

**ZONING ORDINANCE III OF THE TOWN OF ALLEGANY, NEW YORK
TABLE OF CONTENTS**

ARTICLE I. GENERAL PROVISIONS

Section 1.01 Enacting Clause 1-1
 Section 1.02 Short Title 1-1
 Section 1.03 Effective Date 1-1
 Section 1.04 Severability 1-1
 Section 1.05 Intent and Purpose 1-1
 Section 1.06 Interpretation 1-3
 Section 1.07 Application of Regulations 1-4
 Section 1.08 Fees 1-4
 Section 1.09 Incentive Zoning 1-5

ARTICLE II. RULES AND DEFINITIONS

Section 2.01 Rules 2-1
 Section 2.02 Definitions of Terms 2-2

ARTICLE III. ESTABLISHMENT OF DISTRICTS AND ZONING MAP

Section 3.01 Establishment of Zoning Districts 3-1
 Section 3.02 Zoning Map 3-1
 Section 3.03 District Boundaries 3-1
 Section 3.04 Lots Located in More Than One Zoning District 3-2
 Section 3.05 More than one Principal Use per Lot 3-2

ARTICLE IV. DISTRICT REGULATIONS

Section 4.01 District Use Regulations 4-1
 Section 4.02 Permitted Uses and Special Permitted Uses 4-1
 District Use Regulations - Schedule A 4-2
 Section 4.03 Dimensional Regulations 4-8
 Dimensional Regulations - Schedule B 4-9
 Section 4.04 Single-Family Residential District (R-1) 4-10
 Section 4.05 Agricultural-Forestry District (A-F) 4-11
 Section 4.06 Local Commercial District (C-1) 4-11
 Section 4.07 Highway Commercial District (C-2) 4-12
 Section 4.08 Light Industrial District (I-1) 4-13
 Section 4.09 Heavy Industrial District (I-2) 4-14
 Section 4.10 Community Facilities District (C-F) 4-15
 Section 4.11 Planned Development District (P-D) 4-16
 Section 4.12 Floodplain Overlay District (F-O) 4-21
 Section 4.13 Route 417 East Corridor Overlay District (CO-1) 4-22
 Section 4.14 Route 417 West Corridor Overlay District (CO-2) 4-29
 Section 4.15 Wind Energy Overlay District (WE) 4-37

ARTICLE V. SUPPLEMENTAL REGULATIONS

Section 5.01 Application..... 5-1
Section 5.02 Temporary Structures and Uses 5-1
Section 5.03 Lots of Record 5-7
Section 5.04 Access to Street 5-7
Section 5.05 Height Regulations 5-8
Section 5.06 Setbacks and Required Yards 5-8
 Figure 1- Setbacks for Flag Lots 5-9
Section 5.07 Minimum Lot Area 5-10
Section 5.08 Minimum Gross Floor Area 5-11
Section 5.09 Manufactured Home Regulations 5-12
Section 5.10 Home Occupations 5-15
Section 5.11 Auxiliary Dwelling Units..... 5-18
Section 5.12 Sign Regulations 5-20
 On-Premises Signs Allowed with a Sign Permit - Schedule C 5-24
Section 5.13 Off-Street Parking and Loading Regulations..... 5-36
 Off-Street Parking Requirements - Schedule D 5-38
Section 5.14 Landscaping Regulations 5-39
Section 5.15 Performance Standards for Commercial and Industrial Uses 5-41
Section 5.16 Sanitation 5-42
Section 5.17 Junkyards and Storage of Junk 5-43
Section 5.18 Subsurface Rights 5-46
Section 5.19 Oil and Gas Production Facilities 5-46
Section 5.20 Mining 5-46
Section 5.21 Adult Uses 5-48
Section 5.22 Telecommunications Facilities 5-50
Section 5.23 Multiple Dwellings and Townhouses 5-58
Section 5.24 Non-Commercial Wind Energy Conversion Systems (WECS) 5-58
Section 5.25 Commercial Wind Energy Conversion Systems (WECS) 5-63

ARTICLE VI. NONCONFORMING USES, LOTS AND BUILDINGS

Section 6.01 Intent 6-1
Section 6.02 Continuance of Use 6-1
Section 6.03 Discontinuance of Use / Abandonment 6-1
Section 6.04 Change of Use 6-2
Section 6.05 Repairs and Alterations 6-2
Section 6.06 Extensions and Enlargements 6-2
Section 6.07 Restoration 6-3
Section 6.08 Prior Approval of Permits and Variances 6-3

ARTICLE VII. ADMINISTRATION

Section 7.01 Purpose..... 7-1
Section 7.02 Appointment of the Code Enforcement Officer (CEO) 7-1
Section 7.03 Duties of the Code Enforcement Officer 7-1
Section 7.04 Procedures for Obtaining a Building and Zoning Permit,
Certificate of Occupancy and Certificate of Compliance 7-2
Section 7.05 Planning Board 7-6
Section 7.06 Zoning Board of Appeals..... 7-8
Section 7.07 Mandatory Referrals to County Planning Board 7-13
Section 7.08 State Environmental Quality Review (SEQR) 7-14

ARTICLE VIII. SPECIAL USE PERMITS

Section 8.01 Intent and Purpose 8-1
Section 8.02 Applicability and Authority 8-1
Section 8.03 Application Procedure 8-2
Section 8.04 Standards for Approval 8-5

ARTICLE IX. SITE PLAN REVIEW

Section 9.01 Purpose 9-1
Section 9.02 Applicability and Exceptions 9-1
Section 9.03 Authority 9-2
Section 9.04 Application Content 9-2
Section 9.05 Criteria for Review of Site Plan 9-5
Section 9.06 Application Procedure 9-7
Section 9.07 Consultant Review 9-10
Section 9.08 Project Completion 9-10
Section 9.09 Amendments to Approved Site Plan 9-12
Section 9.10 Revocation of Site Plan Approval 9-12

ARTICLE X. ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 10.01 Violations 10-1
Section 10.02 Procedure for Abatement of Violations 10-1
Section 10.03 Penalties 10-3

ARTICLE XI. AMENDMENTS

Section 11.01 Town Board May Amend 11-1
Section 11.02 Review by Planning Board 11-1
Section 11.03 Amendments by Petition 11-1
Section 11.04 County Referral 11-1
Section 11.05 Public Notice and Hearing 11-2
Section 11.06 Town Board Action 11-2
Section 11.07 Filing Requirements 11-3

APPENDIX

Appendix A: *Referral Exemption Agreement between Cattaraugus County Planning Board and the Town of Allegany, March 7, 2013.*