-Residence District:

(a) No fence or wall within two (2) feet of a lot line in a required front or side yard shall have a height greater than four (4) feet unless such fence is to serve as a boundary line jointly agreed upon by both parties.

(b) No fence or wall within two (2) feet of a lot line in a required rear yard shall have a height greater than eight (8) feet unless such fence is to serve as a boundary line jointly agreed upon by both parties.

7.08.3 The height of a fence or wall shall be measured from the ground level at the base of the fence; excepting that where there is a retaining wall, the height shall be measured from the average of the ground levels at each side of the retaining wall, and further excepting that any fence or wall on the uphill side of such retaining wall may be at least four (4) feet high, notwithstanding the provisions of Section 7.08.1 and 7.08.2.

7.09 Corner Clearance

7.09.1 On a corner lot in any District within the triangular area determined as provided in this Section, no wall or fence or other structure shall be erected to a height in excess of two (2) feet; and no vehicles, object or any other obstruction of a height in excess of two (2) feet shall be parked or placed; and no hedge, shrub or other growth shall be maintained at a height in excess of two (2) feet, except that trees whose branches are trimmed away to a height of at least 10 feet above the curb level, or pavement level where there is no curb, shall be permitted. Such triangular area shall be determined by two points, one on each intersecting street line, each of which points is 50 feet from the intersection of such street lines.

7.10 Minimum Residential Floor Area

7.10.1 Statement of Purpose

(a) The requirements contained in this Section are designed to promote and protect the public health; to prevent overcrowded living conditions; to guard against the development of substandard neighborhoods; to conserve established property values; and to contribute to the general welfare.

7.10.2 Minimum Schedule

(a) Every dwelling or other building devoted in whole or in part to a residential use, which is hereafter erected, or converted to accommodate additional families, shall provide a minimum floor area per family on finished floors with clear ceiling height of not less than seven (7) feet six (6) inches, in conformity with the following schedule and with the other provisions of this Section. The minimum stipulated herein shall be deemed to be exclusive of unenclosed porches, breezeways, garage area, and basement and cellar rooms or areas.

Type of Residence Building	Minimum Required Floor Area Per Family
One and two family detached dwelling including row or town houses	1,100 sq. feet
Multiple dwelling units:	
Efficiency apartment	550 sq. ft.
One bedroom apartment	675 Sq. ft.
Two bedroom apartment	800 sq. ft.
Three bedroom apartment	950 sq. ft.
Manufactured home	850 sq. ft.
(Any manufactured home manufactured after 2000 will have a minimum of 850 square footage of floor space.)	

7.10.3

First Floor Area of a Dwelling

(a) The minimum first floor enclosed area of a two story dwelling exclusive of garage or other accessory building, shall be 800 square feet, and its least overall dimension shall be 20 feet.

SECTION 8

OFF STREET PARKING AND TRUCK LOADING SPACE REQUIREMENTS

8.01 General Standard

Offstreet parking and truck loading spaces shall be provided and kept available as an accessory use to all permitted and special exception uses of buildings, structures, and lots in amounts not less than those specified in this Section.

8.02 Method of Determining Offstreet Parking Space Requirements

8.02.1

The requirement for a single use (e.g. a single family dwelling or a retail store) shall be determined from the schedule of such requirements which are a part of this Section.

8.02.2

The requirement for a combination use made up of several component uses (e.g. a bowling alley combined with an auditorium, and a restaurant and bar, or a retail store combined with an office building) shall be determined by establishing the requirement for each component use from the schedule of such requirements which is a part of this Section, and adding them together.

8.02.3

When the required number of spaces is determined to result in a fraction, it shall be increased to the next highest whole number.

8.02.4

If the use is not specifically listed in the schedule of such requirements, the requirement shall be the same as for the most similar listed use.

8.02.5

A garage or carport may be used to meet the requirements of this Section. A driveway may only be used to meet the requirements of this Section where it serves a single or two family dwelling.

8.02.6

Uses which require approval pursuant to the special exception use procedure set forth in Section 11 may be required to provide offstreet parking spaces in excess of the requirements of this Section, as is indicated in Section 11.

8.03

Schedule for Offstreet Parking Space Requirements for Residential Uses

<u>USES</u>	<u>Requirement: No. of Spaces</u>
Single family and two family dwelling	2 per dwelling unit
Multiple dwelling Residential membership, club or fraternity	2 per dwelling unit 1 per residence unit <u>plus</u> 1 per each two employees on the premises a one time

8.04

Schedule of Offstreet Parking Space Requiements forNon Residential Uses

<u>USES</u>	<u>Requirement: No. of Spaces</u>
Auditorium, church, convention hall, gymnasium, stadium, theater, studio or other place of public assembly not otherwise classified	1 per 3 permanent seats, or 1 per each 40 sq. ft. of seating area where fixed seating is not provided
Bank, savings and loan association	same as office
Bowling Alley	4 per alley
Drive-in facility, or outdoor sales lots	1 per 600 sq. ft. of lot area
Funeral home	1 per 40 sq. ft. of public Room floor area
Gasoline station, parking Garage, repair garage	Sufficient parking spaces for all vehicles stored or being serviced at any on period of time plus a minimum of 5 additional space.
Home occupation, home professional office	2 for the first 150 sq. ft. of area given over to this component of the land use, plus 1 for each additional 150 sq.ft. or fraction thereof, but in no case less two spaces.

<u>USES</u>	<u>Requirement: No. of Spaces</u>
Hotel, motel	1 per guest bedroom plus 1 Per each two employees on The premises at one time
Manufacturing, or industrial establishment research institute or laboratory	parking area equivalent to the total ground coverage of the use, with a minimum of 2 improved spaces per 3 employees on the premises at one time, but in no case less than 2 spaces
Nursing home	1 per each 2 beds plus 1 per each 2 employees on the premises at one time
Offices, office building	1 per 150 sq. ft. of gross floor area
Public or semi-public art gallery, library or museum	same as auditorium, etc.
Retail store, personal service store	1 per 200 sq. ft. of gross floor area
School	1 per employee plus 1 per Each 8 students in the 12th Grade or above, or the Parking requirement for the Auditorium or gymnasium Component of the use, Whichever is greater
Shop for custom work	1 per 150 sq. ft. of gross Floor area
Veterinarian, veterinary hospital or clinic	1 per 200 sq. ft. of gross floor area
Wholesale establishment, Warehouse	Same as Manufacturing or Industrial establishment

8.05

Offstreet Truck Loading Space Requirements

Every building or structure or lot used for nonresidential purposes shall be provided with offstreet truck loading spaces in accordance with the following schedule:

<u>Square feet of floor area</u>	<u>Requirement: No. of Spaces</u>
Under 5,000 sq. feet	None
5,000 to 14,999 sq. ft.	1 Space
15,000 to 40,000 sq. ft.	2 Spaces
over 40,000 sq. ft.	1 space for each additional 40,000 sq. ft. over and above the requirement for the first 40,000 sq. ft.

8.06

Private Garage or Offstreet Parking Area in Residence Districts - Supplemental Regulations

8.06.1

Not more than two (2) parking spaces per dwelling unit may be rented to persons living off the premises in the case of single or two family dwelling use; nor more than one parking space per each two dwelling units may be rented to persons living off the premises in the case of any other residence use.

8.06.2

Not more than one commercial vehicle shall be housed or parked in a private garage or offstreet parking area. Such commercial vehicle shall not exceed a gross motor vehicle weight of 10,000 pounds or 25 feet in length.

8.07

Access Driveway Requirements

8.07.1

Parking garages, public parking areas, filling stations, and repair garages may have separate or combined entrances and exits.

8.07.2

Every separate entrance or exit driveway shall have a minimum unobstructed width of ten (10) feet. Every combined entrance and exit driveway shall have a minimum unobstructed width of twenty (20) feet. Parking areas with 20 spaces or more shall have at least two separate ten (10) foot driveways.

- 8.07.3 The intersection of an exit or combined exit and entrance driveway of a public parking area with the public street shall have the same corner clearance as prescribed for intersecting streets in Section 8.09. All other access driveways shall have a similar clearance except that the triangular area shall be determined by two points ten (10) feet from the intersection of the street line and the driveway side line.
- 8.08 Driveway Requirements for Offstreet Parking and Truck Loading Areas
- 8.08.1 All accessory offstreet parking and truck loading areas shall be located in accordance with the provisions of Section 7.01.
- 8.08.2 The physical improvements of offstreet parking and truck loading areas shall include:
- (a) Curbs, paving, sidewalks, and drainage facilities complying with the standards established in municipal ordinances, regulations, or specifications.
 - (b) Adequate lighting in public parking areas to assure the general safety and convenience of the public.
 - (c) Appropriate screening for the protection of adjacent properties, particularly along District boundary lines as provided in Section 7.05.
- 8.08.3 All aisles within parking areas shall have a minimum width of 24 feet when the parking spaces are at a 90 degree angle with the aisle; 18 feet when the parking spaces are at a 60 degree angle; and 12 feet when the parking spaces are at 45 degrees.
- 8.08.4 Aisles and turning areas shall have adequate radii to assure ease of mobility, ample clearance, and convenient access and egress.
- 8.08.5 Centerline gradients of aisles shall not exceed 8 per cent.
- 8.08.6 Accessory offstreet parking areas shall be marked off into parking spaces with a minimum width of nine (9) feet, and a minimum length of 18 feet; or, in the case of parking spaces for trucks or special equipment, parking spaces of a minimum size to be determined by the municipality based on the nature of the parked vehicle.
- 8.08.7 An accessory offstreet truck loading space shall have a minimum width of 12 feet, a minimum length of 25 feet, and a minimum clear height of 14 feet. The related aisle shall have the same minimum clear height.

8.09 Exceptions and Waivers

8.09.1 Existing buildings and uses are exempt:

The provisions of the Sections shall not apply to any building or structure or lot lawfully in use at the effective date, whether continued as a permitted use or as a non-conforming use, or thereafter converted or changed without enlargement to a different lawful use having the same parking and truck loading requirements.

8.09.2 Within an established Municipal Parking District, where the municipality has, as a matter of public policy, taken the responsibility for providing adequate offstreet parking facilities for all uses in the District, the offstreet parking space requirements stipulated in the sections shall be automatically waived.

8.08.3 The Board of Appeals, subject to the applicable provisions of Section 12.04.3(e) may waive the requirements, in whole or in part, for the offstreet parking or truck loading spaces stipulated in this section.

SECTION 9

SIGN REGULATIONS

9.00 Road Frontage setback must comply with local, county and state regulations.

9.01 Schedule of Permitted Signs

The following schedule of permitted signs shall apply according to the District in which the lot is located on the Zoning Map, whether such lot be used for a permitted use or for a special exception use.

Permitted Signs

Type of District	Professional & Announcement Signs	Identification Signs
Residence District	One (1) on each public street frontage, pursuant to Section 9.02	Prohibited
Business District	One (1) on each public street frontage pursuant to Section 9.02	One (1) wall sign and one (1) detached or ground sign on each public street frontage, pursuant to Section 9.03
Industrial District	One (1) on each public street frontage pursuant to Section 9.02	One (1) wall sign and one (1) detached or ground sign on public street frontage, pursuant to section 9.04

Type of District	Real Estate "For Sale" or "For Rent" Signs & Construction Signs	Temporary Signs
Residence District	One (1) on each public street frontage for single lots or buildings; two (2) subdivision signs on each public street frontage for each approved sub- division pursuant to Section 10.05.1	Pursuant to section 9.05.2
Business Districts	One (1) on each public street frontage for single lots or buildings pursuant to Section 10.05.1	Pursuant to section 9.05.2
Industrial Districts	One (1) on each public street frontage for single lots or buildings pursuant to Section 9.05.1	Pursuant to section 9.05.2

- 9.02 Professional Signs and Announcement Signs - Supplemental Regulations
- 9.02.1 A professional sign or an announcement sign for a home professional office or home occupation shall bear only the name and profession or occupation of the resident. Such sign shall have a maximum area of two (2) square feet and may be located on the building wall or in the required front yard, provided that it is set back at least 15 feet from all property lines and is not more than six (6) feet above the natural ground level at its location.
- 9.02.2 A church or other place of worship may have one (1) announcement sign, not over 12 square feet in area, on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least five (5) feet from the front property line and at least 25 feet from all other property lines.
- 9.02.3 A parish house, club, school, or public or semipublic building may have one (1) announcement sign, not over six (6) square feet in area, on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least five (5) feet from the front property line and at least 25 feet from all other property lines.
- 9.02.4 Such signs may be double - faced.
- 9.02.5 Such signs may be lighted only by shielded light sources attached to the sign.
- 9.03 Business District Identification Signs - Supplemental Regulations
- 9.03.1 A wall identification sign shall be attached to or incorporated in the building wall. Such sign shall have:
- (a) A maximum area of two (2) square feet for each horizontal foot of building wall on which it is mounted.
- (b) A maximum width of 75 per cent of the building wall's horizontal measurement, except that, where such horizontal measure is 20 feet or less, the maximum width may be 90 per cent of such measurement.
- (c) A maximum projection of 12 inches from the face of the building wall to which the sign is attached.
- 9.03.2 A detached or ground identification sign may be

erected where the building is set back from the street line a distance of 40 feet or more. Such sign shall have:

- (a) A maximum area of 40 square feet.
- (b) A maximum height measured from the ground level of 18 feet.
- (c) At least three (3) feet of clear space between the sign board and the ground, provided that necessary supports may extend through such clear space.
- (d) A setback of at least 20 feet from any property line, except that if the average front setback of existing buildings within the same block is less than 10 feet, then the average setback so established shall be applied to such sign.

9.03.3

Identification signs may be interior lighted with non-glaring lights, or may be illuminated by shielded floodlights; provided, however, that red and green lights shall be setback at least 75 feet from the point of intersection of the street lines at a street corner. and further provided that intermittent or flashing lights shall not be used on or in any sign. Moving or animated signs are prohibited.

9.04

Industrial District Identification Signs - Supplemental Regulations

9.04.1

A wall identification sign shall be attached to or incorporated in the building wall. Such sign shall have:

- (a) A maximum area of one (1) square feet for each horizontal foot of building wall on which it is mounted.
- (b) A maximum height measured from the ground level of 18 feet.
- (c) At least three (3) feet of clear space between the sign board and the ground, provided that necessary supports may extend through such clear space.
- (d) A setback of at least 20 feet from any property line, except that if the average front setback of existing buildings within the same block is less than 10 feet. then the average setback so established shall be applied to such sign.

- 9.04.2 Identification signs may be interior lighted with non-glaring lights, or may be illuminated by shielded floodlights; provided, however, that red and green lights shall be set back at least 75 feet from the point of intersection of the street lines at a street corner, and further provided that intermittent or flashing lights shall not be used on or in any sign. Moving or animated signs are prohibited.
- 9.05 Real Estate and Construction Signs
- 9.05.1 Real estate and construction signs shall be set back at least 15 feet. Such signs shall have a maximum area of eight (8) square feet, except that subdivision signs shall have a maximum area of 24 square feet, and shall not be illuminated.
- 9.05.2 Temporary directional signs indicating the location of a real estate subdivision shall be permitted as variances, under the provision Section 12.04.3 for a period of one (1) Month shall be the subject of applications to the Board of Appeals.
- 9.05 General Provisions
- 9.06.1 The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign altogether with the area of any background of a different color or material than the general finish of the building, whether painted or applied.
- 9.06.2 In no case shall lighted signs be so located that they constitute a hazard to vehicular traffic.
- 9.06.3 The outlining by direct illumination of all or part of a building such as a gable, roof, wall, side or corner is prohibited, except during the Christmas season.
- 9.06.4 Temporary or permanent signs resting on, or attached to, vehicles shall not be used as a means to circumvent the provisions of this Ordinance.
- 9.06.5 The provisions of this section shall not be deemed to include signs placed or erected by the municipality, Cattaraugus County or New York state for the purpose of showing street names, traffic directions or regulations or for other public purposes.
- 9.06.6 All signs must also comply with the provisions of the municipal sign licensing ordinance, if any.

SECTION 10

NONCONFORMING USES AND NONCONFORMING BUILDINGS
OR STRUCTURES

10.01 Application of Regulations

These provisions shall apply to all buildings or structures, and all uses of buildings or structures or lots lawfully existing prior to the effective date of this Local Law, or of subsequent amendments, revisions or re-enactments of such Local Law, which do not conform to the provisions of said original zoning Local Law, or to such revisions or re-enactments on their effective dates.

10.02 Unlawful Buildings, Structures, or Uses Not to be Construed as Nonconforming

10.03 No unlawful building or structure, or unlawful use of a building or structure or lot existing at the effective date shall be deemed to be a nonconforming building, structure, or use.

10.03.1 Continuance

Any lawful use occupying any building, structure, lot or land at the time of the effective date of this Local Law or any amendment thereto, which does not comply, after the effective date of this Local Law or any amendment thereto, with the use regulations of the District in which it is situated, may be continued in the building or structure or upon the lot or land so occupied, to the extent existing at the time it became nonconforming, except as provided in Section 10.04

10.03.2 A building or structure used by a NONCONFORMING USE shall not be reconstructed, structurally altered, restored or repaired to an extent exceeding 50 percent of the replacement cost of such building or structure, exclusive of foundations, unless the use of such building or structure is changed to a conforming use; provided that the reconstruction, restoration or repair of a structure partially destroyed by fire or similar accidental cause shall commence within six (6) months of the date of the partial destruction and be completed within twelve (12) months of the date of destruction.

10.03.3 A NONCONFORMING BUILDING OR STRUCTURE that is not devoted to a nonconforming use may be reconstructed, structurally altered, restored or repaired in whole or in part, and the provisions of Section 10.03.2 shall not apply, except that

the degree of nonconformity shall not be increased.

10.03.4 A NONCONFORMING LOT separately owned and not adjoining any lot or land in the same ownership at the effective date may be used, or a building or structure may be erected on such lot for use, in accordance with all the other applicable provisions provided that proof of such separate ownership is offered in the form of a title search.

10.03.5 An existing building designed and used for a conforming use but located on a nonconforming lot, whether the building is conforming or nonconforming with respect to lot coverage and minimum yard requirements, may be reconstructed, structurally altered, restored or repaired in whole or in part, except that the degree of nonconformity shall not be increased.

10.04 Extension

A nonconforming use shall not be enlarged or extended, except as provided in Section 12.04.3(b).

10.05 Change

10.05.1 A nonconforming use shall be changed only to a conforming use, except as provided in Section 12.04.2(b).

10.05.2 Nothing in this Local Law shall prevent the compliance of an existing multiple dwelling with the provisions of the Multiple Residence Law.

10.06 Abandonment

10.06.1 A nonconforming use shall be deemed to have been abandoned:

(a) When it is changed to a conforming use

(b) In cases where such nonconforming use is of a building or structure designed for such use, when it has been voluntarily discontinued for a period of 12 consecutive months

(c) In cases where such nonconforming use is of a building or structure not designed for such use, or is of a lot or land whereon there is no consequential building or structure devoted to such use, when it has been voluntarily discontinued for a period of six (6) consecutive months.

SECTION 11

SPECIAL EXCEPTION USES

11.01 Delegation of Authority

The Planning Board is hereby authorized to act on proposed special exception uses which are specifically provided for. Such action may include approval, conditional approval, or disapproval based on the standards set forth in this Section.

11.02 General Procedure and Conditions

- 11.02.1 The Planning Board shall adopt and file in the municipal clerk's office such Rules of Procedure as it may deem necessary to the proper exercise of its responsibilities with respect to special exception uses.
- 11.02.2 Prior to taking action on any special exception use, the Planning Board shall hold a public hearing after public notice as provided in the case of an application to the Board of Appeals, in Section 12.02. No action shall be taken respecting such matter until all interested parties shall have been given an opportunity to be heard.
- 11.02.3 All matters which are the subject of a mandatory referral or notice to other agencies, as set forth in the Enabling Statutes and in Section 239 I and m, Article 12-B of the General Municipal Law, by the Secretary of the Planning Board in accordance with the provisions of those Sections.
- 11.02.4 The Secretary of the Planning Board shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or is absent or failing to vote, indicating such fact. The Secretary shall also keep records of examinations and official actions, all of which shall be immediately filed in the office of the Planning Board and shall be a public record. Each decision of the Planning Board with respect to the approval of a special exception use shall be so stated and documented as to provide a definitive authorization to the Building Inspector for issuing a building permit or certificate of occupancy.
- 11.02.5 A site plan for any proposed special exception use in any District where authorized, shall be submitted to the Planning Board for approval prior to authorization by the Planning Board for the issuance of a building permit.

11.02.6 A special exception authorization by the Planning Board for the issuance of building permit shall expire within 90 days of such authorization in the event that such permit shall not be applied for within such 90 day period. Extension of such authorization may be granted by the Planning Board for additional 90 day periods.

11.02.7 A special exception use, for which a building permit is authorized by the Planning Board pursuant to the provisions of this Section, shall be construed to be a conforming use.

11.02.8 Any violation of limitations or special conditions and safeguards established by the Planning Board with respect to a specific authorization for a special exception use shall be deemed a violation, punishable under the provisions of Section 14.

11.02.9 The fee for special exception use applications to the Planning Board shall be twenty-five dollars (\$25.00).

11.03 General Standards

For every such special exception use the Planning Board shall determine that:

(a) Such use will be in harmony with and promote the general purposes and intent of this Local Law as stated in Section 2.

(b) The plot area is sufficient, appropriate, and adequate for the use and the reasonably anticipated operation and expansion thereof

(c) The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use Districts

(d) The site is particularly suitable for the location of such use in the community

(e) The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly

(f) The proposed use, particularly in the case of a non-nuisance industry, conforms with the Local Law definition of the special exception use where such definition exists, or with the generally accepted definition of such use where it does not exist in the Local Law

(g) Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and further that vehicular entrances and exists shall be clearly visible from the street and not within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances

(h) All proposed curb cuts have been approved by the street or highway agency which has jurisdiction

(i) There are offstreet parking and truck loading spaces at least in the number required by the provisions of section 8, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further that the layout of the spaces and driveways is convenient and conducive to safe operation

(j) Adequate buffer yards and screening are provided where necessary to protect adjacent properties and land uses

(k) Adequate provisions will be made for the collection and disposal of storm water runoff from the site, and of sanitary sewage, refuse, or other waste, whether liquid, solid, gaseous or of other character

(l) The proposed use recognizes and provides for the further specific conditions and safeguards required for particular uses in Section 11.04

11.04

Special Conditions and Safeguards for Certain Special Exception Uses

No authorization for a building permit shall be granted by the Planning Board for any use listed in this Section, unless the Board shall specifically find that, in addition to meeting all the general standards set forth in Section 11.03, the proposed special exception use also meets the special conditions and safeguards required in this Section.

11.04.1

AUDITORIUM, MEETING HALL

(a) No building or structure shall be built within 50 feet of any property line.

(b) Lot coverage shall not exceed 20 percent.

(c) The site boundaries shall be at least 200 feet distant along any bounding street from any Residence District boundary line.

11.04.2

AUTOMOBILE LAUNDRY

(a) The lot area shall be not less than 20,000 square feet, and shall have a minimum frontage of 150 feet along a major street or highway.

(b) No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site.

(c) Storage area for vehicles waiting for service shall be provided on-site and shall not occur on a public street or highway. Not more than five (5) motor vehicles shall be stored outdoors overnight.

(d) An automobile laundry shall not provide other than washing, waxing, simonizing, or similar treatment services

(e) Outdoor storage and display of accessories, portable signs, and outdoor repair work shall be prohibited at all times. Premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats, or other vehicles.

11 04.3

BUS PASSENGER SHELTER

(a) The shelter shall be so located that there is ample room to permit the bus to leave the, traveled roadway conveniently for picking up or discharging passengers.

(b) The only advertising display on such structure shall be one (1) sign not exceeding two (2) square feet in area.

11.04.4

COMMERCIAL RECREATION

(a) Commercial recreational uses shall be limited to those customarily considered to be outdoor sports, except those sports that are spectator oriented or that are similar to automobile or motorcycle racing.

(b) Supplementary accessory commercial uses designed to support the principal use of the land shall be oriented in the site plan and in appearance toward that principal use rather than to the road frontage and transient services.

(c) Public access to such use shall only be from a New York State Highway.

(d) One identification sign not exceeding 32 square feet in area, may be erected on each New York State Highway frontage; providing that it is set back at least 50 feet from the right-of-way and that it meets all the general standards and specifications applicable to identification signs in Section 9.

(e) All the activities of such recreation use shall be contained on the site and at a sufficient distance from the boundaries so as not to adversely influence the development of adjacent properties.

(f) The development plan for such site shall clearly demonstrate the intent to maintain the site's natural environment in its native condition and thus to conserve the appearance of countryside, and minimize the impact of parking areas and of cleared wooded areas.

(g) The site shall have a minimum area of 100 acres of which no more than 50 percent shall be devoted to use. The remaining 50 percent shall be maintained as a natural transition or buffer area.

11.04.5

EATING ESTABLISHMENT, DRIVE-IN, OPEN-FRONT OR CURB SERVICE

(a) Vehicular entrances and exits shall be controlled by curbing.

(b) There shall be adequate offstreet parking and loading space to serve the proposed use.

(c) There shall be adequate provision for disposal of trash and refuse left on the premises.

(d) There shall be either a suitable fence or landscape planting screen along side and rear lot lines.

11.04.6

FILLING STATION, REPAIR GARAGE

(a) The lot area shall be not less than 20,000 square feet, and shall have a minimum frontage along the principal street or highway of at least 150 feet.

(b) No church, school, library, playground, or similar place of public assembly shall be within 500 feet of the site.

(c) All pumps, and lubricating and other devices shall be located at least 25 feet from any building, structure, or street line.

(d) Entrance or exit driveways shall be located at least five (5) feet from any side or rear property line. Such driveways shall be so laid out as to avoid the necessity of any vehicle backing across any right-of-way.

(e) The area devoted to the outdoor storage of motor vehicles or parts thereof, or to purposes of dismantling, shall be located inside a building. Not more than five (5) motor vehicles shall be stored outdoors overnight.

(f) Outdoor storage of other than motor vehicles shall be prohibited at all times. Premises shall not be used for the sale, rent, or display of automobiles, trailers, mobile homes, boats or other vehicles.

11.04.7

HOTEL

(a) There shall be at least 1,000 square feet of lot area per guest room.

11.04.8

MEMBERSHIP CLUB, NON-PROFIT

(a) All buildings and structures shall be at least 50 feet from any property line.

(b) Lot coverage shall not exceed 20 percent.

11.04.9

MANUFACTURED HOME PARK, LICENSED

A proposed site development plan for the entire site, prepared by a licensed professional engineer, prepared by a licensed professional initial development shall cover at least two (2) acres, and subsequent additions shall be not less than two (2) acres each. The site development plan shall reflect the following minimum standards and features:

(a) The total number of manufactured home sites

in a manufactured home park shall not exceed the number of dwelling units that would have been permitted on the subject site in accordance with the district provisions applicable to the subject site prior to the adoption of the MHP Manufactured Home Park District.

(b) A street system with paved roadways having a minimum width of 20 feet, and with curbs or gutters, giving unobstructed access to all manufactured homes or house trailer spaces; and having at least two (2) access drives to and from the public street.

(c) Established manufactured home or trailer spaces shall not be less than 2,400 square feet, with a minimum width of not less than 40 feet. Individual spaces shall be clearly defined by permanent markers on each corner.

(d) Each manufactured home or trailer space shall have:

(1) a 40 foot wide driveway from the street with a 16 foot all-weather hard, paved surface

(2) a stabilized gravel manufactured home stand

(3) a four (4) inch thick concrete patio, 10 by 18 feet in area and a three (3) foot wide paved walk out to the internal street system

(4) an inconspicuous fuel storage shelter

(5) suitable weather proofed utility connections

(e) Separate off-street and off driveway parking facilities for automobiles and tow vehicles outside of the required yards at the rate of one (1) such space per each manufactured home or trailer.

(f) All manufactured homes and accessory structures shall be at least 30 feet apart.

(g) Manufactured homes or trailers shall be set back at least 25 feet from manufactured home court streets.

(h) On-site storm water drainage system, including provisions for well-drained mobile home spaces, interior private streets and other public areas, as well as consideration for natural water courses

(i) Sewage disposal and water supply system approved by the Cattaraugus County Health Department shall be provided at each manufactured home and trailer space. The individual sewer connections shall have a "p-trap"

(j) A fire protection system in accordance with standards of the National Fire Protection Association recommendations, and as required and approved by local Fire District Officials.

(k) A complete electrical system in conformance with municipal electrical code provisions and the New York State Board of Fire Underwriters, including underground service cable and outdoor lighting along all interior streets, entrances and exits, and in public open spaces, with at least one 100-watt lamp fixture with a shielded light source approximately 15 feet above the ground for each 100 feet of street length, and an equivalent level of lighting over public open spaces

(l) Garbage and trash collection points so located that no manufactured home is more than 100 feet from such a point, equipped with an adequate number of metal garbage cans with tight-fitting covers, and appropriately screened from view

(m) Centrally located public telephone, separate and adequate sanitary facilities for men and for women, and emergency public water supply, provided, however, that drinking water facilities shall not be placed in any toilet room or water closet compartment

(n) A laundry facility and an outdoor drying yard with suitable uprights to supply at least 50 square feet of drying space per manufactured home or trailer space. Such drying yards shall be conveniently located and suitably screened from view

(o) The location of other desired community facilities

(p) An equipped recreation facility with an area equivalent to the proportion of one (1) acre per 100 manufactured home or trailer spaces in the court, but having an area of not less than one-half (1/2) acre in any case.

(q) A walkway system of paved or stabilized gravel all-weather paths along interior streets and leading to public open spaces

(r) All accessory structures in a manufactured home park shall comply with the Building Code, this Local Law, and such other codes, ordinances and regulations as are applicable

11.04.10

MOTEL

(a) There shall be at least 2,500 square feet of lot area for each first floor guest room and an additional 1,000

Square feet of lot area for each guest room on other floors

11.04.11

NURSERY SCHOOL

- (a) The lot area shall be not less than one (1) acre
- (b) There shall be not more than one (1) pupil for every 1.500 square feet of lot area
- (c) All buildings, structures, and areas of organized activity such as play areas, swimming pools, etc., shall be not less than 75 feet from any property line
- (d) Off-street parking areas shall be not less than 50 feet from any property line
- (e) Only one (1) permanent family dwelling unit shall be located on the premises, and said dwelling unit shall comply with the provisions of this Local Law for the District in which the lot is located
- (f) Outdoor floodlighting or public address systems are prohibited
- (g) Only one (1) sign, not larger than 12 square feet in area, shall be permitted
- (h) Landscaping and fencing shall be provided as required by the Planning Board

11.04.12

NURSING HOME, REST HOME

- (a) The lot area shall be not less than one (1) acre, and shall have the minimum frontage of 150 feet along the principal bounding street
- (b) All buildings and structures shall be not less than fifty feet from any property line.
- (c) Lot coverage shall not exceed 50 per cent.

11.04.13

PARKING GARAGE, STORAGE GARAGE

- (a) there shall be adequate provision for access to the site
- (b) Vehicular entrances and exits shall be controlled by curbing
- (c) Facilities for servicing, repairs and outdoor storage of motor vehicles shall be prohibited

11.04.14

PHILANTHROPIC, FRATERNAL OR SOCIAL ORGANIZATION OFFICE OR MEETING ROOM

(a) All buildings and structures shall be not less than 50 feet from any property line.

(b) Lot coverage shall not exceed 20 per cent.

11.04.15

PLANNED RESIDENTIAL DEVELOPMENT

No authorization for a building permit or permits shall be granted unless the Planning Board shall specifically find that the proposed special exception for the PLANNED RESIDENTIAL DEVELOPMENT IS in keeping with the intent of this provision to provide for flexible planning of residential development while conserving the natural scenic environment and to implement the master plan as well as meeting the following special conditions and safeguards:

(a) An overall development plan shall be presented showing the use or uses proposed including dimensions indicating the areas set aside for each use, and the locations of all structures, parking spaces, and rights-of-way or driveways, and the provision for sewer and water service facilities.

(b) Residential dwelling units may be single family, two family or multiple dwelling structures, or alternately in mobile home structures, or alternately in mobile home structures where the Planning Board shall find them compatible with uses in the vicinity: provided that the total number of dwelling units shall not exceed that permitted by the applicable District regulations per gross acre; and further provided that the minimum yard provisions, and in the case of a multiple dwelling, the minimum spacing between buildings, shall be not less than those required:

(1) In an R-7.2 Residence District for one and two family dwellings

(2) In an MR Residence District for a multiple dwelling.

(c) Open space or common land resulting from the PLANNED RESIDENTIAL DEVELOPMENT design shall only be used for private or municipal recreation, including natural park land. Such land shall only be owned by a non-profit corporation, or shall be offered for dedication to the municipality or other public agency for the same uses; but in the case of a non-profit corporation, a pre-established offer of dedication shall be filed with the municipality for acceptance if the non-profit corporation were ever

discontinued or failed to maintain the private recreation use or natural park land

(d) The proposed PLANNED RESIDENTIAL DEVELOPMENT shall comply with all other applicable requirements of the municipality with respect to land development

11.04.16

PLANNED COMMERCIAL-INDUSTRIAL PARK

(a) The site area shall be not less than 50 acres

(b) Individual sites resulting from subdivision or from leasing arrangements may average 80,000 square feet each provided that no site of less than 80,000 square feet may be located within 400 feet of the park's boundary and further that no site shall be less than 20,000 square feet

(c) If the proposed park is not subject to the subdivision regulation as a result of common ownership, it shall be approved in a similar manner by the Planning Board and meet the same standards for design and public improvements

11.04.17

PRIVATE SWIMMING POOL

(a) The proposed facility shall be approved specifically with respect to the availability of water supply and the adequacy of waste water disposal, as the effect both the subject lot and the surrounding land uses

(b) The entire portion of the premises upon which such pool is located shall be entirely enclosed with a good quality chain link wire fence, or equally sturdy fence of not less than four (4) feet in height

(c) Every gate or other opening in the fence enclosing such pool shall be kept securely closed and locked at all times when said pool is not in use

(d) Such pool shall be not less than 10 feet from side and rear lot lines; and on lots with a width of 50 feet or less, the pool shall be located midway between the side lot lines

11.04.18

PROFESSIONAL OFFICE, MEDICAL ARTS BUILDING

(a) The lot shall have frontage on a major street or highway

(b) Access to off-street parking areas shall be so designed that traffic to the site will not be encouraged to travel through the minor street system

(c) Off-street parking areas shall be set back five (5) feet from all property lines shared with adjacent lots in any Residence District; further, a five (5) foot stockade-type fence, or equivalent approved screening shall be located along such property lines

11.04.19

RECREATION FACILITY, OUTDOOR

(a) The site shall be located on either a State or County Highway

(b) The site shall have adequate land area for traffic planning. The driveways and entrances and exits shall be approved by the District Engineer of the State Department of Transportation or by the County Highway Engineer, depending on whose jurisdiction the abutting highway or highways is located in

(c) All driveways, parking areas and structures shall be located at least 100 feet from any Residence District boundary

(d) All driveways, parking areas and structures shall be landscaped in a manner which will make them compatible with surrounding land uses, existing or future

11.04.20

SEASONAL COTTAGE, CABIN, CAMPING GROUND

(a) The lot area shall be at least ten (10) acres for each cottage or cabin, and a minimum of ten (10) acres for the first campsite with three (3) acres required for each additional campsite

(b) No cottage, cabin or campsite shall be closer than 200 feet to any lot line

11.04.21

TRUCK TERMINAL AND/OR TRANSFER STATION

(a) The lot area shall be not less than 20,000 square feet and have a minimum frontage along a State or County Highway of at least 150 feet

(b) No church, school, library, playground or similar place of public assembly shall be within 500 feet of the site

(c) All entrance and exit driveways shall be approved by the District Engineer of the State Department of Transportation or by the County Highway Engineer depending on whose jurisdiction the highway is located in

(d) All fuel pumps, lubricating and other devices shall be located at least 25 feet from any building, structure, or street line

(e) No repair work shall be performed outdoors

(f) All fuel, oil, gasoline or similar substances shall be stored underground and at least ten (10) feet from any and all lot lines, and installed and maintained in accordance with the standards of the National Board of Fire Underwriters.

(g) All dismantled automobiles, trucks, tractors, trailers and similar equipment, and parts and accessories thereof shall be stored within a building

(h) All parking areas for operating vehicles shall be paved, curbed and drained in accordance with municipal specifications. Such areas shall be at least 50 feet from any Residence District boundary and at least ten (10) feet from any property line. No vehicle shall park or stand outside such paved parking area

(i) Screening shall include planting of evergreen bushes or trees in addition to fence so that truck motor noises and the sound of overnight operation of refrigeration units will tend to be muffled

11.04.22

STORAGE OF FUEL OR OTHER LIQUIDS IN TANKS

(a) Any such installation of flammable liquids or gas shall be in conformance with the applicable recommendations of the National Board of Fire Underwriters

(b) The recommendations of the local fire chief having jurisdiction shall also be considered prior to approval of such a use

(c) All such uses shall be located on sites large enough to contain the impact of any potential accident that might result from their existence without damage to adjacent properties

11.04.23

VETERINARIAN, VETERINARY HOSPITAL

(a) Adjacent properties shall be adequately protected from noise, odors and unsightly appearance

(b) All building, structures, and accessory use areas except off-street parking, shall be at least 50 feet from any property line

11.04.24 TELECOMMUNICATION FACILITY

(A) A Telecommunication Facility is any commercial equipment used in connection with the provision of wireless communication services, including cellular telephone services, radio and television broadcast services and private radio communications services, which are regulated by the Federal Communications Commission both in accordance with the Telecommunications Act of 1996 and other federal laws. A Telecommunication Facility shall include antenna(s), principal and accessory telecommunication equipment and supporting masts, monopoles and structures, buildings and appurtenances servicing same.

(B) A Telecommunication Facility is permitted in any district only if specifically permitted by a Special Use Permit granted by the Planning Board pursuant to Section 12.01 of this law.

(C) No Special Use Permit or modification of the conditions of a current Special Use Permit relating to a Telecommunication Facility shall be authorized by the Planning Board unless it finds that such Telecommunication Facility:

1. is necessary to meet current or expected demands for the services supported by the Telecommunication Facility for that applicant's network;
2. conforms with all applicable regulations promulgated by the Federal Communications Commission;
3. is designed and constructed in a manner which minimizes its visual impact to the extent practical;
4. complies with all other requirements of this law.
5. is an appropriate site within the technically feasible area for the location of the Telecommunication Facility.

(D) 1. The shared use of existing Telecommunication Facilities or other structures shall be preferred to the construction of new such facilities. Any application for a Special Use Permit or modification of the conditions of a current Special Use Permit shall include proof that reasonable efforts have been made to co-locate with an existing Telecommunications Facility or upon an existing structure.

(F) Any application for a Special Use Permit or modification of the conditions of a current Special Use Permit relating to a Telecommunication Facility shall include:

1. A safety analysis of the electromagnetic environment surrounding the proposed site. The safety analysis shall be prepared by a qualified electromagnetic engineering specialist or health professional qualified to produce such analysis. The safety analysis must demonstrate that the general public electromagnetic radiation exposure does not exceed the standards set by Federal Regulations;

2. A completed Visual Environmental Assessment Form (Visual EAF) and a landscape plan, with particular attention given to the visibility of the facility from key viewpoints identified in the Visual EAF, existing tree lines and proposed elevations.

The Planning Board, upon its review, may request additional visual and aesthetic information as it deems appropriate on a case by case basis. Such additional information may include, among other things, line-of-sight drawings, and/or visual simulations recommended by the Planning Board.

3. A report, prepared by a New York State licensed professional engineer, which; in the case of a tower describes its height and design, including a cross section of the structure; demonstrates the tower's compliance with applicable structural standards; and describes the tower's capacity, including the number and type of antennas it can accommodate. In the case of an antenna(s) mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna, and proposed method of affixing the antenna(s) to the structure. Complete details of all fixtures and couplings, and the point of attachment shall be indicated on a design plan.

4. An agreement by the applicant, in writing, to remove the towers, etc. antenna(s) and accessory structures if such facility becomes technically obsolete or ceases to be used for its originally intended purpose for six (6) consecutive months, as determined by the Code Enforcement Officer's written determination.

5. The applicant at the time of obtaining a Building Permit must provide a financial security bond for the removal of the Telecommunication Facility with the Town as Assignee, in the amount of fifty thousand dollars (\$50,000.00).

2. All new applicants shall permit and allow the co-location of two other Telecommunication Services on their Facility.

3. The applicant must demonstrate that the proposed Telecommunication Facility cannot be accommodated on all existing sites due to one (1) or more of the following reasons:

(a) the planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structure, considering existing and planned use for those facilities;

(b) the placed equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonable prevented;

(c) existing or approved telecommunication facilities or other structures do not have space on which proposed equipment can be places so it can function effectively and reasonably.

(E) Each proposed Telecommunication Facility shall meet the following design requirements:

1. The Facility shall not be located within 500 feet, or the height of the Facility plus 50 feet, whichever is greater, of a building or public highway.

2. The Facility shall have the least possible practical visual effect on the environment and must be constructed in a neutral color and be designed to blend in with the surrounding landscape and uses.

3. Each Facility will have No Trespassing/High Voltage signs posted conspicuously on the site.

4. There shall be no permanent climbing pegs within thirty (30) feet of the ground on any tower.

5. There shall be a 6 foot chain link fence topped with barb wire installed around the Facility. The Facility and the fence shall be bonded and grounded so as to be electronically and continuously grounded.

6. There shall be posted signs with every Telecommunication Company who uses the Facility, the Telecommunication Company's name, address and telephone number.

6. Applicant must submit a letter of intent stating the applicant intends to lease excess space on the Facility to other potential users at reasonable rental rates and on reasonable terms. The Planning Board may modify this condition if the Facility is attached to an existing structure.

7. All Applications for Special Use Permits must be accompanied with an administrative fee in the amount of two thousand five hundred dollars (\$2,500.00) to offset the cost of processing the request.

(G) All Telecommunication Facilities in the Town of Perrysburg shall fulfill the requirements of this Section. The Town Code Enforcement Officer is empowered to enforce these regulations:

1. The Facility shall be inspected at least every fifth year for structural integrity by a New York State licensed professional engineer, retained by the Facility owner and/or operator(s), and a copy of the inspection report shall be submitted to the Town Code Enforcement Officer within fifteen (15) days of completion.

2. Any work to augment or repair the Facility shall comply with all applicable code requirements and a building permit shall be obtained to conduct such work when required by the Code.

3. The Facility will be lighted by obstruction lights according to FAA standards, but will not employ strobe lights after sunset.

4. Any additional antennas, reception or transmission dishes, or other similar receiving or transmitting devices proposed for attachment to an existing Facility shall require a Special Use Permit in accordance with this Section. The intent of this requirement is to ensure the structural integrity, visual aesthetics, and land use compatibility of communication towers upon which additional antennas, communication towers upon which additional antennas, communication dishes, etc., are to be installed. The application for approval to install additional antennas, dishes, or similar receiving devices shall include certification from a New York State

licensed professional engineer, retained by the facility owner and/or operator(s), indicating that the additional device or devices installed will not adversely affect the structural integrity of the Facility. A visual impact analysis shall be included as part of the application for approval to install one (1) or more additional communications devices to an existing Facility.

5. The use of any portion of a Facility for signs or advertising purposes, including company name, banners, streamers, etc., is prohibited.

6. No outside storage of vehicles, materials or waste shall be allowed, except for limited periods when the Facility is undergoing additions, repair or renovation.

7. The Facility shall be maintained in good order and repair at all time according to Federal, State and Town requirements.

SECTION 12

BOARD OF APPEALS

12.01 Organization and General Procedure

- 12.01.1 There shall be a Board of Appeals. Said Board shall consist of five (5) members. The method of appointment, terms of office, and tenure of its members shall be as prescribed by law.
- 12.01.2 The Board shall have all the powers and duties prescribed by law and by this Local Law.
- 12.01.3 The Board shall appoint a Secretary and shall prescribe rules for the conduct of its affairs.
- 12.01.4 All meetings of the Board of Appeals shall be open to the public. A quorum shall consist of three (3) members.
- 12.01.5 Every decision by the Board shall be by resolution, and shall contain a full record of the findings of the Board in the particular case.

12.02 Application and Public Hearing Procedure

- 12.02.1 Applications for any action by the Board of Appeals shall be submitted in the form required by the Board and filed in the municipal office.
- 12.02.2 The Board shall fix a time and place for a public hearing thereon, and shall provide for the giving of notice at least ten (10) days prior to the date thereof, as follows:
- (a) By publishing a notice in the official newspaper
- (b) By requiring the applicant to erect a white-with-black-lettering sign or signs measuring not less than two (2) feet long and one (1) foot wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that the application for an approval is pending, and the date, time and place where the public hearing will be held. The sign shall not be set back more than ten (10) feet from the property or street line and shall be not less than two (2) and not more than six (6) feet above the grade at the property line. The sign shall be made of durable material and shall be furnished by the municipal clerk. It shall be displayed for a period of not less than ten (10) days immediately preceding the public hearing date or any adjournment date. The applicant shall file an affidavit that he has complied with the provisions of this

section.

(c) If the land involved in an application is within 500 feet of the boundary of any other municipality, notice of the public hearing shall also be mailed to the municipal clerk of such other municipality.

12.02.3

Notice of the public hearing and a description of the applicant's proposal shall be mailed to the Cattaraugus County Planning Board. in any case where the land involved in an application is within 500 feet of:

(a) The boundary of any other municipality

(b) Any State or County park or other recreational area

(c) The right-of-way of any Federal, state, or County parkway, thruway, expressway or other controlled access highway

(d) The right-of-way of any stream or drainage channel owned by the County or for which the County has established channel lines

(e) The boundary of any state or County owned land on which a public building or institution is situated

12.02.4

No action shall be taken on applications referred to the Cattaraugus County Planning Board until the Department's recommendation has been received, or 30 days have elapsed after the Department received the full statement on the applicant's proposal.

12.02.5

A record shall be established of all variances granted pursuant to action of the Board of Appeals under this Local Law. Each case shall be identified by a sequential numbering system and alphabetically by applicant's name. Said files shall be available for public inspection.

12.02.6

The Board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and official actions, all of which shall be filed in the Municipal Clerk's office and shall be a public record.

12.02.7 Building permits authorized by Board of Appeals' actions on variance cases shall be obtained within 90 days and shall automatically expire if construction under the permit is not started within one (1) year. Extensions of these periods may be granted by the Board of Appeals where good cause is shown.

12.02.8 The fee for variance applications to the Board of Appeals shall be twenty-five dollars (\$25.00).

12.03 Appeals on Interpretation of the Zoning Law and Map

12.03.1 The Board of Appeals shall, upon appeal, hear and decide:

(a) Any matter where the applicant alleges that the Building Inspector was in error in refusing to issue a building permit or certificate of occupancy, as a result of misinterpreting the meaning, intent or application of any section or part of this Local Law

(b) Any matter where the applicant alleges that the Building Inspector was in error in his determination as to the exact location of a District boundary line on the Zoning Map that forms a part of this Local Law

(c) Any matter which the Building Inspector appeals on grounds of doubt as to the meaning or intent of any provision of this Ordinance or as to the location of a District boundary line on the Zoning Map

12.04 Variances

The Board of Appeals shall have the power in passing on appeals where, as a result of exceptional physical conditions connected with a particular site, there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Local Law that would deprive the owner of the reasonable use of the land or building involved, to vary or modify the application of the regulations or provisions of this Local Law.

12.04.1 Guiding Principles:

(a) Every decision by the Board of Appeals granting a variance shall clearly set forth the nature and extent of such variance

(b) Every variance Granted by the Board of Appeals may be made subject to such additional conditions and safeguards as the Board shall deem to be applicable to the particular case. Violations of such conditions or safeguards that are a part of the Board's decision shall be deemed a violation of this Local Law punishable under the provisions of Section 14

(c) Any variance granted by the Board of Appeals pursuant to the provisions of this Section shall be construed to be a nonconforming use

12.04.2

General Standards:

For every such variance in the strict application of any provision of this Local Law, the Board of Appeals shall determine that:

(a) Strict application would cause practical difficulties or unnecessary hardships, which under the circumstances, would deprive the applicant of the reasonable use of such land or buildings

(b) Such practical difficulties or unnecessary hardships are unique and are not shared by all properties in the vicinity

(c) Such practical difficulties or unnecessary hardships are not self-imposed

(d) Such variance is the minimum variance that will relieve such practical difficulties or unnecessary hardships

(e) Such variance is in the spirit of the General purposes and intent as stated in Section 2

(f) Such variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood or District, the conservation of property values in the vicinity, and the Guidance of building development in accordance with the comprehensive plan

(g) Such variance does not involve substantial detriment to the public welfare, nor substantially impair the intent and purpose of the zone plan and of this Local Law

Specific Types of Variances

In the instances of the following types of variances, the Board of Appeals is hereby specifically empowered to grant the variance pursuant to the Guiding Principles and General Standards stated in section 12.04.1 and 12.04.2 and to the following provisions:

(a) With respect to lots lying across District boundary lines:

(1) To grant a permit, in appropriate cases, where the lot of the applicant, as such lot existed on the effective date, lies across the boundary of two Districts, for the extension into the more restrictive District of a lawful conforming use permitted in the less restrictive District,

but for a distance not exceeding 50 feet measured at right angles to such District boundary line.

With respect to nonconforming uses, buildings and lots:

(1) To grant a permit for the enlargement or extension of a nonconforming use or building on the lot occupied by such use or building on the effective date. provided that:

(i) such enlargement or extension was arranged, intended or designed for such nonconforming use or building on the effective date

(ii) such enlargement or extension shall not exceed in all 50 percent of the replacement cost of the existing building on the effective date exclusive of foundations

(iii) all parking and truck loading requirements of Section 8 are complied with

(2) To grant a permit for the reconstruction. structural alteration, restoration or repair of a building or structure used for a nonconforming use, to an extent exceeding in aggregate 50 percent of the replacement cost of such building or structure. exclusive of foundations

(3) To grant a certificate of occupancy for a change in a nonconforming use, provided that:

(i) the Board of Appeals shall have made a determination that such change will be beneficial to the general neighborhood

(ii) such change be made subject to such reasonable conditions and safeguards as the Board of Appeals may stipulate

(c) With respect to yard requirements:

(1) (1) To grant a variance modifying the yard requirements of a nonconforming lot which qualifies under the terms of section 10.03.4 as to ownership, but where compliance with the dimensional provisions is feasible

(d) With respect to fences:

(1) To grant a permit, in appropriate cases. for a higher fence or wall than the maximum heights stipulated in section 7.08

(e) With respect to accessory parking and truck loading spaces:

(1) To waive the requirements of sections 8.03, 8.04,

and 8.05 for offstreet parking and truck loading spaces. in whole or in part, in a case where the municipality owns or operates a public parking and/or truck loading area within 500 feet of the lot, and where the Board of Appeals determines that there is no need for additional facilities

(2) To waive the requirements of sections 8.03, 8.04, and 8.05 for offstreet parking and/or truck loading spaces, in whole or in part. after making a finding that the normal application of such requirements is infeasible, because:

(i) the lot has too restricted an area, unusual dimensions, shape or topographic character

(ii) no other suitable and adequate lot can reasonably be put to such use within 500 feet of the property to which said parking and/or truck loading spaces are accessory

(3) To permit a reduction in the number of off-street parking spaces and/or truck loading spaces originally required and installed for a particular use pursuant to sections 8.03, 8.04, and 8.05 in cases where the Board of Appeals determines that, by reason of diminution in number of dwelling units or residents, or in floor area, seating capacity or area, number of employees, or change in other factors determining the demand for such spaces, the proposed reduction in available spaces will be consistent with the requirements of Sections 8.03, 8.04, and 8.05, and further provided that the area so withdrawn from these uses remain in preserve for potential future increase in need.

With respect to temporary building permits:

(1) To grant a temporary building permit for a period not to exceed one (1) year for a nonconforming building, structure or use incidental to building or other construction project, including such uses as the storage of building supplies and machinery, a real estate office or model houses located on or neat a tract of land where individual properties are being offered for sale, provided that:

(i) such temporary permit shall be issued only upon written agreement by the owner or his agent to remove such building, structure or use or to convert it to a conforming use upon expiration of the permit

(ii) such permit shall be subject to such reasonable conditions as the said Board of Appeals shall determine to be necessary to protect the public health, safety, morals or general welfare

(2) Such permit may be renewed annually. at the direction of

the Board of Appeals, for not more than two (2) additional Years

(g) With respect to a temporary residence in a building basement, or a garage or other non residential accessory space approved by the Cattaraugus County Board for in Section 7.01.1(i), to grant an extension of not more than one (1) year for such temporary residence.

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SECTION 13

ADMINISTRATION AND ENFORCEMENT

13.01 Interpretation

In applying and interpreting this Local Law, its provisions shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience, or the general welfare. The following specific regulations shall apply:

13.01.1 A minimum required lot or yard for one building or structure shall not be used in whole or in part as any part of a required lot or yard for a second structure.

13.01.2 The required lot or yard for an existing building or structure shall not be diminished below the minimum requirements.

13.01.3 The parking spaces required for one building or structure shall not be included in the computation of required parking spaces for a second building or structure or use.

13.01.4 All surveys required by the Building Inspector shall be caused by the owner and at the owner's expense.

13.02 Relation of Zoning Law to Other Provisions of Law and to Private Covenants and Agreements

13.02.1 Nothing contained in this Ordinance shall be taken to repeal, abrogate, annul or in any way impair or interfere with the Building Code or any rules or regulations adopted or issued there under, or any other provisions of law or ordinance or regulations, existing or as may be adopted in the future, when not in conflict with any of the provisions of this Local Law. Nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties: provided however, that when this Local Law imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures. or requires larger lots. yards, courts or other open spaces than imposed or required by such other provision of law, ordinance or regulation, or by such easements, covenants or agreements, the provisions of this Local Law shall control.

13.02.2 Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this Local Law, the provisions of such other law or ordinance or regulations shall control.

13.02.3 No provision contained shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down on any subdivision plat filed in the office of the County Clerk or within any Federal, state, County or municipal street or highway.

13.03 Enforcement

13.03.1 It shall be the duty of the Building Inspector to administer and enforce the provisions of this Local Law.

13.03.2 Should said Building Inspector be in doubt as to the meaning or intent of any provision, or as to the location of any District boundary line on the Zoning Map. or as to the propriety of issuing a Building Permit or a Certificate of Occupancy in a particular case related to the provisions of this Local Law, he shall appeal the matter to the Board of Appeals for interpretation and decision.

13.03.3 The Building Inspector shall adopt rules of procedure, consistent with this Local Law, for the purpose of assuring efficient and uniform administration of its provisions.

13.03.4 If the Building Inspector should mistakenly issue a building permit which violates the provisions of this Local Law, that building permit shall be invalid.

13.04 Building Permits - General Procedure

13.04.1 All procedure with respect to applications for and issuance of building permits shall be in conformity with the provisions of the Building Code. All such applications shall be accompanied by such other information as may be necessary to determine and provide for the enforcement of this Local Law.

13.04.2 No building permit shall be issued for the erection, Construction, reconstruction, structural alteration, Restoration, repair, or moving of any building or structure or part thereof, unless the plans and intended use indicate that such building or structure is designed and intended to conform in all respects to the provisions of this Local Law. In addition, no such permit shall be issued unless the proposed building or structure conforms with all pertinent health laws including the Cattaraugus County Public Health Regulations.

13.04.3 Where a lot is formed from part of an existing lot, whether already improved or not, the separation just be effected in such a manner that neither of the lots, nor any existing or proposed improvements thereon, contravene the provisions or intent of this Local Law.

13.04.4 After completion of footing and establishing of the forms on the first course of the foundation walls, or equivalent structure, the owner shall notify the Building Inspector. If required by the Building Inspector, the owner shall cause a survey to be made by a licensed land surveyor, showing the true location of such foundation walls with respect to the lot lines of the lot, and a CODY of such survey shall be filed with the Building Inspector before construction is continued.

13.05 Building Permits - Site Plan Procedure and Standards

13.05.1 The following site plan provisions are intended to secure compliance with the requirements and standards set forth here and with accepted professional design practice for such site improvements as grading, drainage, sidewalks, curbs, parking, landscaping, fences and driveways.

13.05.2 Building permit applications for any building or structure or use, other than a single or two family dwelling or their accessory buildings or structures, shall include three (3) copies of a site plan drawn to scale and showing the following things:

- (a) Property lines and related street right-of-way and easement lines as determined by a licensed land surveyor
- (b) Location of existing and/or proposed buildings and structures
- (c) Layout of existing and proposed offstreet parking areas showing the details of aisles, driveways and each parking space
- (d) Existing topography of the site and immediately adjacent property. as revealed by contours or key elevations as may be required by the municipality, and any proposed regrading of the site
- (e) Existing and proposed stormwater drainage facilities, sidewalks, curbs and curb cuts and similar structures
- (f) Existing and proposed street trees, landscaping and fences
- (g) Existing and proposed outdoor lightng and sign locations

- 13.05.3 Requirements for improvements shown on the site plan shall be those set forth in this Local Law and in other ordinances, rules and regulations, or in construction specifications of the municipality.
- 13.05.4 The Building Inspector shall forward one copy each of the site plan to the Chairman of the Planning Board and to the Municipal Engineer, if there be one, for their recommendations before issuance of a building permit.
- 13.05.5 In the case of special exception use or variance applications, the site plan shall be the subject of a preliminary review in accordance with the above procedure, before action is taken by the planning Board or Board of Appeals, respectively.
- 13.05.6 Building permits for special exception uses or variances shall be in accordance with the conditions established by the planning board or Board of Appeals, respectively.
- 13.05.7 When an applicant for such a building permit for a special exception use Questions the interpretation of the site plan requirements, he may appeal the decision to the Board of Appeals
- 13.06 Completion of Buildings for which Permits Have Been Issued
- 13.06.1 Nothing in this Local Law shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the effective date or any amendment thereto affecting such building or structure, or the use thereof, provided that:
- (a) The construction of such building or structure shall have been begun and diligently prosecuted within three (3) months for the date of such permit
- (b) The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within one (1) year from the effective date of this Local Law or any such amendment thereto
- 13.06.2 In the event that either condition (a) or (b) of Section 12 .6.1 is not complied with, such building permit shall be revoked by the Building Inspector.

13.07 Certificates of Occupancy

13.07.1 It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land, or part thereof, hereafter erected or altered, enlarged or moved, or put into use, in whole or in part, after the effective date, or of any building or structure, premises, lot or land, or part thereof of which the use is changed until a certificate of occupancy has been obtained by the owner, as provided for under the Building Code.

13.07.2 No certificate of occupancy shall be issued for any building, structure, premises, lot or land unless the erection, construction, reconstruction, structural alteration, restoration, repair, or moving of such building or structure or part thereof and the intended use thereof are in conformity in all respects with the provisions of this Local Law. Where the approval of the Cattaraugus County Department of Health is required, no certificate of occupancy shall be issued until such approval has been granted in writing.

13.07.3 The Building Inspector shall obtain a written order from the planning Board before issuing a certificate of occupancy in a case involving a special exception use pursuant to Section 11: and shall obtain a written order from the Board of Appeals before issuing a certificate of occupancy involving a variance pursuant to Section 12.04.

13.08 Fees

13.08.1 Fees for building permit applications, and for issuance of building permits and certificates of occupancy shall be as provided in the ordinance establishing the Building Code.

SECTION 14

VIOLATIONS AND PENALTIES

- 14.01 Procedure with Respect to Violations
- 14.01.01 Where a violation of this Local Law is determined to exist, the Building Inspector shall serve notice by certified mail, return receipt requested, on the owner, agent or contractor of the building, structure, or lot where such violation has been committed or shall exist, and on the lessee or tenant of the part of or of the entire building, structure, or lot where such violation has been committed or shall exist; and on the agent, architect, contractor or any other such person who takes part or assists in such violation, or who maintains any building, structure, or lot in which any such violation shall exist.
- 14.01.2 Such notice shall require the removal of the violation within ten (10) days after service of the notice.
- 14.01.3 In cases where the removal of the violation within ten (10) days would be manifestly impossible, the Building Inspector shall apply to the governing body of the municipality for a determination as to a reasonable period of time within which such violation shall be removed.
- 14.01.4 If those persons notified shall fail to remove violation within the allotted time period. the Building Inspector shall charge them with such violation before the appropriate court of law.
- 14.02 Penalties
- 14.02.1 Persons found guilty of such violation shall be subject to a fine not exceeding fifty dollars (\$50) or to imprisonment for not more than 60 days, or both, for each violation. Each and every week such violation continues after the allotted period of time for its removal, shall be deemed a separate and distinct violation.
- 14.02.2 In addition to other remedies provided by law, any appropriate action or proceeding whether by legal process or otherwise, may be instituted or taken to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure, or lot, illegal act, conduct, business or such premises.

SECTION 15

PROCEDURE FOR AMENDMENT

- 15.01 The municipal legislative body may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement repeal the regulations and provisions of this Law, including the Zoning Map, after public notice and hearing, in accordance with state Law.
- 15.02 Petitions for amendments shall be submitted in quadruplicate to the municipal clerk with an application fee of 575.00.
- 15.03 Any petition for a change in the Zoning Map shall include the following:
- (a) The name of the property owner
 - (b) A map accurately drawn to an appropriate scale showing the proposed zone district boundary changes, property lines, the calculated area affected in acres or square feet, the street rights-of-way in the immediate vicinity, and the lands and names of owners immediately adjacent to and extending within 200 feet of the boundaries of the property to be rezoned.
 - (c) A metes and bounds description of the proposed amendment.
- 15.04 The municipal legislative body, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given.
- 15.05 Every such proposed amendment or change, whether initiated by the municipal legislative body or petition, shall be referred to the Planning Board for report before the public hearing is held thereon.
- 15.06 Proposed amendments that must be referred to the Cattaraugus County Planning Board under the provisions of Section 239m of Article 12-E of General Municipal Law shall be transmitted as soon as possible and in any case prior to the public hearing.
- 15.07 The municipal legislative body may require a petitioner to give additional forms of public notice to adjacent property owners.

15.08 The municipal legislative body shall reserve decision on all zoning amendments or changes that must be referred to the Cattaraugus County Planning Board until its report has been presented, provided that such report is presented within a period of 30 days after the Cattaraugus County Planning Board receives such referral.

15.09 Upon adoption of a change in the Zoning Map pursuant to a petition, the petitioner shall cause a monument to be placed at one (1) location on the property's street frontage, and shall also file with the Municipal Clerk and the Building Inspector, copies of an accurate survey description and drawing of the area affected by such amendment.

SECTION 16

VALIDITY

- 16.01 If any section of subsection, paragraph, clause, phrase or provision of this Local Law, or the location of any District boundary shown on the Zoning Map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Local Law or Zoning Map as a whole or in any part or provision hereof other than the part so adjudged to be invalid or unconstitutional.

SECTION 17

PUBLICATION

- 17.01 The town clerk within two weeks of the adoption of this Local Law shall cause the following notice to be published once in the official newspaper of the town.

Legal Notice

The Town of Perrysburg has just passed a comprehensive zoning law entitled: A LOCAL LAW TO REGULATE AND RESTRICT THE LOCATION, SIZE AND USE OF BUILDINGS AND OTHER STRUCTURES AND THE USE OF LAND IN THE TOWN OF PERRYSBURG TO BE KNOWN AS THE PERRYSBURG ZONING LAW.

This law divides the town into various use areas. Certain uses are prohibited in certain areas. Permits are also required for certain uses.

A copy of the new law can be seen at the town clerk's office.

Town Clerk Town of Perrysburg

SECTION 18

EFFECTIVE DATE

- 18.01 This Local Law shall take effect seven days after it is filed with the Secretary of State.