

## **ARTICLE IV DISTRICT REGULATIONS**

### **Section 4.01 District Use Regulations**

The requirements, land uses and limitations set forth in this Article in the tables entitled, respectively, "District Use Regulations, Schedule A", and "Dimensional Regulations, Schedule B" with all explanatory material thereon, are hereby made a part of this Zoning Ordinance and shall apply in the respective zoning districts as indicated herein.

### **Section 4.02 Permitted Uses and Special Permitted Uses**

- (A) The permitted and special permitted land uses for each zoning district established in Article III of this Ordinance are set forth in the table entitled "Section 4.02: District Use Regulations - Schedule A."
- (B) In any case in which uncertainty arises as to whether or not a particular land use is allowed pursuant to Schedule A, the Code Enforcement Officer shall request the Zoning Board of Appeals to render its determination with respect thereto. In making its determination the Zoning Board of Appeals shall use the criteria listed in Section 7.06 of this ordinance. **Uses that are not listed or not interpreted by the Zoning Board of Appeals to be included in Schedule A shall not be permitted except by amendment to this Ordinance.**

**Section 4.02: District Use Regulations - Schedule A**

<i>Residential Land Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Auxiliary Dwelling Unit [See Section 5.11]	SP	SP	SP	NP	NP	NP	NP
Bed and Breakfast establishments	SP	SP	SP	NP	NP	NP	NP
Boarding Houses	SP	SP	SP	NP	NP	NP	NP
Dwellings over first floor commercial uses	NP	SP	P	P	SP	SP	P
Farmworker Housing	NP	SP	NP	NP	NP	NP	NP
Manufactured Home Parks [See Section 5.09 (C)]	NP	SP	SP	NP	SP	SP	NP
Manufactured or Mobile Homes on individual lots [See Section 5.09(B)]	P	P	P	NP	NP	NP	NP
Multiple dwellings	NP	SP	SP	SP	SP	SP	P
Seasonal Dwellings	NP	P	NP	NP	NP	NP	NP
Single-family dwellings, detached	P	P	P	NP	NP	NP	NP
Townhouses and attached single-family dwellings	SP	SP	SP	SP	SP	SP	P
Two-family dwellings	NP	P	P	NP	NP	NP	NP

<i>Agricultural Land Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Apiculture (beekeeping)	SP	P	SP	NP	SP	SP	SP
Farm stands	P	P	P	P	P	P	NP
Feed and grain storage facilities	NP	P	P	P	P	P	NP
Forestry	P	P	P	P	P	P	P
Greenhouses, including hydroponic farming	SP	P	P	P	P	P	P
Keeping of Livestock	SP	P	SP	NP	SP	SP	SP
Kennels	NP	SP	SP	SP	SP	SP	NP
Plant cultivation	SP	P	P	SP	P	P	NP
Stable, commercial	SP	P	SP	NP	SP	SP	SP
Wood processing for mulch, firewood, pallets and similar products	NP	P	NP	NP	P	P	NP

**Also See Section 4.14(E)(10) for a list of Prohibited Uses in the underlying Agricultural-Forestry District in the Route 417 West Corridor Overlay District.**

**Section 4.02: District Use Regulations - Schedule A , Continued**

<i>Public and Quasi-Public Land Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Adult day care centers	SP	SP	SP	SP	SP	SP	SP
Churches and other Places of Worship	P	P	P	P	P	P	P
Clubs	SP	SP	SP	SP	SP	SP	SP
Colleges and Universities	NP	SP	SP	SP	SP	SP	P
Essential Services, but not including administrative or office buildings	P	P	P	P	P	P	P
Hospitals	NP	SP	P	SP	P	P	NP
Museums	NP	SP	P	SP	P	P	P
Nursery schools and child day care centers	SP	SP	SP	SP	SP	SP	SP
Parochial and private K-12 schools	SP	SP	SP	SP	SP	SP	SP
Public Uses, such as parks, libraries, public schools, administrative and service buildings for governmental purposes, and similar uses	P	P	P	P	P	P	P
Religious institutions such as convents, monasteries and similar residential/religious communities	P	P	P	P	P	P	P

<i>Miscellaneous Land Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Adult Uses	NP	SP	NP	NP	NP	NP	NP
Airports, private	NP	SP	NP	NP	NP	NP	NP
Billboards *	NP	SP	NP	NP	NP	NP	NP
Cemeteries	NP	SP	NP	NP	NP	NP	P
Outdoor Advertising Signs *	NP	SP	SP	NP	NP	NP	NP
Petting Zoo	NP	SP	NP	NP	NP	NP	NP
Telecommunication facilities	SP	SP	SP	SP	SP	SP	SP
Wind Energy Conversion System (WECS), Commercial	NP	SP	NP	NP	NP	NP	NP
Wind Energy Conversion System (WECS), Non-commercial	NP	SP	NP	NP	NP	NP	NP

\* Billboards and Outdoor Advertising Signs are not permitted in the Route 417 East Corridor Overlay District (CO-1) or in the Route 417 West Corridor Overlay District (CO-2). See Section 4.13(E)(10) and Section 4.14(E)(11).

## Section 4.02: District Use Regulations - Schedule A , Continued

<i>Retail, Service, Commercial and Commercial Recreational Land Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Art School	SP	SP	P	P	P	P	P
Arts and Crafts Studio	NP	SP	P	P	P	P	P
Bakeries	NP	SP	P	P	P	P	NP
Banks and financial institutions with drive-through facilities	NP	SP	SP	SP	SP	SP	SP
Banks and financial institutions without drive-through facilities	NP	SP	P	P	P	P	P
Bars and Taverns	NP	SP	SP	SP	SP	SP	SP
Brew Pub	NP	SP	SP	SP	SP	SP	NP
Building Supply Store	NP	SP	P	P	P	P	NP
Campgrounds	NP	SP	SP	NP	SP	NP	NP
Car Wash	NP	SP	SP	SP	SP	SP	NP
Commercial Recreation facilities	NP	SP	SP	SP	SP	SP	P
Copy Shop	NP	SP	P	P	P	P	P
Department stores	NP	NP	SP	SP	SP	SP	NP
Funeral Homes	NP	SP	SP	SP	SP	SP	NP
Gas and alternative fuel stations	NP	SP	SP	SP	SP	SP	NP
Gas and alternative fuel stations with mini-marts	NP	SP	SP	SP	SP	SP	NP
Golf courses	SP	SP	SP	SP	SP	SP	P
Gun Club, Archery Range	NP	SP	NP	NP	SP	NP	NP
Health clubs and fitness centers, Spas	NP	SP	P	P	SP	SP	P
Hotels, motels and inns	NP	SP	SP	SP	SP	SP	NP
Local commercial establishments, as defined in Article II	NP	SP	P	P	P	SP	SP
Long term care facility, nursing home	SP	SP	P	SP	SP	SP	NP
Medical clinics	NP	SP	P	P	P	P	P
Mini-Mart (convenience store), without gasoline sales	NP	SP	P	P	P	P	P
Mixed-Use Building	See Article II						
Offices, Professional and General Business, and similar office use.	SP	SP	P	P	P	P	P
Parking lot, commercial	NP	NP	SP	SP	SP	SP	NP
Parking structure, commercial	NP	NP	SP	SP	SP	SP	NP
Personal Service establishments	NP	SP	P	P	P	P	P
Pet Grooming Establishment	NP	P	P	P	P	P	P
Print shop	NP	SP	P	P	P	P	P

**Section 4.02: District Use Regulations - Schedule A , Continued**

<i>Retail, Service, Commercial and Commercial Recreational Land Uses (Continued)</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Restaurant	NP	SP	P	P	SP	SP	P
Restaurant, drive-through	NP	SP	SP	SP	SP	SP	SP
Shopping plazas	NP	NP	SP	SP	SP	SP	NP
Supermarkets	NP	NP	SP	SP	SP	SP	NP
Theater, Cineplex	NP	SP	SP	P	NP	NP	P
Theaters, Drive in	NP	SP	NP	NP	SP	SP	NP
Theaters, Indoor	NP	SP	SP	P	NP	NP	P
Trade school	NP	SP	P	P	P	P	P
Truck Stops	NP	NP	SP	NP	SP	NP	NP
Vehicle body shops	NP	SP	SP	SP	SP	SP	NP
Vehicle sales establishment	NP	SP	SP	SP	P	SP	NP
Vehicle service and repair facilities, but not including body shops	NP	SP	SP	SP	P	SP	NP
Veterinary offices	NP	P	SP	SP	SP	NP	NP

<i>Industrial Land Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Bulk fuel facility	NP	NP	NP	NP	SP	SP	NP
Contractor's yards	NP	SP	SP	SP	P	P	SP
Junk yards	NP	SP	NP	NP	SP	SP	NP
Manufacturing, light, as defined in Article II	NP	SP	SP	SP	SP	SP	NP
Manufacturing, heavy, as defined in Article II	NP	NP	NP	NP	SP	SP	NP
Micro-Brewery	NP	SP	SP	SP	SP	SP	NP
Micro-Distillery	NP	SP	SP	SP	SP	SP	NP
Mini-storage facilities	NP	SP	SP	SP	P	P	SP
Mining	NP	SP	NP	NP	NP	NP	NP
Power Plant	NP	SP	NP	NP	NP	SP	NP
Recycling facility	NP	SP	NP	NP	SP	SP	NP
Research and development facility	NP	SP	SP	SP	SP	SP	P
Sawmills	NP	SP	NP	NP	SP	SP	NP
Trucking terminals, rail freight terminals	NP	SP	SP	SP	SP	SP	NP
Warehouses	NP	SP	SP	SP	SP	SP	NP
Wholesale establishments	NP	NP	SP	SP	SP	SP	NP

**Section 4.02: District Use Regulations - Schedule A , Continued**

<i>Accessory Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Day care facilities for children of employees	SP	P	P	P	P	P	P
Drive through facilities for commercial land uses not otherwise listed on Schedule A	NP	SP	SP	SP	SP	SP	SP
Private Electric Vehicle Charging Stations	P	P	P	P	P	P	P
Public Electric Vehicle Charging Stations	SP	P	P	P	P	P	P
Employee lunchrooms and break areas	SP	P	P	P	P	P	P
Home occupations, Major [see Section 5.10(D)]	SP	SP	SP	NP	NP	NP	NP
Home occupations, Minor [see Section 5.10(C)]	P	P	P	P	P	P	NP
Individual Solar Energy Systems	P	P	P	P	P	P	P
Off-street parking and/or loading and stacking spaces that are customarily incidental to commercial, office, retail, service, and/or industrial uses [See Section 5.13]	SP	P	P	P	P	P	P
Residential quarters for custodians, staff, caretakers or security personnel	NP	NP	SP	SP	SP	SP	P
Rooming and boarding of not more than two (2) persons by the owner-occupant of a dwelling	P	P	P	NP	NP	NP	NP
Storage of commercial vehicles used in conjunction with a permitted principal business use	SP	P	P	P	P	P	P
Storage of goods and processing operations that are clearly incidental to the principal permitted retail, service commercial or commercial use	SP	P	P	P	P	P	P

**Section 4.02: District Use Regulations - Schedule A , Continued**

<i>Temporary Structures and Uses</i>	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
Construction Trailers [See Section 5.02(A)]	P	P	P	P	P	P	P
Dependent Manufactured Home [See Section 5.09 (E)]	SP	SP	NP	NP	NP	NP	NP
Recreational Vehicle used for temporary habitation	See Section 5.09 (D)(1)						
Temporary building/trailer for living purposes, during period that construction work is in progress for a permanent single-family residence on the same site. [See Section 5.02(B)]	SP	SP	SP	NP	NP	NP	NP
Temporary Motor Vehicle Sales [See Section 5.02(C)]	NP	NP	SP	SP	SP	SP	NP

**KEY:**

**Zoning Districts**

- R-1 Single family Residential Zoning District
- A-F Agricultural-Forestry Zoning District
- C-1 Local Commercial Zoning District
- C-2 Highway Commercial Zoning District
- I-1 Light Industrial Zoning District
- I-2 Heavy Industrial Zoning District
- C-F Community Facilities Zoning District

**Uses**

- P Permitted as of right
- SP Permitted if a Special Use Permit is issued by the Planning Board (See Article VIII)
- NP Not Permitted

**Also See Section 4.14(E)(10) for a list of Prohibited Uses in the underlying Agricultural-Forestry District in the Route 417 West Corridor Overlay District.**

## **Section 4.03 Dimensional Regulations**

The coverage, yard, height and area requirements for each zoning district established in Article III of this Ordinance are set forth in the table entitled "Section 4.03: Dimensional Regulations - Schedule B." Exceptions and additional dimensional regulations are contained in Sections 5.05, Height Regulations; 5.06, Setbacks and Required Yards; 5.07, Minimum Lot Area and 5.08, Minimum Gross Floor Area. For parcels in a Corridor Overlay District, see Sections 4.13(E)(4) and 4.14(E)(4), for additional requirements on minimum lot width in the underlying C-1 Zoning District.



**Section 4.03: Dimensional Regulations - Schedule B \***

	<b>R-1</b>	<b>A-F</b>	<b>C-1</b>	<b>C-2</b>	<b>I-1</b>	<b>I-2</b>	<b>C-F</b>
<b>Minimum Lot Area</b>	1 acre	1 acre	Commercial: 10,000 sq.ft. Residential: 20,000 sq.ft.	1 acre	1 acre	1 acre	1 acre
<b>Minimum Lot Width</b>	100 ft.	100 ft.	50 ft.	200 ft.	150 ft.	150 ft.	100 ft.
<b>Minimum Front Yard Setback</b>							
Principal Buildings	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
Accessory Buildings	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
<b>Minimum Side Yard Setbacks</b>							
Principal Buildings	15 ft.	15 ft.	20 ft. total for combined side yards	20 ft. total for combined side yards	25 ft.	25 ft.	15 ft.
Accessory Buildings & Structures	10 ft.	10 ft.	Same as principal use	Same as principal use	25 ft.	25 ft.	15 ft.
<b>Minimum Rear Yard Setback</b>							
Principal Buildings	35 ft.	35 ft.	40 ft.	40 ft.	40 ft.	40 ft.	35 ft.
Accessory Buildings & Structures	10 ft.	10 ft.	40 ft.	40 ft.	40 ft.	40 ft.	35 ft.
<b>Maximum Lot Coverage</b>	25%	25%	50%	50%	50%	50%	50%
<b>Maximum Building Height</b>	35 ft.	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.	60 ft.

\* Also See Article V, Sections 5.05, Height Regulations; 5.06, Setbacks and Required Yards; 5.07, Minimum Lot Area and 5.08, Minimum Gross Floor Area. For parcels in a Corridor Overlay District, also see Sections 4.13(E)(4) and 4.14(E)(4), for additional requirements on minimum lot width.

**Key to Zoning Districts:**

- R-1 Single family Residential Zoning District
- A-F Agricultural-Forestry Zoning District
- C-1 Local Commercial Zoning District
- C-2 Highway Commercial Zoning District
- I-1 Light Industrial Zoning District
- I-2 Heavy Industrial Zoning District
- C-F Community Facilities Zoning District

## **Section 4.04 Single-Family Residential District (R-1)**

- (A) **Purpose.** The purpose of the R-1 District is to provide areas within the Town for primarily single-family detached residential development and land uses that are compatible with such development. The R-1 District provides for a range of densities, with smaller lot sizes being appropriate for areas that are served by municipal water and sewer service.
- (B) **Permitted and Special Permitted Principal Uses.** The permitted and Special Permitted uses in the R-1 Zoning District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.
- (C) **Dimensional Regulations.**
- (1) Dimensional Regulations for the R-1 District are presented in Section 4.03, Schedule B of this Article and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.
  - (2) Each detached, single-family dwelling in an R-1 District must be located on an individual lot of at least one acre, unless said lot is served by public sewer and/or water systems. If either a public sewer system or public water system serves a lot, the minimum lot size may be reduced by 25%. If both a public sewer system and a public water system serves a site, the minimum lot size may be reduced by 50%. Also see Section 5.07(B).
- (D) **Permitted Accessory Uses.** The following accessory uses are permitted in an R-1 District:
- (1) Detached private garages and off-street parking areas.
  - (2) Private gardens.
  - (3) Private swimming pools.
  - (4) Other private recreational uses and structures.
  - (5) Satellite dishes.
  - (6) Signs as may be permitted in Section 5.12 of this Ordinance.
  - (7) Other accessory uses and structures customarily incidental to single-family residential use of the property.
  - (8) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the R-1 Zoning District.

## **Section 4.05 Agricultural-Forestry District (A-F)**

- (A) **Purpose.** The Agricultural-Forestry District is intended to promote the preservation of farmland and woodlands. The purpose of the A-F District is to provide areas within the Town for agricultural and forestry land uses and supporting services. Another purpose of the district is to provide locations for single-family residential dwelling units with a lot size appropriate to areas not served by municipal water supply or sanitary sewer disposal systems.
- (B) **Permitted and Special Permitted Principal Uses.** The permitted and Special Permitted principal uses in the A-F District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.
- (C) **Dimensional Regulations.** Dimensional Regulations for the A-F District are presented in Section 4.03, Schedule B of this Article and in and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.
- (D) **Permitted Accessory Uses.** The following accessory uses are permitted in an A-F District:
- (1) Accessory uses and structures customarily incidental to permitted principal uses in the R-1 District. [See Section 4.04(D)].
  - (2) Barns, silos, similar farm buildings or structures.
  - (3) Signs as may be permitted in Section 5.12 of this Ordinance.
  - (4) Accessory uses and structures customarily incidental to the permitted principal and Special Permitted uses allowed in the A-F District.
  - (5) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the A-F Zoning District.

## **Section 4.06 Local Commercial District (C-1)**

- (A) **Purpose.** The purpose of the C-1 Local Commercial District is to provide areas within the town for day-to-day convenience shopping and personal service needs of a neighborhood area, in such a manner which protects local businesses and residences that are located along local streets from encroachments by larger scale, higher density commercial uses.
- (B) **Permitted and Special Permitted Principal Uses.** The permitted and Special Permitted principal uses in the C-1 District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.

(C) **Dimensional Regulations.** Dimensional Regulations for the C-1 District are presented in Section 4.03, Schedule B of this Article and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.

(D) **Permitted Accessory Uses.** The following accessory uses are permitted in a C-1 District:

- (1) Accessory uses and structures customarily incidental to permitted principal uses in the R-1 District. [See Section 4.04(D)].
- (2) Signs as may be permitted in Section 5.12 of this Ordinance.
- (3) Accessory uses and structures that are customarily incidental to the principal permitted and special permitted uses allowed in the C-1 District.
- (4) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the C-1 District.

#### **Section 4.07 Highway Commercial District (C-2)**

(A) **Purpose.** The purpose of the Highway Commercial C-2 District is to provide an area within the Town for automobile-oriented, large-scale commercial development, which will serve regional and community wide needs for general goods and services. This district is designed to accommodate large traffic generators such as shopping plazas and commercial drive-through facilities, and to accommodate the need for efficient, centralized facilities and parking. High intensity commercial use is appropriate in the eastern commercial area of the Town along Route 417, and this district is designed to accommodate these commercial uses while protecting surrounding local, residential neighborhood uses from encroachment and traffic congestion. Residential uses in the C-2 District are restricted to (1) that necessary to house maintenance and security personnel for the high intensity commercial developments, as accessory uses only, (2) to second floor areas above commercial uses, and (3) townhouses and multiple dwellings.

(B) **Permitted and Special Permitted Principal Uses.** The permitted and Special Permitted principal uses in the C-2 District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.

(C) **Dimensional Regulations.** Dimensional Regulations for the C-2 District are presented in Section 4.03, Schedule B of this Article and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.

(D) **Permitted Accessory Uses.** The following accessory uses are permitted in the C-2 District:

- (1) Accessory uses and structures customarily incidental to permitted principal and Special Permitted uses allowed in the C-2 District.

- (2) Signs as may be permitted in Section 5.12 of this Ordinance.
- (3) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the C-2 District.

## **Section 4.08 Light Industrial District (I-1)**

### **(A) Purpose.**

- (1) The purpose of the I-1 District is to provide suitable areas within the Town for light manufacturing and production activities, research and development activities, and related offices and accessory uses on sufficient land area to permit efficient development. The District is designed to promote the development of a balanced employment mix and diversified tax base within the Town. Each I-1 District shall be located in such a way that light industrial uses will neither encroach upon or otherwise damage surrounding uses nor will surrounding uses interfere with the efficient development and operation of said uses.
- (2) **Applicability.** The I-1 Light Industrial District is located as shown on the Zoning Map. The northern boundary of the I-1 District located in the Route 417 West corridor is the 1460 foot topographic contour. This topographic feature was chosen as the boundary for this Zone in order to include land that is reasonably flat and therefore most suitable for light industrial development. Due to scale, the boundary shown on the Zoning Map is somewhat approximate. Property owners may provide a topographic survey of their property, prepared by a surveyor licensed in the State of New York, showing the exact location of the 1640 foot contour on their property, in order to precisely determine the boundary of the zoning district. The survey will be reviewed by the Zoning Board of Appeals, who will make the final determination of the zoning district boundary.

### **(B) Permitted and Special Permitted Principal Uses.**

- (1) The permitted and Special Permitted principal uses in the I-1 District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.
- (2) **Performance Standards.** Any light manufacturing use listed as a permitted or special permitted use in the I-1 District shall comply with the following standards:
  - (a) The majority of the industrial activity shall be conducted within an enclosed building. Any activities that are required to be conducted out of doors shall be screened from view from adjacent properties and roadways by fencing, landscaping or other appropriate measures.

- (b) The use is limited to the manufacture, compounding and/or assembly of products from previously prepared materials.
- (c) All activities shall be conducted in such a manner as to prevent hazard or annoyance to the community to the maximum extent feasible.
- (d) All activities shall comply with the performance standards set forth in Section 5.15 of this Ordinance.

**(C) Dimensional Regulations.** Dimensional Regulations for the I-1 District are presented in Section 4.03, Schedule B of this Article and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.

**(D) Permitted Accessory Uses.** The following accessory uses are permitted in an I-1 District:

- (1) Accessory uses and structures customarily incidental to permitted and special permitted principal uses allowed in the I-1 District.
- (2) Retail sale of products manufactured, compounded or assembled or stored on the premises.
- (3) Storage buildings that are necessary to store any vehicle, equipment or materials on the premises.
- (4) Signs as may be permitted in Section 5.12 of this Ordinance.
- (5) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the I-1 District.

## **Section 4.09 Heavy Industrial District (I-2)**

**(A) Purpose.** The purpose of the I-2 District is to provide limited areas within the Town for the location of heavier manufacturing and processing facilities, as well as office, research and service establishments, and accessory uses on sufficient land area to permit efficient development. The I-2 District is designed to promote the development of a balanced employment mix and diversified tax base within the Town. Each I-2 District shall be located in such a way that industrial uses will neither encroach upon or otherwise damage surrounding uses nor will surrounding uses interfere with the efficient development and operation of these activities.

**(B) Permitted and Special Permitted Principal Uses.**

- (1) The permitted and Special Permitted principal uses in the I-2 District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.

(2) **Performance Standards.** Any manufacturing use listed as a permitted or special permitted use in the I-2 District shall comply with the following standards:

(a) All activities shall be conducted in such a manner as to prevent hazard or annoyance to the community to the maximum extent feasible.

(b) All activities shall comply with the performance standards set forth in Section 5.15 of this Ordinance.

(C) **Dimensional Regulations.** Dimensional Regulations for the I-2 District are presented in Section 4.03, Schedule B of this Article and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.

(D) **Permitted Accessory Uses.** The following accessory uses are permitted in an I-2 District:

(1) Accessory uses and structures customarily incidental to permitted principal uses allowed in the I-1 and I-2 Districts.

(2) Retail sale of products manufactured, compounded, assembled or stored on the premises.

(3) Storage buildings that are necessary to store any vehicle, equipment or materials on the premises.

(4) Signs as may be permitted in Section 5.12 of this Ordinance.

(5) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the I-2 District.

## **Section 4.10 Community Facilities District (C-F)**

(A) **Purpose.** The purpose of the Community Facilities (C-F) District is to provide an area for colleges and universities and related educational, residential, and recreational activities. An additional purpose of this zoning district is to provide areas for recreational and civic land uses.

(B) **Permitted and Special Permitted Principal Uses.** The permitted and Special Permitted principal uses in the C-F District are listed in Section 4.02, Schedule A of this Article. Special Permitted Uses require the issuance of a Special Use Permit in accordance with Article VIII of these regulations.

(C) **Dimensional Regulations.** Dimensional Regulations for the C-F District are presented in Section 4.03, Schedule B of this Article and in Sections 5.05, 5.06, 5.07 and 5.08 of this Ordinance.

**(D) Permitted Accessory Uses.** The following accessory uses are permitted in a C-F District:

- (1) Accessory uses that are customary and incidental to higher educational land uses, and that are located on the same lot as the principal building(s).
- (2) Signs as may be permitted in Section 5.12 of this Ordinance.
- (3) Other accessory uses listed in Schedule A as either permitted or special permitted uses within the C-F District.

## **Section 4.11 Planned Development District (P-D)**

**(A) Purpose.** Pursuant to Section 261-c of New York State Town Law, the Planned Development District is intended to provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and/or open space preservation may be achieved in furtherance of the Town's Comprehensive Plan and Zoning Ordinance.

The Planned Development District provides a means by which an area covered by a single development plan may be developed in a flexible manner in order to:

- (1) Encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures
- (2) Enhance efficiency in the use of land, natural resources, energy, community services and utilities
- (3) Encourage open space preservation, and protection of natural resources, protection of historic sites and historic structures
- (4) Provide for flexibility in the location of structures in order to utilize topography and site features to best advantage
- (5) Provide for the reduction of the cost of infrastructure
- (6) Provide for the integration of a variety of compatible land uses
- (7) Allow flexibility of minimum lot sizes and dimensional regulations
- (8) Allow flexibility in the arrangement and types of land uses

**(B) Authority**

- (1) The Town Board of the Town of Allegany is hereby authorized to approve, approve with conditions, or disapprove the establishment of Planned Development (P-D) Districts. Simultaneously with the establishment of a P-D District, the Town Board shall approve, with or without conditions, a Development Plan for the P-D District.
- (2) When approved by the Town Board, each P-D District shall be a new zoning district that replaces the zoning district that previously applied to that area. The approved Development Plan shall contain all applicable land use and dimensional regulations that apply within that particular P-D District. The P-D District shall be shown on the Town's zoning map.



- (3) After the establishment of a P-D District and the adoption of a Development Plan, the Town of Allegany Planning Board is hereby authorized to conduct Site Plan review, following the procedures in Article IX of this Zoning Ordinance, for each phase of the development within the P-D District. When approving a site plan, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to the proposed development.

**(C) Standards for Planned Development Districts**

- (1) A Planned Development District may be located in any Zoning District.
- (2) A Planned Development District shall be a minimum of five (5) acres in size.
- (3) A Planned Development District may include any type of land use or a mix of land uses.
- (4) A Development Plan shall be provided for the entire area encompassed by the proposed Planned Development District, even if the area is intended to be developed in phases over time.
- (5) The Development Plan will establish a coherent, well-thought out plan for development of the entire area. The Development Plan will:
  - (a) Provide for a unified site design that minimizes alteration to prominent natural features and that minimizes impacts on the neighborhood, for example, from noise and traffic.
  - (b) Provide for a consistent architectural style.
  - (c) Provide for an interior circulation system that includes all modes of transportation, including pedestrian access and bicycling, in addition to motor vehicles; that is adequate to provide for emergency vehicle access; and that is adequate for the anticipated volume of traffic.
  - (d) Provide for a circulation system that ties into the existing system to promote connectivity for vehicles and pedestrians.
  - (e) Provide adequate water supply, sanitary sewage disposal, and stormwater disposal systems.
  - (f) Establish the types of permitted land uses, the density of those uses, maximum coverage, maximum building height, and minimum setback/yard requirements, and other dimensional regulations.
  - (g) The Development Plan shall reflect the same general level of detail as is contained in the text of Article IV for other zoning districts.

**(D) Application Process for Planned Development (P-D) Districts**

- (1) Application for the establishment of a P-D District shall be made to the Town Board. The application shall include the following:

- (a) Location Map, showing the location of the proposed P-D District in relationship to abutting properties and to the existing street network. This map shall also show existing on-site and off-site conditions, such as roads, structures, and any other improvements, in addition to significant on-site natural features (wetlands, floodplains, topography, etc.)
  - (b) A map of the proposed P-D District, showing the boundaries of the area to be rezoned to a P-D District, including property lines of all parcels to be included in the District.
  - (c) Name of the proposed P-D District.
  - (d) List of all property owners of parcels to be included in the P-D District. If the property owner(s) is not the applicant, a letter from each property owner, giving permission for the applicant to make the application, shall be provided.
  - (e) Development Plan, which will include the following:
    - i. Conceptual Site Layout Plan, showing the general site layout, building locations, setbacks from the boundary of the site, setbacks between buildings within the development, parking areas, internal vehicular and pedestrian circulation systems, and vehicular and pedestrian connections to the public street system.
    - ii. Conceptual Utilities Plan, showing how water supply and sanitary sewer disposal systems will be provided
    - iii. Conceptual Stormwater Management Plan (drainage plan)
    - iv. Project Narrative, discussing the type(s) of land uses planned for the site, proposed height and bulk of buildings, and minimum yard requirements.
    - v. General size of the land uses, either gross floor area or number of units, if residential, and the maximum coverage proposed for the District
    - vi. Conceptual design standards or performance standards that may be proposed for the development, if any
    - vii. Plans for buffering abutting property from possible impacts of the proposed development, if any
    - viii. Phasing Plan, if development of the project is intended to be completed in phases.
  - (f) Any other information the Town Board deems is needed for a complete understanding of the proposal. At its discretion, the Town Board may waive the requirement for submittal of one or more of the above listed items.
  - (g) All maps and drawings shall be to scale, readable, and shall contain a north arrow.
  - (h) Part 1 of the Environmental Assessment Form
  - (i) Application Fee, if any
- (2) The Town Board shall refer the application to the Town Planning Board for its review and recommendation. The Planning Board shall provide its recommendation within 45 days of the date of the Town Board's referral, unless a longer time period is established by the Town Board.

- (3) The Town Board shall refer the application to the Cattaraugus County Planning Board for its review and recommendation, pursuant to Section 239-m of General Municipal Law, as an amendment to the Zoning Ordinance map and text.
- (4) Within 62 days of receipt of a complete application, the Town Board shall hold a public hearing on the P-D District and Development Plan. Notice of the public hearing shall be provided by the following means:
  - (a) Providing the notice for amendments to the Zoning Ordinance that are contained in Article XI, Amendments, of this Zoning Ordinance, and
  - (b) By mailing a notice of the public hearing to the owners of every parcel that is within five hundred (500) feet of the perimeter of the area that would be included in the P-D District, at least ten (10) days prior to the public hearing, and
  - (c) by mailing a notice of the public hearing to the owners of every parcel that is proposed to be included in the P-D District, at least ten (10) days prior to the public hearing.
- (5) Within 62 days after the close of the public hearing, the Town Board shall make a decision on the application for Planned Development District. The Town Board may approve, approve with conditions, or disapprove the establishment of the Planned Development District. At the same time the Town Board shall approve, approve with conditions, or disapprove the Development Plan for the District. The time period within which the Town Board shall reach its decision may be extended by mutual consent of the applicant and the Board.

The Town Board's decision shall be based on the following Findings:

- (a) The proposed P-D District is consistent with the intent and purpose of this Zoning Ordinance.
  - (b) The proposed P-D District is consistent with the intent and purpose of the Town's Comprehensive Plan.
  - (c) The proposed P-D District will not have a significant adverse impact on the neighborhood in which it is located and is compatible with the existing character of the neighborhood in which it is located.
  - (d) The proposed P-D district complies with the standards of Section 4.11(C).
- (6) The Town Board shall notify the applicant, the Code Enforcement Officer and the Planning Board in writing of its determination within five (5) business days of the date of the action.
  - (7) The Town Clerk shall note, or cause to be noted, the location of the P-D District boundaries on the Zoning Map. The Development Plan shall be incorporated into the Zoning Ordinance text as an appendix.

**(E) Amendment to P-D District and/or Development Plan.** A P-D District is a zoning district established under the provisions of this zoning ordinance. The approved Development Plan, which regulates the permitted land uses, density, setbacks and other features, is also adopted as part of the zoning ordinance. Therefore, any changes to the

types of permitted land uses, or increases in the density, or reduction in the setback and yard requirements, or similar changes that exceed the standards established in the Development Plan, will require an amendment to the zoning ordinance, following the procedures in Article XI of this ordinance.

**(F) Application Process for Site Plan Review in P-D Districts**

- (1) After the Town Board creates a P-D District and approves the Development Plan for that district, the applicant shall submit a Site Plan application to the Planning Board. The site plan application may encompass the entire P-D District or a portion of that district. However, Planning Board approval of a site plan shall be required for each phase of development. Building and zoning permits shall not be issued for structures or land uses within a P-D District until site plan approval has been granted by the Town Planning Board for the area encompassed by such structures and land uses.
- (2) The application for Site Plan shall include all items listed in Section 9.04 of this Zoning Ordinance, unless the Planning Board waives the requirement for one or more application items.

The project design for the Site Plan application is intended to be more detailed than that shown on the Conceptual Site Layout Plan and other information provided as part of the Development Plan. In addition, building elevations, landscaping plan, lighting plan, signage plan, and similar site details, which may not be required by the Town Board as part of the Development Plan, will be required as part of the Site Plan application.

- (3) The Planning Board will review the application following the procedure in Section 9.06 of this Zoning Ordinance.
- (4) **Decision:** In making its decision regarding whether to approve, approve with conditions, or deny the Site Plan, the Planning Board shall find that the site plan is substantially consistent with the Development Plan approved by the Town Board. In making its determination of whether the site plan is "substantially consistent," some flexibility in the layout and arrangement of site features may be allowed, provided that the Site Plan adheres to the intent and spirit of the Development Plan and does not violate standards established by the Town Board. The Planning Board shall also determine that the site plan complies with the criteria in Article IX of this Ordinance.
- (5) If a project in a P-D District also requires Subdivision approval to create new lots, the applicant may apply for both Site Plan and Subdivision approval at the same time, and the Planning Board will consider the subdivision application concurrently with the Site Plan application, to the maximum extent feasible given the differing statutory review processes.
- (6) **Expiration:** The Site Plan approval shall expire two (2) years from the date of that approval, if construction of the approved development has not commenced.

Extensions of the site plan approval may be granted by the Planning Board, upon written application to the Planning Board prior to the expiration of the site plan approval, for up to one additional year. The applicant shall provide an explanation why the extension is necessary. For projects for which no construction activity is needed, the approval shall expire two years from the date of the approval, if the use of the site in accordance with the approved site plan has not commenced.

#### **Section 4.12 Floodplain Overlay District (F-O)**

- (A) Purpose.** The purpose of the Floodplain Overlay District is to protect the health, safety and welfare of the residents of the Town of Allegany and to minimize public and private losses from hazards due to periodic or intermittent flooding. These purposes shall include the protection of persons and property, the preservation of water quality and the minimizing of expenditures for relief, insurance and flood control projects.
- (B) Applicability.** The F-O District shall apply to all Special Flood Hazard Areas, including Floodways, and Floodway Fringe areas, which are established by the Federal Emergency Management Agency (FEMA) for the Town of Allegany. The areas of Special Flood Hazard are identified in the Flood Boundary and Floodway Maps Community-Panel Number 360061 0001 B through Community-Panel Number 360061 0015 B, with an effective date of November 15, 1978, as may be revised from time to time.
- (C) Permitted Uses.** Permitted uses, special permitted uses and accessory uses shall be those designated in the underlying zoning district. Such uses also shall be subject to the additional regulations applicable under the requirements of Town of Allegany Local Law No. 1-1987 entitled "A Local Law for Flood Damage Prevention." (Adopted 06-11-87).
- (D) Dimensional Regulations.** All permitted uses, special permitted uses and permitted accessory uses shall conform to the dimensional regulations for the underlying zoning district. Such uses also shall be subject to the additional regulations applicable under the requirements of Town of Allegany Local Law No. 1-1987 entitled "A Local Law for Flood Damage Prevention." (Adopted 06-11-87).

## **Section 4.13 Route 417 East Corridor Overlay District (CO-1)**

**(A) Purpose.** The purpose of the Route 417 East Corridor Overlay (CO-1) District is to foster and encourage commercial and other types of development, while at the same time promoting safety for pedestrian, vehicular, and commercial traffic. It is also the purpose of the zoning district to promote development that has consistency of architectural character and site design and positive visual aesthetics, and to protect residential neighborhoods from the traffic, congestion and other potential impacts that may result from adjacent commercial development through the use of landscaping, buffering, and screening.

### **(B) Applicability**

- (1) This corridor overlay district shall apply to all areas shown on the Town of Allegany Zoning Map as being within the Route 417 East Corridor Overlay (CO-1) District.
- (2) All new development; redevelopment; land use activities; and changes in use, regardless of whether or not construction activities are involved, within the CO-1 District shall be subject to site plan review, following the procedures in Article IX of this Zoning Ordinance, except the following:
  - (a) Construction of one- or two-family dwelling units and ordinary accessory structures, and related land use activities.
  - (b) Landscaping
  - (c) Ordinary repair or maintenance to existing structures, in cases where the use remains the same
  - (d) Interior renovations or structural alterations within an existing building or structure, in cases where the use remains the same.
  - (e) Exterior alterations or additions to existing structures that would not increase the square footage of the existing structure by more than 25 %, in cases where the use remains the same.
  - (f) Agricultural use, as defined in Article II of this Ordinance.
  - (g) The sale of agricultural produce and temporary structures related to the sale of agricultural produce.
- (3) Notwithstanding the foregoing sub-section, any exterior alterations to commercial and/or industrial buildings that will significantly change the architectural appearance of those structures, regardless of whether there will be an increase in building size, shall require Site Plan review and approval prior to the issuance of a Building and Zoning Permit.
- (4) When considering an application for site plan review, the Planning Board shall use the criteria delineated in Article IX, as well as the development standards contained in Section 4.13(E), below. Where standards may conflict, the Planning Board shall use the more restrictive standard.

**(C) Permitted and Special Permitted Principal Uses and Accessory Uses.** Except as modified herein, the permitted, Special permitted, and accessory land uses allowed in the CO-1 District shall be the same as those in the underlying zoning district.

**(D) Dimensional Regulations.** Except as modified herein, the dimensional regulations of the CO-1 District shall be the same as those provisions of the underlying zoning districts.

**(E) Development Standards**

(1) General Criteria

- (a) The proposed development shall be in harmony with the goals and objectives established in the Town's Planning and Development Policies.
- (b) The proposed development shall be compatible with the general purposes and intent of this Zoning Ordinance.
- (c) The proposed development shall concur with the intent of the Route 417 Corridor Management Plan.
- (d) The proposed development shall have an overall clarity and coherence of design.

(2) Architectural Design

- (a) New buildings shall relate to the surrounding environment with regard to texture, scale, massing, proportion, and color. A strong visual relationship between the building, the site, and adjacent development is vital for overall design compatibility. Emphasis shall be placed on creating an interesting visual impression. The use of different textures, complementary colors, shadow lines, detailing, and contrasting shapes to create an appealing facade is strongly encouraged. The use of single colors and/or blank walls is discouraged.
- (b) Buildings shall be constructed to achieve a human scale and interest. Clusters of smaller buildings of varied size and orientation, instead of vast single buildings, are encouraged.
- (c) Consistent setbacks for buildings along the Route 417 frontage are encouraged. Primary buildings should be located close to the Route 417 frontage in order to create a more human-scaled, attractive environment.
- (d) Franchise-style architecture (also known as prototypical or corporate architecture) shall not be allowed, unless it is shown or modified to be in conformance with the objectives of this section of the Zoning Ordinance and with the intent of the Route 417 Corridor Management Plan.
- (e) Development shall conform to the following criteria:
  - i. Buildings shall not overpower the surrounding buildings, uses and landscape.

- ii. Care shall be given to the character of all sides of the building, not just the "front" facade.
  - iii. Long, uninterrupted blank walls are discouraged.
  - iv. Window and door openings shall be maximized along the front of buildings, to make them inviting.
  - v. Architectural detailing, such as recessed windows and/or doors, bays, and textured materials or decoration, is encouraged to create variety and provide interest.
- (f) In areas where there is a well-established, consistent architectural and/or design character, new developments shall be consistent with the general character of that development. The existing proportional relationship between buildings, open space and building setbacks shall be maintained. New development shall be compatible with the color, height, materials, and design of the predominant style of existing buildings.
- (g) *Height.* Two-story buildings are encouraged.
- (h) *Roof Design.* A variety of roof types, heights and gable styles in proportion to building size is encouraged. Extensive use of flat, very low, or very steep pitched roofs generally should be avoided.
- (i) *Building materials in commercial and residential districts:*
- i. Facade materials such as brick, natural stone and wood are encouraged. The use of vinyl siding, metal siding, and imitation stone is discouraged.
  - ii. Trim such as finished grade painted or stained wood or anodized aluminum is encouraged.
  - iii. Windows should have anodized aluminum or wood frames, not bare aluminum frames.
  - iv. If awnings are part of the building design, externally lit canvas awnings are encouraged; internally lit plastic awnings are discouraged.
- (j) *Building materials in industrial districts.* To the maximum extent feasible, building materials in industrial districts should meet the standards of Section 4.13(E)(2)(i). However, it is recognized that industrial buildings have different requirements from commercial buildings, and therefore may require the use of different building materials.
- (k) *Mechanical Equipment*
- i. Rooftop mechanical equipment should be screened from public view, to the maximum extent feasible, through the use of architecturally compatible materials and techniques, such as paint color, parapet walls and/or similar treatment.
  - ii. Ground level mechanical and service equipment (such as air conditioning units and utility boxes and meters) should be screened from public view by



the use of landscaping, walls, fencing or other design treatment compatible with the architectural style and materials of the principal structure.

- iii. Garbage dumpsters and receptacles shall be placed out of view from adjacent properties, pedestrian ways (trails and sidewalks), Route 417, and adjoining streets, or shall be screened so that they are not visible from these viewpoints.
  - iv. For purposes of this section "public view" shall refer to all public roads and sidewalks within the corridor overlay district, with primary emphasis on views from Route 417 for motorists, pedestrians, and bicyclists.
- (l) Loading docks shall be located to the rear of the building and screened from view.
  - (m) Site grading for new construction shall blend in with surrounding site grades.
- (3) Maximum and Minimum Building Setback
- (a) During the Site Plan Review process the Planning Board may impose a maximum setback from the front property line. This setback may be necessary to maintain the existing building line in an area or may be necessary to insure that parking is placed behind the primary building.
  - (b) During the Site Plan Review process the Planning Board may waive the minimum front yard setback requirement to allow structures to be closer to the front property line than that which would ordinarily be allowed, in order to accomplish the goals and objectives of this Zoning Ordinance and the intent of the Route 417 Corridor Management Plan. Any such waiver shall clearly state the reasons for the waiver, and shall state the goals and objectives of this Zoning Ordinance and/or the intent of the Route 417 Corridor Management Plan that support the waiver.
- (4) Minimum lot width. The minimum lot width for new lots in an underlying C-1 Local Commercial Zoning District, which are created after the effective date of this Ordinance, shall be 100 feet.
- (5) Vehicular Access
- (a) Each lot abutting Route 417 shall be restricted to one access point, either a driveway or a new street, from Route 417. However, if a lot is large enough to provide for a minimum separation of 200 feet between access points, then more than one driveway per lot may be permitted by the Planning Board.
  - (b) Shared driveways for adjacent uses are encouraged, where feasible. Commercial driveways should be located along the side yard property line to encourage future shared use.
  - (c) Shared access shall be required for adjacent lots under the same ownership.

- (d) A minimum separation of 75 feet between driveways accessing Route 417 is recommended. If this minimum separation cannot be met, because of the location of prior driveways, or because the frontage width of a parcel is too small, the applicant shall make an effort to obtain a shared access agreement with an adjacent parcel. If circumstances so warrant, the Planning Board may approve a driveway with a minimum separation of less than 75 feet. The Planning Board may also determine, based on a traffic study, that a wider separation than 75 feet is warranted for safety.
  - (e) Driveways shall have adequate depth to prevent queuing onto the main roadway while waiting to proceed further into a site.
  - (f) Driveways shall be clearly defined. Under no circumstances shall the entire frontage of a lot be used as an accessway.
  - (g) Corner lot access
    - i. Where feasible, corner lots shall take access from the adjacent local street, not Route 417.
    - ii. Driveways on corner lots shall be located a minimum of 100 feet from the intersection, unless the Planning Board determines, based on a traffic study, that a larger separation is needed for safety. If the lot is too narrow to meet the corner clearance standard, the applicant shall make an effort to obtain a shared access agreement with an adjacent parcel. If such shared access agreement cannot be obtained, the driveway shall be located as far as possible from the intersection. Turning movements into or from this driveway may be restricted as necessary for vehicular and pedestrian safety.
    - iii. Driveways shall not be located within the boundary of turn or merge lanes of an intersection.
  - (h) If a site plan contains a stub street, the Planning Board shall require, as a condition of approval, that such street be extended in the future to serve currently undeveloped abutting properties.
  - (i) The Planning Board may require turning lanes and other improvements to off-site access roads as a condition of approval, when conditions so warrant.
- (6) Parking
- (a) Parking lots shall be located in the rear and/or side of buildings, where feasible.
  - (b) Interconnected parking lots for adjacent commercial developments are encouraged. Cross-access shall be provided at the rear of the lots.

- (c) In order to encourage shared driveways and cross-access, the parking requirements of Section 5.13(C) of this Zoning Ordinance may be reduced when two or more facilities share parking and the Planning Board makes the determination that the total parking needs are less than if the facilities were separate.

(7) Pedestrian Access

- (a) Sidewalks shall be provided along both sides of Route 417. Sidewalks shall have a minimum width of 5 feet and shall be constructed of concrete at least 4 inches thick. A landscaped buffer area between the sidewalk and Route 417 shall be provided. Where space permits, this buffer area shall contain street trees.
- (b) Developments shall provide safe pedestrian linkage to sidewalks along Route 417. Pedestrian walkways shall be provided directly from the building entrance(s) to the sidewalks.
- (c) Pedestrian walkways within parking areas are encouraged. At least one striped pedestrian crosswalk shall be provided between the parking lot and the building(s).

(8) Landscaping and Buffering

- (a) All site areas outside the building footprint, driveway, sidewalks, and parking areas shall be landscaped. Landscaping should include a variety of species with different heights and widths. Landscaping can include the retention of existing vegetation.
- (b) The amount and scale of landscaping and other buffering elements shall correspond to the proposed and adjacent land uses. More landscaping shall be required if the proposed use is not compatible with adjacent land uses. Landscaping and/or other buffering elements shall be required to screen site features such as garbage dumpsters and other potentially unsightly features.
- (c) Landscaped buffers between residential development and commercial or industrial development are required. Landscaped buffers may include the preservation of existing vegetated areas, buffer plantings, berms, and/or opaque fences.
- (d) *Parking Lots:* The area around the perimeter of parking lots shall be landscaped. The Planning Board may require that fencing and vegetation be used to screen the parking lot from views from Route 417 and other areas. In addition, in large parking lots (with fifty (50) or more parking spaces) interior landscaping is encouraged to break up the expanse of pavement; such landscaping should encompass at least five (5) percent of the paved area. Landscaping could include

trees, shrubs, annuals, and/or ground cover that is established on planting islands throughout the parking lot.

- (e) *Street trees.* Street trees shall be planted at 30 to 40 foot intervals for new development that has frontage along Route 417. Trees should consist of species with broad canopies. Trees should be planted in the lawn area between the curb and the sidewalk, where feasible; however, the Planning Board can approve other locations within the front yard, due to presence of utilities, or other site constraints.
- (f) Existing Vegetation
  - i. The preservation of mature plant species, hedgerows, and woodlots as a design element in a development's landscape plan is encouraged.
  - ii. The preservation and retention of existing trees over 8 inches in diameter (measured at breast height) is encouraged.
- (g) Landscaping shall be designed for easy maintenance. The selection of landscaping materials shall be compatible with the climate of western New York, soil type and condition, and water availability.
- (h) Landscaping materials shall have the following minimum sizes, at planting:

<b>Plant type</b>	<b>Minimum Size</b>
Deciduous trees	3 inch caliper
Conifers	6- to 8- foot height
Small flowering trees	1 inch caliper
Large shrubs	30 to 36 inch height
Small shrubs	18 to 24 inch height

- (i) The Planning Board may require a landscaping bond to be posted for a period of up to two years in an amount to cover the cost of the initial planting approved by the Board and for replacement planting during the first year.
- (9) Lighting and Glare
- (a) Exterior lighting and fixtures for building illumination shall blend with the architectural design.
  - (b) Exterior lighting shall provide adequate illumination for security purposes without excess glare. All lighting, including that in parking areas shall be located to minimize glare and illumination of adjacent and neighboring properties. Only the amount of illumination needed to do the job shall be used.
  - (c) To the maximum extent feasible, cut-off style fixtures meeting Illuminating Engineering Society of North America (IESNA) standards shall be installed for

all new and replacement lighting installations. This type of fixture directs light downward where it is needed.

- (d) To the maximum extent feasible, security lighting should meet IESNA cut-off requirements. Floodlights and non-shielded wall-mounted fixtures spill the most light and cause glare. If non-cut-off fixtures are used, the Planning Board may require that they be motion sensor lights that turn on only when intruders are detected.
- (e) Lighting for signs shall be kept to the minimum needed to read the signs. To the maximum extent feasible, signs shall be illuminated with downshielded lights installed above the sign.

(10) Outdoor Advertising Signs and Billboards. Outdoor Advertising Signs and Billboards are not permitted in the Route 417 East Corridor Overlay (CO-1) District.

#### **Section 4.14 Route 417 West Corridor Overlay District (CO-2)**

**(A) Purpose.** The purpose of the Route 417 West Corridor Overlay (CO-2) District is to foster and encourage commercial and other types of development close to the Village of Allegany, while preserving the rural character of the Town in areas designated for low density development. It is also the purpose of the zoning district to promote development that has consistency of architectural character and site design.

#### **(B) Applicability**

- (1) This corridor overlay district shall apply to all areas shown on the Town of Allegany Zoning Map as being within the CO-2 District.
- (2) All new development; redevelopment; land use activities; and change of use, regardless of whether or not construction activities are involved; within the CO-2 District shall be subject to site plan review, following the procedures in Article IX of this Zoning Ordinance, except the following:
  - (a) Construction of one- or two-family dwelling units and ordinary accessory structures, and related land use activities.
  - (b) Landscaping
  - (c) Ordinary repair or maintenance to existing structures, in cases where the use remains the same.
  - (d) Interior renovations or structural alterations within an existing building or structure, in cases where the use remains the same.
  - (e) Exterior alterations or additions to existing structures that would not increase the square footage of the existing structure by more than 25 %, in cases where the use remains the same.
  - (f) Agricultural use, as defined in Article II of this Ordinance.

(g) The sale of agricultural produce and temporary structures related to the sale of agricultural produce.

(3) Notwithstanding the foregoing sub-section, any exterior alterations to commercial and/or industrial buildings that will significantly change the architectural appearance of those structures, regardless of whether there will be an increase in building size, shall require Site Plan review and approval prior to the issuance of a building permit and/or zoning permit.

(4) When considering an application for site plan review, the Planning Board shall use the criteria delineated in Article IX, as well as the standards contained in Section 4.14(E), below. Where standards may conflict, the Planning Board shall use the more restrictive standard.

**(C) Permitted and Special Permitted Principal Uses and Accessory Uses.** Except as modified herein, the permitted, Special permitted, and accessory land uses allowed in the CO-2 District shall be the same as those in the underlying zoning district.

**(D) Dimensional Regulations.** Except as modified herein, the dimensional regulations of the CO-2 District shall be the same as those provisions of the underlying zoning districts.

**(E) Development Standards**

(1) General Criteria

(a) The proposed development shall be in harmony with the goals and objectives established in the Town's Planning and Development Policies.

(b) The proposed development shall be compatible with the general purposes and intent of this Zoning Ordinance.

(c) The proposed development shall concur with the intent of the Route 417 Corridor Management Plan.

(d) The proposed development shall have an overall clarity and coherence of design.

(2) Architectural Design

(a) New buildings shall relate to the surrounding environment with regard to texture, scale, massing, proportion, and color. A strong visual relationship between the building, the site, and adjacent development is vital for overall design compatibility. Emphasis shall be placed on creating an interesting visual impression. The use of different textures, complementary colors, shadow lines, detailing, and contrasting shapes to create an appealing facade is strongly encouraged. The use of single colors and/or blank walls is discouraged.

(b) Buildings shall be constructed to achieve a human scale and interest. Clusters of smaller buildings of varied size and orientation are encouraged, instead of vast single buildings.

- (c) Consistent setbacks for buildings along Route 417 frontage are encouraged. Primary buildings should be located close to the Route 417 frontage in order to create a more human-scaled, attractive environment.
- (d) Franchise-style architecture (also known as prototypical or corporate architecture) shall not be allowed, unless it is shown or modified to be in conformance with the objectives of this section of the Zoning Ordinance and the intent of the Route 417 Corridor Management Plan.
- (e) Development shall conform to the following criteria:
  - i. Buildings shall not overpower the surrounding buildings, uses and landscape.
  - ii. Care shall be given to the character of all sides of the building, not just the "front" facade.
  - iii. Long, uninterrupted blank walls are discouraged
  - iv. Window and door openings shall be maximized along the front of buildings, to make them inviting.
  - v. Architectural detailing, such as recessed windows and/or doors, bays, and textured materials or decoration, is encouraged to create variety and provide interest.
- (f) In areas where there is a well-established, consistent architectural and/or design character, new developments shall be consistent with the general character of that development. The existing proportional relationship between buildings, open space and building setbacks shall be maintained. New development shall be compatible with the color, height, materials, and design of the predominant style of existing buildings.
- (g) *Height.* Two-story buildings are encouraged.
- (h) *Roof Design.* A variety of roof types, heights and gable styles in proportion to building size is encouraged. Extensive use of flat, very low, or very steeply pitched roofs generally should be avoided.
- (i) *Building materials in commercial districts:*
  - i. Facade materials such as brick, natural stone and wood are encouraged. The use of vinyl siding, metal siding, and imitation stone is discouraged.
  - ii. Trim such as finished grade painted or stained wood or anodized aluminum is encouraged.
  - iii. Windows should have anodized aluminum or wood frames, not bare aluminum frames.
  - iv. If awnings are part of the building design, externally lit canvas awnings are encouraged; internally lit plastic awnings are discouraged.

- (j) *Building materials in industrial districts.* To the maximum extent feasible, building materials in industrial districts should meet the standards of Section 4.14(E)(2)(i). However, it is recognized that industrial buildings have different requirements from commercial buildings, and therefore may require the use of different building materials.
- (k) Mechanical Equipment
  - i. Rooftop mechanical equipment should be screened from public view, to the maximum extent feasible, through the use of architecturally compatible materials and techniques, such as paint color, parapet walls and/or similar treatment.
  - ii. Ground level mechanical and service equipment (such as air conditioning units and utility boxes and meters) should be screened from public view by the use of landscaping, walls, fencing or other design treatment compatible with the architectural style and materials of the principal structure.
  - iii. Garbage dumpsters and receptacles shall be placed out of view from adjacent properties, pedestrian ways (trails and sidewalks), Route 417, and adjoining streets, or shall be screened so that they are not visible from these viewpoints.
  - iv. For purposes of this section "public view" shall refer to all public roads and sidewalks within the corridor overlay district, with primary emphasis on views from Route 417 for motorists, pedestrians, and bicyclists.
- (l) Loading docks shall be located to the rear of the building and screened from view.
- (m) Site grading for new construction shall blend in with surrounding site grades.

(3) Maximum and Minimum Building Setback

- (a) During the Site Plan Review process the Planning Board may impose a maximum setback from the front property line. This setback may be necessary to maintain the existing building line in an area or may be necessary to insure that parking is placed behind the primary building.
- (b) During the Site Plan Review process the Planning Board may waive the minimum front yard setback requirement to allow buildings to be closer to the front property line than that which would ordinarily be allowed, in order to accomplish the goals and objectives of this Zoning Ordinance and the intent of the Route 417 Corridor Management Plan. Any such waiver shall clearly state the reasons for the waiver, and shall state the goals and objectives of this Zoning Ordinance and/or intent of the Route 417 Corridor Management Plan that support the waiver.



- (4) Minimum lot width. The minimum lot width for new lots in an underlying C-1 Local Commercial Zoning District, which are created after the effective date of this Ordinance, shall be 200 feet.
- (5) Vehicular Access for lots used for commercial and industrial developments.
  - (a) Each lot abutting Route 417 shall be restricted to one access point, either a driveway or a new street, from Route 417. However, if a lot is large enough to provide for a minimum separation of 300 feet between access points, then more than one driveway per lot may be permitted by the Planning Board.
  - (b) Shared driveways for adjacent uses are encouraged, where feasible. Commercial driveways should be located along the side yard property line to encourage future shared use.
  - (c) Shared access shall be required for adjacent lots under the same ownership.
  - (d) A minimum separation of 75 feet between driveways accessing Route 417 is recommended. If this minimum separation cannot be met, because of the location of prior driveways, or because the frontage width of a parcel is too small, the applicant shall make an effort to obtain a shared access agreement with an adjacent parcel. If circumstances so warrant, the Planning Board may approve a driveway with a minimum separation of less than 75 feet. The Planning Board may also determine, based on a traffic study, that a wider separation than 75 feet is warranted for safety.
  - (e) Driveways shall have adequate depth to prevent queuing onto the main roadway while waiting to proceed further into a site.
  - (f) Driveways shall be clearly defined. Under no circumstances shall the entire frontage of a lot be used as an accessway.
  - (g) Corner lot access
    - i. Where feasible, corner lots shall take access from the adjacent local street, not Route 417.
    - iv. Driveways on corner lots shall be located a minimum of 100 feet from the intersection, unless the Planning Board determines, based on a traffic study, that a larger separation is needed for safety. If the lot is too narrow to meet the corner clearance standard, the applicant shall make an effort to obtain a shared access agreement with an adjacent parcel. If such shared access agreement cannot be obtained, the driveway shall be located as far as possible from the intersection. Turning movements into or from this driveway may be restricted as necessary for vehicular and pedestrian safety.
    - ii. Driveways shall not be located within the boundary of turn or merge lanes of an intersection.

- (h) If a site plan contains a stub street, the Planning Board shall require, as a condition of approval, that such street be extended in the future to serve currently undeveloped abutting properties.
  - (i) The Planning Board may require turning lanes and other improvements to off-site access roads as a condition of approval, when conditions so warrant.
- (6) Vehicular access for residential subdivisions
- (a) Each subdivision shall have not more than two streets that access onto Route 417. Lots shall be designed so that houses have their frontage on an internal street. No individual driveways shall be permitted to access Route 417. Where necessary, a service road that parallels Route 417 may be installed to provide access to individual house lots.
  - (b) New subdivisions shall be encouraged to provide streets that connect to those in existing subdivisions. If a subdivision contains a stub street, the Planning Board shall require, as a condition of approval, that such street be extended in the future to serve currently undeveloped abutting properties.
- (7) Parking
- (a) Parking lots shall be located in the rear and/or side of buildings, where feasible.
  - (b) Interconnected parking lots for adjacent commercial developments are encouraged. Cross-access shall be provided at the rear of the lots.
  - (c) In order to encourage shared driveways and cross-access, the parking requirements of Section 5.13(C) of this Zoning Ordinance may be reduced when two or more facilities share parking and the Planning Board makes the determination that the total parking needs are less than if the facilities were separate.
  - (d) *Pedestrian walkways.* Pedestrian walkways within parking areas are encouraged. At least one striped pedestrian crosswalk shall be provided between the parking lot and the building(s).
- (8) Landscaping and Buffering
- (a) All site areas outside the building footprint, driveway, sidewalks, and parking areas shall be landscaped. Landscaping should include a variety of species with different heights and widths. Landscaping can include the retention of existing vegetation.

- (b) The amount and scale of landscaping and other buffering elements shall correspond to the proposed and adjacent land uses. More landscaping shall be required if the proposed use is not compatible with adjacent land uses. Landscaping and/or other buffering elements shall be required to screen site features such as garbage dumpsters and other potentially unsightly features.
- (c) Landscaped buffers between residential and commercial or industrial development are required. Landscaped buffers may include the preservation of existing vegetated areas, buffer plantings, berms, and/or opaque fences.
- (d) *Parking lots.* The area around the perimeter of parking lots shall be landscaped. The Planning Board may require that fencing and vegetation be used to screen the parking lot from views from Route 417 and other areas. In addition, in large parking lots (with fifty (50) or more parking spaces) interior landscaping is encouraged to break up the expanse of pavement; such landscaping should encompass at least five (5) percent of the paved area. Landscaping could include trees, shrubs, annuals, and/or ground cover that is established on planting islands throughout the parking lot.
- (e) *Street trees.* Street trees shall be planted at 30 to 40 foot intervals for new development that has frontage along Route 417. Trees should consist of species with broad canopies. Trees should be planted as close to the right-of-way as feasible. However, the Planning Board can approve other locations within the front yard, due to presence of utilities or other site constraints.
- (f) Existing Vegetation
  - i. The preservation of mature plant species, hedgerows, and woodlots as a design element in a development's landscape plan is encouraged.
  - ii. The preservation and retention of existing trees over 8 inches in diameter (measured at breast height) is encouraged.
- (g) Landscaping shall be designed for easy maintenance. The selection of landscaping materials shall be compatible with the climate of western New York, soil type and condition, and water availability.
- (h) Landscaping materials shall have the following minimum sizes, at planting:

<b>Plant type</b>	<b>Minimum Size</b>
Deciduous trees	3 inch caliper
Conifers	6- to 8- foot height
Small flowering trees	1 inch caliper
Large shrubs	30 to 36 inch height
Small shrubs	18 to 24 inch height

- (i) The Planning Board may require a landscaping bond to be posted for a period of up to two years in an amount to cover the cost of the initial planting approved by the Board and for replacement planting during the first year.

(9) Lighting and Glare

- (a) Exterior lighting and fixtures for building illumination shall blend with the architectural design.
- (b) Exterior lighting shall provide adequate illumination for security purposes without excess glare. All lighting, including that in parking areas shall be located to minimize glare and illumination of adjacent and neighboring properties. Only the amount of illumination needed to do the job shall be used.
- (c) To the maximum extent feasible, cut-off style fixtures meeting Illuminating Engineering Society of North America (IESNA) standards shall be installed for all new and replacement lighting installations. This type of fixture directs light downward where it is needed.
- (d) To the maximum extent feasible, security lighting should meet IESNA cut-off requirements. Floodlights and non-shielded wall-mounted fixtures spill the most light and cause glare. If non-cut-off fixtures are used, the Planning Board may require that they be motion sensor lights that turn on only when intruders are detected.
- (e) Lighting for signs shall be kept to the minimum needed to read the signs. To the maximum extent feasible, signs shall be illuminated with downshielded lights installed above the sign.

(10) Prohibited Uses in the Agricultural-Forestry District. The following uses shall not be permitted or allowed as special permitted uses in that portion of the underlying Agricultural-Forestry District that is within the CO-2 District:

- (a) Hotels, Motels, and Inns
- (b) Restaurant, Drive-through Restaurant, Bars and Taverns
- (c) Building supply store
- (d) Local Commercial Establishments
- (e) Gas and alternative fuel stations, Gas and alternative fuel stations with mini-marts;
- (f) Vehicle Sales Establishments
- (g) Professional and General Business Offices
- (h) Junkyards
- (i) Light manufacturing
- (j) Mini-marts
- (k) Adult Uses
- (l) Warehouses

- (m) Cineplex and Indoor Theaters
- (n) Mini storage facilities

(11) Outdoor Advertising and Billboards. Outdoor Advertising and Billboards are not permitted in the Route 417 West Corridor Overlay (CO-2) District.

### **Section 4.15 Wind Energy Overlay District (WE)**

**(A) Purpose.** The purpose of the Wind Energy Overlay (WE) District is to provide a location for the placement of Commercial Wind Energy Conversion Systems (WECS).

**(B) Applicability**

- (1) This overlay district shall consist of all properties upon which Commercial WECS are constructed, and all adjoining and other properties granting noise or other setbacks.
- (2) The requirements in this district for Commercial WECS are in addition to all other requirements for Commercial WECS in this Ordinance.
- (3) In addition to the Initial Application materials in Section 5.25, the applicant shall provide a map of the proposed overlay district. For any application under review at the time this ordinance is adopted, the applicant shall submit the map within 60 days of the notice of adoption.