AMENDED ZONING ORDINANCE IN EFFECT AS OF 8/13/12

Town of Sardinia Planning Board

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Schedule of Yard, Bulk, Lot Area and Heights

Special Permit Request Application

Rezoning Classification Request Application
Article One: General Provisions

§ 115-1 Title.

This ordinance shall be known and may be cited as the “Zoning Ordinance of the Town of Sardinia”.

§ 115-2 Statutory Authority.

This ordinance is hereby adopted pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and Section 10 of the Municipal Home Rule Law of the State of New York; and in accordance with the Town’s Comprehensive Plan adopted on December 30, 2003.

§ 115-3 Purpose and Scope.

The purpose of this ordinance is to provide for the orderly growth of the Town of Sardinia by setting minimum requirements in accordance with a comprehensive plan, designed to lessen congestion in the streets, to secure safety from fire, flood, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Specifically the Zoning Ordinance is adopted to:

A. Implement the Town of Sardinia Comprehensive Plan.

B. Regulate the use of land.

C. Regulate the location, height and bulk of buildings and their accessory structures.

D. Preserve and protect significant natural resources.

F. Preserve and protect the rural character of the community.

§ 115-4 Effective Date.

This Zoning Ordinance shall take effect on the date of official adoption by the Town Board. The ordinance shall apply on its effective date to all uses that have
not commenced and structures that have not been constructed regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Article One: General Provisions

§ 115-5 General Rules of Interpretation.

A. INTERPRETATION: In interpreting and applying the provisions of this ordinance, its provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Except as specifically provided, it is not intended by the adoption of this ordinance to repeal, abrogate or annul any existing provisions of any law previously adopted relating to the use of structures and land and the design, erection, alteration or maintenance of structures.

B. EXISTING RESTRICTIONS: The provisions of this ordinance shall not annul, or in any way interfere with, existing deed or plat restrictions, easements or other agreements between persons, codes, laws, rules, regulations or permits previously adopted or issued, except those codes or sections which are contrary to, or in conflict with, this zoning ordinance. Wherever this zoning ordinance imposes greater restrictions upon the use of structures or land, the height or bulk of buildings or requires larger land or building areas, yards or other open spaces than are otherwise required or imposed by deed or plat restrictions or laws, this ordinance shall control; other regulations shall control where they impose greater restrictions than this ordinance and for that purpose, the ordinance shall not annul, modify or impair the provisions of any existing deed or plat restrictions, easements or other agreements.

C. PROHIBITED USES: Any use not specifically listed as a permitted use is not allowed in the Town of Sardinia.

§ 115-6 Interpretation of conflicting provisions.

Whenever any provision of this chapter is at variance or in conflict with any other provision of this chapter or any other statute, local ordinance or regulation covering any of the same subject matter, the most restrictive provision, or the one imposing the higher standard, shall govern.
Article One: General Provisions

§115-7 Severability.

It is hereby declared to be the intent of the Town Board that:

A. If a court of competent jurisdiction finds any provision of this chapter invalid in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the chapter shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision of this chapter to any building, other structure or tract of land to be invalid in whole or in part, the effect of such decision shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

§115-8 Applicability of Ordinance to Existing Variances and Special Use Permits.

Any variance or special use permit lawfully issued prior to the effective date of this ordinance, or any amendment thereof, which could be lawfully issued pursuant to the provisions in effect after such effective date shall be deemed to be valid and continue valid after such effective date. Any structure or use lawfully authorized by any such variance or special use permit which could not be so issued after such effective date shall be allowed to continue subject to the provisions of this ordinance dealing with legal non conforming uses.

§115-8.1 Applicability of Ordinance to Public Utilities.

The provisions of this ordinance shall not be construed to limit or interfere with the construction or operation for public utility purposes of water and gas pipes, electric light and power transmission and distribution lines, communication lines, oil pipe lines, sewers, and incidental appurtenances, or with any highway or railroad right of way existing or hereinafter authorized by the Town of Sardinia, County of Erie or State of New York. The above exceptions shall not be
Article One: General Provisions

§ 115-9 Compliance Required.

A. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot area, height and building location regulations hereinafter designated for the district in which such building or open space is located, and upon issuance of all approvals required by this ordinance.

B. No use shall be conducted or changed or property altered in any manner except in conformity with this ordinance.

C. No lot area shall be reduced, altered or subdivided as to create a nonconforming lot. All division of land shall be approved by the Town Board and consistent with the Town’s Subdivision Regulations.

D. Nothing in this Chapter shall be read as eliminating the requirement for compliance with any other Chapter of the Town Code.

§ 115-10 Certificate of Occupancy.

A. No land shall be occupied or used, and no structure erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Code Enforcement Officer stating that the structure and use appear to comply with all applicable provisions of this Zoning Ordinance. No change in any use shall be made to any structure or part thereof, except in conformance with a certificate of occupancy issued by the Code Enforcement Officer.

B. CONDITIONAL CERTIFICATE OF OCCUPANCY: If the Code Enforcement Officer finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a conditional certificate of occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The Conditional Certificate shall state the items to still be completed and/or the portions of the building approved for occupancy. Certificates may be issued for a period of up to one (1) year by the Code Enforcement Officer, and may be extended for up to an additional six (6)
months at a time by the Town Board. The Board may require a performance bond to guarantee completion of the project.

Article One: General Provisions

1. The applicants must stipulate in their request for a Conditional Certificate that they agree to maintain the conditions stipulated in their request for partial occupancy for the duration of construction on the site. They must agree that if they fail to obtain a full Certificate of Occupancy for the entire building, they will vacate the premises and terminate all occupancy until successfully obtaining a full Certificate of Occupancy for the building.

C. NO ESTOPPEL EFFECT: The Code Enforcement Officer shall use his or her best efforts to ensure that all Code provisions are complied with prior to issuance of any Certificate of Occupancy. But if later inspection or events discloses any non-compliance with Town Codes, issuance of a Certificate of Occupancy shall in no manner limit the right of the Town to enforce its Codes through all civil and/or criminal remedies available.

D. NO LIABILITY FOR DAMAGES: This Code shall not be construed to hold the Town responsible for any damages to persons or property by reason of inspections made pursuant to an application for a certificate of occupancy or issuance of or failure to issue a certificate of occupancy, and nothing in this Code shall be construed to impose a duty upon the Town towards any person or property.
Article Two: Definitions and Word Usage

§ 115-11 Word Usage.

For the purposes of this ordinance, certain terms are herewith defined.

A. Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meanings.

B. Words used in the present tense include the future, and the plural includes the singular.

C. The word "and" indicates that all connected items, conditions, provisions or events shall apply.

D. Any word "or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.

E. The term "either ... or" indicates that the connected items, conditions, provisions or events apply singly and not in any combination.

F. The word "District" includes the plural "Districts."

G. The word "lot" includes "plot" or "parcel."

H. The word "building" includes the word "structure." Any reference to building or structure also refers to any part of a building or structure.

I. The word "shall" is intended to be mandatory.

J. The word "may" is intended to be permissive.

K. The words "occupied" or "used" shall be construed to include the words "or intended, arranged or designed to be used or occupied," and the words "occupancy" or "use" shall be construed as similarly qualified.

L. The word "person" includes," "firm," "partnership," "estate," "trust," "limited liability company," or "corporation."
Article Two  Definitions and Word Usage

§ 115- 12 Definitions.

ABANDONMENT: To cease or discontinue a use.

ACCESSORY USE OR STRUCTURE: A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. For example, a storage building.

ACCESSORY BUILDING: A structure located on the same lot as a principal building and used for purposes customarily incidental to and subordinate to the principal structure. The size of the accessory building should not exceed the square footage of the main dwelling.

ADULT USES: Whenever used in this Zoning Ordinance, the words adult use or adult uses apply to the following types of establishments:

a. ADULT BOOKSTORE: An establishment which has as a substantial or significant portion of its stock in trade, books, pamphlets, magazines and other periodicals, sculptures, photographs, pictures, slides, videotapes, films or sound recordings and which establishment excludes any minor by reason of age.

b. ADULT ENTERTAINMENT CABARET: A public or private nightclub, bar, restaurant or similar establishment which presents topless or bottomless dancers, go-go dancers, strippers, male or female impersonators, exotic dancers or other similar entertainment, and which establishment excludes any minor by reason of age.

c. ADULT MOTEL: A motel which excludes minors by reason of age.

d. ADULT THEATER: A theater that customarily presents motion pictures, films, videotapes or slide shows and which excludes minors by reason of age.

e. ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade, videotapes or films for sale or viewing on premises by use of motion picture devices, video equipment or other coin operated means and which establishment excludes any minor by reason of age.

f. PEEP SHOW: A theater which presents material in the form of live shows, films or videotapes viewed from an enclosure for which a fee is charged and which excludes any minor by reason of age.
Article Two  Definitions and Word Usage

g. ADULT MODEL STUDIO: Any establishment where, for any form of consideration or gratuity, figure models are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons other than the proprietor, paying such consideration or gratuity and which excludes any minor by reason of age. This provision shall not apply to any school of art which is operated by an individual firm, association, partnership, corporation or institution which meets the requirements established in the NYS Education Law for the issuance or conferring of and is in fact authorized to issue or confer a diploma.

h. MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or duly licensed massage therapist, or barber shops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs that have facilities for physical exercise such as tennis courts, racquetball courts or exercise rooms and which do not receive their primary source of revenue through the administration of massages.

i. BODY PAINTING STUDIO: An establishment or business which provides the service of applying paint or other substance whether transparent or non-transparent to or on the human body and which excludes minors by reason of age.

AGRICULTURAL ANIMALS: Animals customarily found on farms including horses, cattle, swine, goats, sheep, mules, donkeys and alpaca, and not including domestic animals such as dogs and cats.

AGRICULTURE: Farming, production or field crops, dairying, pasturage, horticulture, floriculture, agriculture, production of maple sap, tree farms, and animal and poultry husbandry in which the gross annual sales of such practice is $10,000.00 or more, or any such minimum dollar amount as established by Article 25-AA of the NYS Agriculture and Markets law as may be amended or modified from time to time. The term agriculture shall also include necessary accessory uses for packing, treating, or storing the products, provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Commercial food processing beyond packaging; such as canning or slaughtering is not
considered a permitted accessory agricultural use.

Article Two  Definitions and Word Usage

AIRSTRIP, PRIVATE: Any land used for the purpose of landing, taxiing, taking off or storing of airplanes or similar aircraft.

ALTERATIONS: As applied to a building, structure, or an existing sign, a change or re-arrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ANTENNA: A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communications services (PSC) and microwave communications.

ANTENNAS, BUILDING MOUNTED: Communications facilities which utilize existing buildings and structures other than towers, as defined in this chapter, for supporting antennas. A building-mounted antenna which does not utilize a building or structure for its primary means of attachment or structural support will be defined as a communication tower as set forth in this chapter.

ANTENNAS, CO-LOCATED: Communications facilities which utilize existing towers, as defined in this chapter, for placement of antenna(s).

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered processes, terraces and steps. All dimensions shall be measures from exterior wall to exterior wall.

AREA, LOT: The total area within the boundary lines of a lot.

ARTS AND CRAFT STUDIO: An accessory use conducted either within a single family dwelling or in a building accessory to a single family dwelling by one or more of its residents. An arts and crafts studio shall house occupations such as painting, sculpting, ceramic-molding, weaving/textiles, woodworking or jewelry making.

ATTACHED: The relationship of any two or more buildings or structures sharing a common wall or party wall, or joined by a covered porch, loggia or passageway.
Article Two  Definitions and Word Usage

AUTOMOBILE BODY SHOP: A building used for the repairing or painting of the exterior and/or the undercarriage of motor vehicle bodies, in conjunction with which there may be towing services and motor vehicle rentals for customers while the motor vehicle is under repair.

AUTOMOBILE GASOLINE STATION: A retail establishment where motor vehicle fuels and lubricants are sold to individuals, and which may include an accessory convenience store.

AUTOMOBILE REPAIR SHOP: An establishment where motor vehicle fuels and lubricants are sold and where repairs, servicing, greasing, and adjusting of automobiles and other motor vehicles may be performed. All sales and storage of accessories and repairing and servicing shall be conducted within a wholly enclosed building. No vehicles will be left on the premises for more than two weeks. Repair work does not include body work or painting.

AUTOMOBILE SALES LOT: A lot, building or structure where new or used automobiles, trucks, or motorcycles are available for sale.

BASEMENT: A portion of a building which is partly underground, but in which more than one-half of its height, measured from floor to ceiling, is below the average finished grade at the point where the grade meets the exterior walls of the building.

BED AND BREAKFAST: A single family dwelling in which the owners thereof provide overnight accommodations and meals to travelers. A bed and breakfast establishment shall have a maximum of six (6) rooms available for overnight guests.

BERM: A man made earthen landscape feature created to serve as a buffer zone or a visual break.

BARN: A building used to house animals and feed for those animals.

BUFFER ZONE: A strip of land used to separate one land use from another incompatible land use.
Article Two Definitions

BUILDABLE LAND: The area of a lot that is calculated by subtracting from the gross area of the parcel the following:

a. State regulated wetlands.
b. Federal regulated wetlands.
c. FEMA designated floodplains.
d. Land designated for public recreation.
e. Land required for roadways and public improvements.

BUILDING COVERAGE: The horizontal area of a lot covered by all buildings, measured to the outside walls as to be determined by the zoning district/use.

BUILDING HEIGHT: The vertical distance measured from the average elevation or the proposed finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of masard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. This definition does not apply to Church Spires, Cell Towers, and Antennas.

BUILDING, NONCONFORMING: Any building or structure not permitted in the district in which it is built. A legal nonconforming building or structure is a building or structure that was legally authorized by the ordinances as they existed at the time it was constructed.

BUILDING PERMIT: Written approval from the Code Enforcement Official to develop, construct or alter a structure or building.

BUILDING, PRINCIPAL: A structure which is devoted to the principal use permitted to be established on the site. In any residential district, any dwelling shall be deemed to be a “principal building” on the lot on which the same is located.

BUILDING, PRIVATE STORAGE: A building which is accessory to a dwelling unit for the storage of personal belongings customarily associated with a dwelling. Private storage buildings shall be accessory uses to dwellings and shall not be established as principal uses, unless approved by the Zoning Board of Appeals as regulated in this chapter.

BUILDING, SELF STORAGE: A commercial storage building divided into smaller rental units for the storage of personal belongings or wares.
Article Two  Definitions

BUILDING, TEMPORARY: A building which is constructed of fabric material or other material which due to its material properties cannot withstand required structural loads imposed by snow, wind or other live loads, and thus cannot be utilized continuously due to seasonal changes in the weather. Buildings of a temporary nature may not be erected, placed or constructed without a building permit and consistent with the provisions of this chapter or the minimum provisions of the NYS Uniform Fire Prevention and Building Code.

BULK STORAGE: The storage of chemicals, petroleum products and other materials in containers for subsequent resale to distributors or retail dealers or outlets, or for use in manufacturing processes.

CAMPGROUND: An area used for a range of overnight camping experiences, from tenting to services trailer sites, including accessory facilities which support the use, such as administration offices, and laundry facilities, but not including the use of manufactured homes on a year round basis.

CAMPING UNIT: Any tent, lean-to, cabin or similar structure, houseboat, or recreational camping vehicle, excluding manufactured homes, established or maintained and operated in a campground as temporarily living quarters for recreation, education, or vacation purposes.

CAMPSITE: Any area of land within a campground intended for the exclusive occupancy of a single camping unit.

CARPORT: A building or structure, or part thereof, which is not wholly enclosed and is used for the parking of private passenger vehicles.

CERTIFICATE OF OCCUPANCY: A permit issued by the Code Enforcement Officer upon completion of construction, alteration, or change in occupancy or use of a building.

CHANGE IN USE: In reference to a land use, means the replacement of an existing use with a new use, or a change in the nature of an existing use. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use.
Article Two Definitions

CIVIC FACILITY: Buildings, structures and other uses owned and operated by the Town of Sardinia and regularly used for neighborhood meetings and other forms of public assembly.

CLUSTER DEVELOPMENT/OPEN SPACE DEVELOPMENT DESIGN: A planned residential development which is arranged in such manner that arranges lots and/or dwelling units in groups in close proximity, on smaller lots, with saving in development costs; in exchange for preservation natural resources or site features including open space.

CODE ENFORCEMENT OFFICER/OFFICIAL: The administrative officer appointed by the Town Board to enforce the provisions of the New York State Uniform Fire Prevention and Building Code and the provisions of this ordinance.

CLUB: An association catering exclusively to members and their guests. “Club” shall also mean, where the context requires, premises owned or occupied by members of such association, within which the activities of the club are conducted. Such activities shall not be conducted primarily for gain, except as required generally for the purposes of such club.

COMMERCIAL USE: Activity carried out for pecuniary gain.

COMMON AREA: The area held, designed or designated for the common use of the owners or occupants of a townhouse project, planned development, apartment or condominium, mobile home park or subdivision.

COMMON WALL OR PARTY WALL: Any interior wall or portion thereof located between adjacent units or uses provided for the separation of the individual and separate living or use areas.

COMMUNICATIONS FACILITIES: Towers and/or antennas and accessory structures used in connection with the provision of cellular telephone service, personal communications services, paging services, radio and television broadcast services, and similar broadcast services.

COMPREHENSIVE PLAN: A plan as defined and adopted in accordance with Section 272A of Town Law of the State of New York, and any amendments or master plans attached thereto by resolution of the Town Board.
Article Two  Definitions

CONDOMINIUM: A building or group of buildings in which residential, business or industrial units are owned individually while the structure, common areas and facilities are owned jointly or by all the owners on a proportional basis.

CONTRACTING STORAGE: Any area used for the outdoor storage of contracting equipment and building or construction materials.

COUNTY: The County of Erie, New York.

CULTURAL FACILITY: Public libraries, museums, art galleries and other similar community institutions.

DAY CARE CENTER: A care facility which provides care, protection and supervision for a period of less than twenty-four (24) hours a day on a regular basis, which supplements care, enrichment and health supervision for the participants, in accordance with their individual needs, and which for a payment, fee or grant is made for care. Such use shall conform to all requirements regulating day care of the New York State Department Family and Children Services.

DEED RESTRICTION: A legal instrument recorded in the County Clerk’s Office which transfers with the land and places development restrictions for a designated purpose on such land in perpetuity.

DENSITY: The number of individual residential units divided by the buildable land available for residential units in a particular parcel of land. Expressed as units per acre.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

DOG KENNEL/DOMESTIC ANIMAL KENNEL, COMMERCIAL: A place for the boarding of more than four (4) domestic animals that are more than six (6) months old or a building constructed for the breeding of canines or other domestic animals less than six months old, for pecuniary gain.

DWELLING UNIT: A residential unit other than a manufactured home, with one (1) or more rooms, including cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.
Article Two  Definitions

DWELLING, SINGLE FAMILY: A residence comprised of a single dwelling unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping eating cooking and sanitation.

DWELLING, TWO FAMILY: A residence comprised two single dwelling units providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping eating cooking and sanitation. The term "duplex" also falls within this definition of Two Family Dwelling.

EASEMENT, CONSERVATION: A legal instrument recorded in the Erie County Clerks Office which restricts the developable rights to land for purposes of preserving the land or a portion of land in an un-developable state due to its natural ecological value, including but not limited to prime farmland soils, federal and state wetlands, water resources, flood planes, and forests communities.

EQUIVALENT ACREAGE: Acreage required for compensatory lands based on a 1 to 1 ratio when prime farmland soils are developed for non agricultural purposes.

ESSENTIAL PUBLIC SERVICES: The erection, construction, alteration or maintenance by public utilities, including telecommunications facilities of federally licensed telecommunications companies, or town or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment, buildings and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or town or other governmental agencies or for the public health or safety or general welfare.

FALL-DOWN ZONE -- The radius around a communications tower within which all portions of the tower and antenna(s) would fall in the event of a structural failure of the tower.

FARM STAND: An establishment in which agricultural products are sold.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot meets the walls or supports of a building or structure. If the finished grade is not reasonably horizontal, the average elevation of the grade shall be determined using all sides of the structure for purposes of computing the height of a building or structure.
Article Two  Definitions

FLAG LOT: A building lot which has a narrow frontage, a minimum of (20) twenty feet on a public or private road and which serves as access to a lot which meets the minimum lot area and lot width requirements, resembling a lot configuration of a flag.

FLOOD, BASE (100 year flood): A flood which has a one percent chance of being equaled or exceeded in any given year

FLOOD WAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in the Town of Sardinia’s Flood Damage Prevention Law.

FLOOR AREA, GROSS: The total enclosed area of all floors in a building with a clear height of more than seven feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.

FOOD PREPARATION, WHOLESALE: A commercial establishment in which food is processed or otherwise prepared for human consumption, but which is not consumed on the premises.

FORESTRY: The use of land for the purpose of conservation and/or the growing or the cutting of trees for the purpose of producing commercial or non-commercial wood products such as furniture and firewood but shall not include the manufacturing or processing of such products, other than the initial harvesting of the wood product.

GARAGE: An accessory building or part of the principal building which is designed and used primarily for the storage of motor vehicles for the personal transportation of the occupants of the dwelling unit with which it is associated.

GROSS LEASABLE AREA: The total floor area for which the tenant pays rent and which is designed for the tenant’s occupancy and exclusive use.

HAZARDOUS MATERIAL: Chemicals or substances which can cause health or physical hazards, including but not limited to chemicals or substances which are toxic, highly toxic, corrosive, flammable, combustible or explosive, whether usable or in waste form, such term shall include all such materials as defined in the NYS Fire Code.
Article Two Definitions

HISTORIC RESOURCES: Any historic building, structure, facility, site or prehistoric site that is listed on the State and/or National Registers of Historic Places. Any locally significant historic resource designated pursuant to Article 5-K of the NYS General Municipal Law is also included.

HOME BASED BUSINESS: The use of portion of a dwelling unit by one or more resident occupants for purposes which are not clerical in nature and require the exchange of goods or services from the dwelling unit. Such non residential uses must be clearly incidental and subordinate to the use of the premises for residential purposes, not exceed 25% of the ground floor area of the principal structure and shall be permitted only by temporary permit issued by the Town of Sardinia Zoning Board of Appeals.

HOME OFFICE: The use of a portion of a residential dwelling unit by one or more resident occupants for purposes of conducting a business which is clerical in nature and does not require the exchange of tangible goods within the residence or the receiving of employees or clients at the residence. Such uses include but are not limited to data processing, telecommuting, billing services and scheduling services. Service providers whose service is provided off the residential premises and require a portion of a dwelling for the clerical portion of their service business are also included in this definition. Such office shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the Home Office shall not exceed 25% of the ground floor area of the principal structure. It may be within the principal or accessory structure. Adult uses as defined by this chapter are not permitted to be home offices.

JUNK YARD: Any place or storage or deposit whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts there from, for the purpose of reclaiming for use some of all of the materials therein, whether metal, glass, fabric, or otherwise, for the purpose of disposing of the same or for any other purpose, such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together equal in bulk two or more such vehicles.

LOGGING: The removal or cutting of logs from harvestable timber for commercial purposes.
Article Two Definitions

LOT: A parcel or piece of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this code, and having frontage on a public street.

a. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°). The point of intersection of the street lot lines is the “corner.”

b. LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

c. LOT, INTERIOR: A Lot other than a corner lot.

d. LOT LINES: The lines or series of connecting line segments bounding the lot.
Article Two  Definitions

e. LOT LINES, FRONT:

(1) for an interior lot, the lot line abutting the street;
(2) for a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;
(3) for a through lot, the lot line abutting the street that provides the primary access to the lot.

f. LOT LINE, REAR: The lot line opposite and most distant from the front lot line.

g. LOT LINE, SIDE: Any lot line other than a front or rear lot line. A “side lot line” separating a lot from a street is called an exterior lot line.

h. LOT LINE, STREET: A lot line separating the lot from a street.

i. LOT, THROUGH: An interior lot having frontage on two (2) parallel or approximately parallel streets.

j. LOT WIDTH: The distance between the two (2) side lot lines measured as the length of a line setback from the front lot line by the minimum front yard permitted in the district.
Article Two  Definitions

LOT, NONCONFORMING: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district in which said lot is located, and the owner(s) of said lot do(es) not own any adjoining property. A legal nonconforming lot is one which complied with the requirements of the Zoning Ordinance at the time it was created.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, and the blending of materials.

LIGHT MANUFACTURING: The manufacture, compounding, assembling or treatment of articles or merchandise from materials which have been previously prepared or underwent a chemical transformation or change in composition.

MANUFACTURED HOME: A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more in length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all the requirements of this definition except the size requirements with respect to the which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

MANUFACTURED HOUSING COMMUNITY/PARK: Land on which manufactured homes are located or which is maintained for use by two or more manufactured homes.

MIGRANT WORKER CAMP: A building or group of buildings used primarily for living quarters by persons or families engaged in seasonal farm or other labor.

MINING: Excavation of materials such as, but not limited to: soil, clay, gravel, sand, and stone for purposes of sale or other pecuniary gain. Excavation of materials for construction activities on premises shall not be considered mining. However, all such construction activities shall first be approved by the Town.
Article Two  Definitions

MIXED USE DEVELOPMENT / PLANNED UNIT DEVELOPMENT (PUD): A pre-planned development consisting of different land uses which are integrated within a development site. Mixed use developments allow for both residential and commercial uses and flexibility in site configurations in exchange for preservation of unique or critical site features/natural resources.

MAXIMUM BUILDING COVERAGE: The maximum percentage of a lot to be covered by the combined footprint of all buildings, structures, and uses.

MOTOR HOME OR RECREATION VEHICLE: A vehicle or trailer designed for temporary dwelling or recreational purposes, and includes travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats, and boat trailers.

MULTIPLE DWELLING: A dwelling used or designed, and which comprises more than one dwelling unit. Such term includes a two family dwelling, apartment building, town home, patio home and condominium.

NURSERY SCHOOL: A privately-owned school for two or more children ages two to five, which provides instruction as well as child care.

NURSING HOME: An institution, other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment.

OBsolete: When a communications facility or other technological innovation is no longer in use for the original intended purpose or remains unused for its intended purpose for a period of more than 12 consecutive months due to a change in technology or by any fault of the facility owner.

ORIGINAL PARCEL/TRACT: The configuration and size of land owned by an individual, groups of individuals, organization, or entity as shown on tax map of the Town of Sardinia at the time of adoption of this chapter.

PARKING LOT: An open area of land, other than a street, used for the temporary parking of two or more vehicles and available for public use whether free, for compensation or as an accommodation for clients, customers, or residents, but does not include the storing of impounded or wrecked vehicles.

PARKING SPACE: An area designated for parking a motor vehicle, exclusive public right of ways, driveways, access aisles, ramps or columns, or required loading areas.
Article Two Definitions

PATIO HOME: A one or two story dwelling that is one of a planned complex of such, often contiguous dwellings that border on a patio or courtyard which share common yards, roads and community facilities. Detached town homes which do not share a common party wall with another dwelling unit or units shall also be defined as patio homes.

PEDESTRIAN WAY: The portion of a street right-of-way not used for a roadway.

PLANNING BOARD: The Town of Sardinia Planning Board.

PLACE OF WORSHIP: A building, such as a church, chapel, temple, synagogue, or mosque, in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The building may include such accessory uses as a nursery school, a school of religious education, or parish hall.

PUBLIC BUILDINGS AND USES: A town hall, police stations, fire stations, library, schools, playgrounds, town parks, water and sewer plants and other town facilities.

PLAT, SUBDIVISION: A map of a subdivided tract of land showing the boundaries and location of individual land parcels and roads.

PRINCIPAL STRUCTURE: A structure through which the principal use of the lot on which it is located is conducted.

PUBLIC and SEMI-PUBLIC FACILITY: Any one or more of the following uses, including grounds and accessory buildings necessary for their use: playgrounds and recreational areas; schools; public libraries; fire, ambulance and public safety buildings; and public meeting halls and community centers.

RECREATIONAL CAMPING VEHICLE: Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck, campers, camping trailers, campers, travel trailers, pop-up trailers, and over-night trailers.

PUBLIC UTILITY: Any person, firm corporation or municipal department duly authorized under public regulations to furnish to the public electricity, gas, steam, telephone, fiber-optics, transportations, water, or sewer.
Article Two Definitions

RETAIL SALES and SERVICE: A commercial establishment engaged in selling goods or merchandise to the general public for personal or household consumption; or providing retail services or entertainment to the general public such as eating and drinking establishments, finance, real estate and insurance, personal services, amusement and recreational services, health educational and social services; and not including sales and service for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm implements, tree nurseries and other large items stored outdoors.

RIDING STABLES: An establishment in which horses are boarded and may also be available for hire. A riding stable may also provide lessons in riding, handling, training, and care of horses.

ROAD: A public way for vehicular traffic which affords the principal means of access to abutting properties.

ROAD LINE (RIGHT OF WAY): The property line abutting a public street.

SATELLITE DISH ANTENNA: A structure designed and used for the reception of television signals relayed back to earth from a communications satellite.

SAWMILL: A non-portable manufacturing facility where logs are sawed, including the on-site storage of any materials used in the manufacturing process.

SCENIC RESOURCE: Any road, highway, lane, district or corridor designated pursuant to Article 49 of the NYS Environmental Conservation Law.

SCHOOL: A facility, either public or private, that provides a curriculum of elementary and/or secondary academic instruction, including Pre-K, kindergartens, elementary schools, junior high schools and/or high schools, but not including trade schools or colleges.

SEQRA: State Environmental Quality Review Act.

SEASONAL COTTAGE: A building occupied less than eight months per year and not meeting the minimum requirements for a dwelling unit, with a minimum area of 600 square feet. Such term does not include manufactured home. All such seasonal cottages must meet the minimum requirements of the Erie County Health Department for water and sanitary facilities.
Article Two  Definitions

SETBACK: The least horizontal distance from any building to the nearest street or highway right-of-way or property line.

SIGN: See section 115-22, Sign Regulations for sign definitions.

SINGLE-FAMILY ATTACHED RESIDENTIAL DWELLING UNIT: An independent single-family dwelling unit with a common or party wall between adjacent units and each having a private outside entrance.

SITE: Any area of land to be used, developed, or built upon as a unit.

SITE PLAN: A scale drawing showing the relationship between the lot lines and building or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped areas, building areas, setbacks from lot lines, building heights, and densities.

STABLE: A detached accessory building on a residential lot used for the keeping of horses, mules, donkeys, or ponies, owned by the occupants of the premises and not kept for remuneration or hire.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top floor finish to the top of the ceiling joists or where, there is not a ceiling, to the top of the roof rafters, such definition shall be consistent with the NYS Uniform Fire Prevention and Building Code

STRUCTURE: Anything constructed, the use of which requires permanent or temporary location on the ground or attachment to something having permanent or temporary location on the ground, including but not limited to stationary and portable carports, sheds, decks, towers, and structures of a similar nature, swimming pools both in-ground and above ground, flag poles and antennas. Excludes patios, walkways and pavements at ground level.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building or other structure, such as but not limited to, bearing walls, columns, beams, or girders.

SUBDIVISION, REALTY: The division or splitting of a parcel or tract of land into two or more parts from an original parcel or tract of land.
Article Two  Definitions

TOWER, COMMUNICATION: A structure designed to support antennas. It includes, without limit, freestanding towers, guyed towers, monopoles, and similar structures which do or which do not employ camouflage technology.

TOWN: The Town of Sardinia, New York

TOWN ATTORNEY: The Attorney hired by the Town Board as Town Attorney, or attorneys hired as the attorneys for the Town, or any attorneys hired by the Town Board to serve as outside counsel for any matter relevant to this Ordinance.

TOWN BOARD: The Town Board of the Town of Sardinia.

TOWNHOUSE: A building or dwelling designed for or occupied by no more than one (1) family and attached to other similar buildings or dwellings by party walls extending from the foundation to the roof thereof and providing direct access from the outside. A “townhouse” is individually owned, with an owner receiving a deed enabling him/her to sell, mortgage or exchange his/her dwelling unit independent of the owners of any other dwelling unit attached thereto by party wall.

TRANSFER OF DEVELOPMENT RIGHTS (TDR): The sale of future development rights to land for the purpose of preserving natural features of land or a portion of land in an un-developable state due to its natural ecological value, including but not limited to prime farmland soils, federal and state wetlands, water resources, flood planes, and forests communities.

USE: The conduct of an activity, or a performance of a function, on a site or in a building or structure.

USE, NONCONFORMING: Any use not permitted in the district in which it is occurring. A legal nonconforming use is a use that was legally authorized by the Zoning Ordinance as it existed at the time the use commenced.

USE, PERMITTED: A use of property allowed by this ordinance, after compliance with all relevant provisions of the Town Code.

USE, PRINCIPAL: The primary function of a site, building, or facility.

USE, SPECIAL PERMITTED: A use which, because of its unique characteristics, requires individual consideration in each case by the Town Board or the Zoning Board of Appeals as applicable, before it may be permitted in the district enumerated in this ordinance.
Article Two Definitions

VETERINARY HOSPITAL: A building or part thereof used by veterinarians primarily for the purposes of consultation, diagnosis, and office treatment of household pets or livestock, but shall not include long-term boarding facilities for animals.

WAREHOUSING: Terminal facilities for handling freight with or without maintenance facilities, and buildings used primarily for the storage of goods and materials for future distribution.

WELDING SHOP: A commercial establishment where pieces of metal are welded and/or fabricated.

YARDS, REQUIRED: Any open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted (see “Schedule of Yard, Bulk, Lot Area and Heights for minimum required yard distances)

a. YARD, FRONT: A minimum required open space which lies between the principal building or group of buildings and the front lot line, unoccupied and unobstructed from the ground upward. In case of a corner lot or a through lot, the “front- yard” requirements shall apply to yards fronting on any street.

b. YARD, REAR: A minimum required open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.

c. YARD, SIDE: A minimum required open space extending from the required front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

d. EXTERIOR SIDE YARD: A minimum required open space extending from the principal building to the exterior lot line facing a side street. Said required yard shall be equivalent to the minimum required front yard.
Article Two Definitions

Illustration Showing Required Yards - Interior Lot

Illustration Showing Required Yards - Corner Lot

Front Lot Line/ R.O.W.

Required Front Yard

Buildable Area

Required Side Yard

Required Rear Yard

Required Exterior Side Yard

Exterior Lot Line/ R.O.W.

Required Front Yard
Article Two  Definitions

YARD SALE: The sale of personal property belonging to the occupants of the dwelling unit on which premises the sale is conducted. No more than three yard sales may be conducted on the same parcel in any one calendar year and each sale not to exceed more than four days.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals of the Town of Sardinia.
Article Three: Zoning Districts and Map

§ 115-13 Districts Enumerated.

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

AR - Agricultural - Residential District
HR - Hamlet Residential District
HB - Hamlet Business District
LC - Limited Commercial District
BL - Business – Light Industrial District
GCF - Government – Community Facilities District
PR - Parks, Recreation and Conservation District
PFO - Prime Farmland Overlay District
CPO - Conservation Protection Overlay District
MHP - Manufactured Housing Park District

§ 115-14 Zoning Map.

Said districts are bounded and defined as shown on a map entitled "Zoning Map of the Town of Sardinia" which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance. The Zoning Map shall show the effective date of this ordinance and of each subsequent amendment to said map and shall be duly certified by the Town Clerk.

§ 115-15 Zoning District Boundaries.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map, the following rules shall apply:

A. Where the designation on the zoning map indicates a boundary which is a street or public right-of-way, the road right of way of the road shall be construed to be the boundary.

B. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.

C. Distances shown on the zoning map are perpendicular distances from road right of way lines measured to the district boundary, which boundaries in all cases where distances are given are parallel to the road right of way.
Article Three Zoning Districts and Map

D. In any case where a zoning district boundary is in question, the Code Enforcement Officer shall determine the location of such district boundary by the use of the graphic scale.

E. Lots divided by district boundaries. Where a lot is divided by any zoning district boundary so as to be in more than one zoning district and where such lot was an existing lot when such district boundary was established, a conforming use, occupying 50% or more of the area of said lot and having street frontage in the district where permitted, may be extended on such lot not more than 25 feet (measured perpendicular to the district boundary) into any district where such use is not permitted or to the property line if the district boundary is within 50 feet; in either case all provisions of this chapter must be complied with.

§ 115-16 Determination of similar uses.

A. If a use is not specifically listed in as a permitted use for the listed districts established by this chapter, the Zoning Board of Appeals though an interpretation request may determine that a use is similar to those enumerated in a specific district. In making a determination that a use is similar, the Zoning Board of Appeals shall first determine that:

(1) The use is not listed in any other classification of permitted uses;

(2) The use is appropriate and conforms to the basic characteristics of the classification to which it is to be added;

(3) The use is not contrary to the goals and objectives of the Town’s Comprehensive Plan

(4) The use does not create dangers to health and safety and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than that resulting from other uses listed in the classification to which it is to be added; and

(5) Such a use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.
Article Three Zoning Districts and Map

B. The determination as to whether a use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall thereafter be included in the enumeration of uses permitted by right.

Article Four: District Regulations

§115-17 District Regulations: Purpose.

In order to regulate growth and development in the Town of Sardinia, no land shall be used or no land use, or accessory use shall be established on any lot except in accordance with the list of permitted uses, the district regulations for such uses and supplemental regulations established in the other sections of this ordinance. For each zoning district enumerated in section 115-13 the following regulations are established to list permitted uses for each district; permitted accessory uses; the minimum land area required; the location of buildings and structures; maximum allowable heights of structures and maximum permitted densities.

§115-17.1 AR-Agricultural - Residential District: Purpose.

The intent of the AR- Agricultural – Residential District is to encourage the use of land that for agrarian purposes and to limit the density and location of residential development within the district to preserve existing agrarian practices and to protect prime farmland soils for future agrarian purposes.

A. Permitted Structures and Uses

1. Principal Uses
   a. Agricultural uses and structures to support such uses
   b. Commercial keeping of agricultural animals
   c. Crop production
   d. Dairy Farming
   e. Forestry (without milling operations)
   e. Poultry production
   f. Plant nurseries /greenhouses
g. Places of worship
h. Single family dwellings, attached single family dwellings (town homes & two family dwellings)
i. Seasonal use cottages

2. Principal Uses by Town Board special use permit or Zoning Board of Appeals permission (as shown by ZBA).
   a. Commercial Riding Stables/ Equestrian Facilities
   b. Nursing Home/ Assisted Living Facility
   c. Kennel
   d. Veterinary Clinic
   e. Private Storage Building not accessory to a dwelling (ZBA Special Permit)

3. Accessory uses by Zoning Board of Appeals special use permit.
   a. Home based business as defined by this chapter

4. Accessory uses permitted as of right
   a. Customary agricultural accessory uses/structures (excluding windmills)
   b. Non commercial keeping of agricultural animals as regulated by this chapter including a stable for such animals.
   c. Accessory home office as defined in this chapter
   d. Roadside Stand not to exceed 200 square feet in area. Initial location to be approved by the Building Department, stand to be removed and the end of each growing season.
   e. Accessory sales to plant nurseries/greenhouses, limited to 1000 square feet maximum.
   f. Storage building for personal belongings, detached garage accessory to single family dwelling or seasonal cottage, shed, pool house or gazebo, providing the cumulative area of all such accessory structures do not exceed 100 percent of the perimeter area of the principal dwelling.
   g. Other customary accessory uses.

5. Yard, bulk, lot area and height requirements:
   See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights.

Article Four District Regulations
§115-17.2  HR-Hamlet Residential District: Purpose.

The intent of the HR-Hamlet Residential District is to provide for land areas devoted for infill residential development within the Town’s two established hamlets. Encouraging residential development around the Town’s centers away from agrarian practices and prime farmland soils with a maximum density of one dwelling unit per 20,000 square feet of land area.

A. Permitted Structures and Uses

1. Principal uses

   a. Single family dwelling
   b. Attached single family dwellings (town-homes & two family dwellings)
   c. Multifamily dwellings (apartments)

2. Accessory uses by Zoning Board of Appeals special use permit.

   a. Home based business as defined by this chapter.

3. Accessory uses permitted as of right

   a. Shed, pool house, gazebo or swimming pool
   b. Detached garage accessory to single family dwelling or dwelling groups, limited to a maximum of 50 percent of principal dwelling floor area
   c. Community meeting rooms/ recreation buildings accessory to dwelling groups
   d. Accessory home office as defined in this chapter
   e. Other customary accessory uses.

4. Yard, bulk, lot area and height requirements:

   See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights.

Article Four  District Regulations

115-17.3  HB-Hamlet Business District: Purpose.
The intent of the HB-Hamlet Business District is to provide land area for mixed use commercial and residential development, consistent with traditional neighborhood design. Development which is pedestrian in scale and consistent with the historic and visual character of the Town’s two hamlets.

A. Permitted Structures and Uses

1. Principal Uses
   a. Administrative/medical offices
   b. Assembly hall/meeting room
   c. Banks/credit unions
   d. Beauty, Barber and personal care
   e. Bed and breakfast
   f. Café, restaurant or coffee shop
   g. Child/adult day care centers
   h. Convenience store
   i. Fitness or athletic club
   j. Hardware store/building supply (20,000 sf maximum)
   k. Liquor store
   l. Night club, bar or tavern
   m. Nursing home/assisted living center
   n. Retail sales (20,000 sf maximum)
   o. Single family dwellings
   p. Attached single family dwellings (town homes & two family dwellings)
   q. Multifamily dwellings (apartments)

2. Accessory uses
   a. Second story residential uses accessory to first story business
   b. Exterior display of product as regulated by the chapter
   c. Exterior dining as regulated by this chapter
   d. Signs as regulated by this chapter
   e. Parking, stacking and loading areas as regulated by this chapter
   f. Other customary accessory uses

3. Yard, bulk, lot area and height requirements:

   See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights.

Article Four District Regulations

§115-17.4 LC- Limited Commercial District: Purpose.

The intent of the LC- Limited Commercial District is to provide for land areas devoted to commercial use, adjacent to those portions of the Town’s regional...
arterial highways which can accommodate commercial development on sites that do not pose constraints due to steep slopes or sites, which do not pose potential traffic safety hazards to vehicular users of the regional arterial highways.

A. Permitted Structures and Uses

1. Principal Uses

   a. Administrative / medical offices
   b. Assembly hall/meeting room
   c. Banks
   d. Beauty, Barber and personal care
   e. Bed and breakfast
   f. Café, restaurant or coffee shop
   g. Campground
   h. Child/ adult day care centers
   i. Convenience store, shopping center/supermarket and other retail sales.
   j. Fitness or athletic club, indoor recreational sports
   k. Funeral Homes
   l. Furniture, floor covering store, hardware store/building supply
   m. Hotel/motel
   n. Indoor entertainment, bowling alley, movie theaters
   o. Kennel
   p. Landscape nursery
   q. Laundromat, dry cleaners
   r. Liquor store
   s. Night club, bar or tavern
   t. Nursing home/assisted living center
   u. Printing, publishing and engraving facilities
   v. Self storage facility
   w. Veterinary clinic
   x. Welding and fabrication

2. Principal Uses by Town Board Special Use Permit

   a. Adult entertainment
   b. Auto lease, rental
   c. Building trades contractor’s office and storage yard.
   d. Carwash, detail shop
   e. Collision shop

Article Four District Regulations

   f. Communication Facilities
   g. Farm equipment sales & accessory service
   h. Food processing
   i. Laboratories for research, testing, and product development
   j. Miniature golf, golf driving range and commercial outdoor
recreational sports  
k. Motor vehicle repair shop  
l. New and used auto sales & accessory service  
m. Petroleum sales /convenience  
n. Recreational vehicle sales  
o. Truck, trailer sales & rental

3. Accessory uses  

a. Exterior display of product as regulated by the chapter  
b. Exterior dining as regulated by this chapter  
c. Exterior storage as regulated by this chapter  
d. Signs as regulated by this chapter  
e. Parking, stacking and loading areas as regulated by this chapter  
f. Other customary accessory uses

4. Yard, bulk, lot area and height requirements:  

See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights.

§115-17.5 BL-Business – Light Industrial District: Purpose.

The intent of the BL-Business-Light Industrial District is to provide for land areas which allow for the mix of commercial and light manufacturing uses along the Town’s regional arterial highways, where existing commercial and light manufacturing land uses are currently concentrated, and which, benefit from adjacent regional transportation corridor.

A. Permitted Structures and Uses  

1. Principal Uses  

a. Administrative / medical offices  
b. Assembly hall/meeting room  
c. Banks  

d. Beauty, Barber and personal care  
e. Building trades contractor’s office with storage yard  
f. Café, restaurant or coffee shop  
g. Campground
h. Child/ adult day care centers
i. Convenience store, department or discount store, shopping center/supermarket and retail sales
j. Facility permitted by the New York State Department of Environmental Conservation for the recapture of methane gas for beneficial re-use or to provide a mechanism to recapture at a solid waste landfill, whether pre-existing or permitted by special exception under the Ordinance. [Added 2-21-07 by L.L. No 1-2007]
k. Farm equipment sales & accessory service
l. Fitness or athletic club, indoor recreational sports
m. Food processing
n. Funeral Homes
o. Furniture, floor covering store, hardware store/building supply
p. Hotel/motel
q. Indoor entertainment, bowling alley, movie theaters
r. Kennel
s. Laboratories for research, testing, and product development
t. Landscape nursery
u. Laundromat, dry cleaners
v. Light Manufacturing
w. Liquor store
x. Mixed Use Developments/Planned Unit Developments (PUD)
y. Night club, bar or tavern
z. Nursing home/assisted living center
aa. Printing, publishing and engraving facilities
bb. Recreational vehicle sales
cc. Single family dwellings, attached single family dwellings (town homes & two family dwellings) & multifamily dwellings (apartments,) when part of a planned unit development.
dd. Self storage facility
ee. Veterinary clinic
ff. Warehousing/distribution
gg. Welding and fabrication

2. Principal Uses by Town Board special use permit
a. Auto lease, rental
b. Carwash, detail shop
c. Collision shop

d. Cement and cement products manufacturing (excluding extraction or mining)
e. Communication facilities
f. Lumber mill
g. Miniature golf, golf driving range and commercial outdoor recreational sports
h. Motor Vehicle repair shop
i. New and used auto sales & accessory service
j. Open storage yards for distribution of previously prepared products.
k. Petroleum sales/convenience
l. Solid waste landfill as regulated by NYSDEC
m. Truck terminal
n. Truck, trailer sales & rental

3. Accessory uses

a. Exterior display of product as regulated by the chapter
b. Exterior dining as regulated by this chapter
c. Exterior storage as regulated by this chapter
d. Signs as regulated by this chapter
e. Parking, stacking and loading areas as regulated by this chapter
f. Other customary accessory uses

4. Yard, bulk, lot area and height requirements:

See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights.

§115-17.6 GCF-Government – Community Facilities District: Purpose.

The intent of the GCF- Government – Community Facilities district is to designate land areas for public and semipublic facilities, including governmental, religious, educational, protective and other civic facilities in order to ensure the proper location of such facilities in relation to transportation and other land uses within the town, compatibility of such facilities with adjacent development and proper site design and land development.

A. Permitted uses.

1. Principal structures and uses.

Article Four District Regulations

a. Cemeteries, including mausoleums, provided that mausoleums shall be a distance of at least 200 feet from any adjoining residence district.
b. Colleges, universities, technical and theological schools, including their buildings, owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, multifamily apartment dwellings for housing students or staff members.

c. Fire stations

d. Governmental structures and uses.

e. Human health-care institutions providing inpatient care.

f. Not-for-profit institutions providing care and protection of persons.

g. Schools.

h. Places of worship

i. Public utility stations and exchanges.

j. Other civic uses, including museums, libraries, senior centers, youth centers, places for public assembly, fraternal organizations, private clubs and civic associations.

2. Accessory uses

   a. Uses customarily accessory to the above uses
   b. Signs as regulated by this chapter
   c. Parking, stacking and loading areas as regulated by this chapter
   d. Private schools and day care centers as regulated by NYS accessory to a place of worship

3. Yard, bulk, lot area and height requirements:

   See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights.

§115-17.7 PR-Parks, Recreation and Conservation District: Purpose

The intent of the PR-Parks, Recreation and Conservation district is to provide for land areas within the town that are devoted to public and private recreational open space for passive/active recreational purposes and the conservation of natural resources.

A. Permitted uses.

   1. Principal structures and uses.

Article Four District Regulations

   a. Golf courses
   b. Natural and passive recreational parks
   c. Conservation open spaces
   d. Campground

Town of Sardinia Zoning Ordinance – Chapter 115
2. Principal Uses by Town Board special use permit
   a. Fishing, hunting, trapping and game preserves
   b. Rifle/archery ranges
   c. Ski resorts/winter recreation activity centers

3. Accessory uses
   a. Uses customarily accessory to the above uses
   b. Signs as regulated by this chapter
   c. Parking, stacking and loading areas as regulated by this chapter

4. Yard, bulk, lot area and height requirements:
   See “Schedule of yard, bulk, lot area and heights” in appendix for required building setbacks, maximum densities, minimum lot areas, minimum lot widths and maximum building and/or structure heights

§115-17.8 PFO-Prime Farmland Overlay District: Purpose.

A. The Town of Sardinia recognizes that prime farmland soils are an invaluable resource which sustains the agrarian practices of the community and which, help sustain the state and local economies. Farming and agricultural uses are further recognized by the Town as the preferred land use, and which contribute to the town’s character and identity as a rural community. Therefore, consistent with the Town’s comprehensive plan goal of promoting the continued viability of agriculture and retention of farmland, the Town hereby establishes a Prime Farmland Overlay district (PFO) which will serve to balance the demand to convert lands which have prime farmland soils to more intensive land uses, with the community’s goal of promoting the retention of productive farmland for future generations.

Article Four District Regulations

B. Mechanisms to Achieve Balance.

In order to achieve a balance among competing land uses on those lands which have prime farmland soils, the Town may consider compensatory agricultural lands as mitigation for the loss of prime farmland soils, or the acquisition of development rights to mitigate for the loss of prime farm land soils. Mitigation of prime farmland soil losses serves the general welfare of the community by conserving, protecting and encouraging the
development and improvement of its agricultural land for production of food and other agricultural products; and further recognizes that farmland soils are a valued natural and ecological resource, which provides needed open spaces for clean air sheds as well as aesthetic purposes; and further recognizes that such land resources when utilized for agricultural purposes contribute to the wealth of the local and state economy. Therefore, the Town hereby recognizes and promotes the use of:

- Conservation Easements;
- Sliding Scale Zoning;
- Open Space Development Design (Density Averaging) and
- the Transfer of Development Rights (TDR) as a means to preserve the continued viability of farming within the Town of Sardinia.

§115-17.9 Location of Prime Farmland Soils Overlay (PFO) District.

A. The location of the Prime Farmland Soils Overlay (PFO) district is as shown on the Overlay District Map which is a supplement to the official Zoning Map. Field evidence by a qualified soil scientist may be considered by the Planning Board when the accuracy of the PFO district boundary is disputed.

§115-17.10 Uses Permitted within the Prime Farmland Soils Overlay (PFO) District / Requirement for Agricultural Land Mitigation.

A. The following uses, if also permitted by the underlying zoning district shall be the uses permitted within the PFO district, unless restricted by the regulations of the Conservation Protection Overlay (CPO) district as stated elsewhere in this article.

Article Four District Regulations

1.) Agricultural uses listed as permitted in the AR- Agricultural-Residential zoning district pursuant to section 115-17.1 of this chapter, and within other primary zoning districts regardless of the underlying zoning district.

2.) Commercial non agricultural uses listed as permitted in the underlying zoning district with consideration given for the preservation of such lands which are actively utilized for agrarian
purposes. Consideration by the Town to preserve such actively used prime farmland soils may include:

a.) The preservation of such lands through purchase of conservation easements from willing sellers.

b.) The use of creative development designs which maximize the preservation of prime farmland soils.

c.) The allocation of open space as required in the landscaping provisions of this chapter as a means to preserve actively utilized prime farmland soils.

3.) Non-agricultural residential single family homes and seasonal cottages listed as permitted in the underlying zoning district providing that the number of such residential single family homes or seasonal use cottages shall be based on the following “Sliding Scale” density table shown below, and based on the size of the original tract of land at the time of adoption of this ordinance.

4.) A density bonus of (4) times the allowable density shall be permitted if the land owner divides his/her original tract consistent with an Open Space Development Design, and such lots for the dwelling units do not exceed (1) one acre. The open space preserved with a density bonus must be placed within a conservation easement, or such open space is deed restricted, limiting all future uses in perpetuity to agricultural uses. The density bonus shall only apply to that acreage of the original tract which is within the Prime Farmland Soils Overlay (PFO) district.

Article Four   District Regulations

Density Bonus Table:

<table>
<thead>
<tr>
<th>Size of Original Tract and/or acres of original tract within PFO</th>
<th>Dwellings Permitted</th>
<th>Dwellings with Bonus Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 but less than 5</td>
<td>1</td>
<td>N/A</td>
</tr>
<tr>
<td>5 but less than 15</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>15 but less than 35</td>
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<td>12</td>
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<td>4</td>
<td>16</td>
</tr>
<tr>
<td>65 but less than 105</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>105 but less than 145</td>
<td>6</td>
<td>24</td>
</tr>
<tr>
<td>145 but less than 185</td>
<td>7</td>
<td>28</td>
</tr>
<tr>
<td>185 but less than 225</td>
<td>8</td>
<td>32</td>
</tr>
<tr>
<td>over 225</td>
<td>1 per 25 acres</td>
<td>4 times no. of dwellings permitted</td>
</tr>
</tbody>
</table>

§115-17.11 Acceptance of Conservation Easements/Deed Restrictions.

A. Prior to a permit being issued for development of land within a Prime Farmland Soils Overlay (PFO) district in which lands will be conserved via conservation easement, deed restriction or the purchase of another party’s development rights, such instrument limiting the development rights of the land in question shall be reviewed by the Town Attorney prior to being recorded.

B. A land owner may assign the development rights which have been conserved on his/her land or purchased of another party’s land, to a land trust or other bonafide organization, with the approval of the Town Board.

Article Four District Regulations

§115-17.12 CPO-Conservation Protection Overlay District: Purpose.

A. The Town of Sardinia recognizes that natural features such as steep slopes, wetlands, streams and flood plains if not safeguarded from physical alteration and development, such alteration and development, can create cumulative negative impacts to the health, safety and general welfare of the community. Construction on steep slopes can contribute
to erosion and soil destabilization; the placement of habitable or occupied structures within flood planes can place persons and property in physical danger; and the destruction of wetlands can cause water quality degradation, destroy natural habitat for wildlife, disrupt wildlife ecosystems and cause increases in flooding. Therefore, the Town hereby establishes a Conservation Protection Overlay District (CPO) consistent with the natural resource and environmental protection goals adopted in the Town’s Comprehensive Plan.

B. Location of Conservation Protection Overlay District (CPO): The location of the Conservation Protection Overlay district is as shown on the Overlay District Map which is a supplement to the official Zoning Map. Field evidence by a qualified soil scientist may be considered by the Planning Board when the accuracy of the CPO district boundary is disputed.

C. The requirements of this section are in addition to the requirements of the underlying zoning district.

D. Permitted Uses: The following uses, if also permitted by the underlying zoning district shall be the uses permitted within the CPO-Conservation Protection Overlay District, providing that the uses do not require structures, the creation of impervious surfaces, excavation, fill or storage of materials or equipment, except as specified herein.

   a. Agricultural uses
   b. Conservation open spaces
   c. golf courses
   d. Natural and passive recreational parks
   e. Fishing, hunting, trapping and game preserves
   f. Rifle/archery ranges
   g. Ski resorts/winter recreation activities
   h. Lawns, garden and play areas associated with residential uses
   i. Cutting and removal of dead or individual trees for the purpose of maintaining the health or viability of a woodlot or for safety.
   j. Nonhabitable structures associated with uses permitted herein.

Article Four District Regulations

k. Single-family dwellings, seasonal use cottages and their appurtenant utilities and accessory structures. The minimum lot size shall be five acres. Lots partially within the CPO may be less than five acres, provided that:

   a. There exists a contiguous area on the lot outside of the CPO which meets the area requirements of the underlying zoning district; and
b. There is a minimal or no disturbance of the CPO, and that such disturbance is for the purpose of providing access and utilities to the lot.

I. Roads, to the minimum extent required to access permitted and special permitted uses, bridges, utility transmission lines, underground utilities, pipelines and water retention or detention facilities.

§115-17.13 MHP - Manufactured Housing Park District.

A. The Manufactured Housing Park district (MHP) is hereby established as a floating zone with potential applicability to any property in the Town. The boundaries of each MHP – Manufactured Housing Park district shall be fixed by amendment to the official Zoning Map wherever this district is applied. A metes and bounds description of each such district shall be kept on file in the office of the Town Clerk. Although it is anticipated that MHP – Manufactured Housing Park district rezoning applications will be submitted on a voluntary basis by applicants, the Town Board may, on its own motion, rezone property to a MHP- Manufactured Housing Park district.

B. Purpose: The town recognizes the importance of providing affordable housing opportunities to individuals and recognizes that alternative housing types, such as manufactured homes, allow homeownership possible to those individuals that can not otherwise afford traditional stick built housing. The purpose of these regulations is to provide standards for the location of manufactured housing developments which recognize the town’s aesthetic value of maintaining its rural character, limit densities of units to protect and conserve prime farmland soils; promote public health, safety and general welfare of the community and govern the installation and occupancy of manufactured homes.

Article Four District Regulations

C. Special Use Permit Required. Prior to the development of a manufactured home park the Town Board must issue a special use permit for the establishment of the manufactured home park location.

D. Standards for Issuance of a Special Use Permit: The Town Board may approve the establishment of a manufactured home park providing that:
1. the location of the development does not detract from important rural vistas and;

2. the site is of sufficient size with consideration given to topography, stability of soils, sufficiency of potable water and the site’s ability to dispose of sanitary waste and;

3. the development avoids unique natural features, prime farmland soils and/or significant environmental features such as wetlands, flood planes or forest communities and;

4. the site provides adequate buffers from unlike or incompatible land uses and;

5. the development does not create a significant demand for additional community services.

Failure of a special permit applicant to demonstrate that the above standards will be met is justification for denial of a special permit request. The Town has the right require applicants to provide sufficient documentation, including but not limited to; submission of site concept plans, topography surveys, line of site drawings, geotechnical studies wetland delineations or other technical data to assist in rendering a decision on the suitability of the chosen location.

E. Minimum Information to support a request for a Manufactured Home Park Special Use permit. The following minimum information must be included with a request for a special use permit:

1. The location, boundaries, dimensions and topography of the tract of land proposed to be used for the manufactured home park.

2. The location of any adjacent structures within 100 feet of the proposed manufactured home park.

Article Four District Regulations

3. The number, location and size of all spaces reserved for manufactured homes.

4. The boundaries of and facilities to be included as recreation areas.

5. The location, and size of roads, walks and outdoor areas.

6. The location of any proposed structures other than manufactured homes.
i.e.: community buildings, community pools etc.

7. A description of the type and capacity of water supply; proposed method of sewage treatment and disposal; the proposed method of storm drainage and the proposed location of all such facilities.

8. A description of any and all landscaping within and/or on the perimeter of the mobile home park, exclusive of individual lots.

9. A description of proposed design standards for roads and other infrastructure.

10. the location of any natural resources including wetlands, prime farmland soils, forest communities or development constraints such as unstable soils or flood planes.

F. Site Plan Approval Required: Prior to the development of a manufactured home park and subsequent to the issuance of a special use permit by the Town Board, a manufactured home park site plan must be approved by the Town Planning Board. A site development plan must be submitted and be based on the minimum design standards listed in this section.

G. Design Standards for a Manufactured Home Park:

1. Density. Manufactured Home parks can not exceed 0.69 units per gross acre.

2. Manufactured Home Lot/Space: Each manufactured home lot or space shall be at least 55 feet wide and shall contain a minimum of 6,600 square feet, of which no more than 30% shall be occupied by the manufactured home stand. Each manufactured home lot shall abut on a park street with access to a public highway. Such lots shall be clearly defined and manufactured homes shall be sited on such lots so that no manufactured home will be:

Article Four   District Regulations

(a) Less than 20 feet from any other mobile home. If a garage or carport is added, it must be at least five feet from the side yard boundary.

(b) Less than 150 feet from any public right-of-way. However, the Planning Board may, for stated reasons, recommend a greater setback. The minimum setback shall not be used for accessory uses, such as recreation or vehicular parking. If such setback area is part of the mobile home park premises, such setback area shall be
satisfactorily landscaped as designated on the manufactured home park site plan or maintained in a natural state if deemed appropriate by the Planning Board.

(c) Less than 150 feet from any property line of property abutting the manufactured home park site, or 250 feet from any dwelling or existing building outside of the boundary of the manufactured home park, except that the Planning Board may permit a lesser buffer if local conditions so warrant it. Under no circumstances shall this buffer be less than 150 feet.

(d) Less than 25 feet from any park street, as measured from the near edge of the pavement.

(e) Less than 15 feet from the rear line of any manufactured home lot or space.

3. Vehicular Access: Suitable vehicular access shall be provided to each manufactured home park lot. Each park street shall be well marked and continuous and shall connect with a street or highway at a ninety-degree angle, and at least a twenty-eight-foot pavement width shall be improved and maintained with an all-weather hard surface on a suitable base, subject to the approval of the Town Engineer. All park streets shall be illuminated with street lights. All such lights shall have electrical wiring underground and mounting heights not exceeding 25 feet from grade. The type of street light design shall be approved as part of the site plan approval. The use of wooden utility poles shall not be permitted for street lighting.

4. Driveways: Driveways serving individual manufactured homes shall not be less than 14 feet in width and shall be improved and maintained with an all-weather hard surface of either bituminous macadam or concrete, on a suitable base. The driveway shall extend a minimum of 20 feet beyond the required twenty-five-foot front building setback, but in no case shall it extend beyond the mobile home stand.

Article Four  District Regulations

5. Recreational Space: An area or areas restricted to recreational use shall be provided for the residents of the manufactured home development. A minimum of 25% of the developable land area of the manufactured home site shall be made available in one or more places within the park for recreational space. The Planning Board may require suitable fencing and landscaping of such areas for screening purposes.
If it is determined that recreation land is not appropriate, then money in lieu of land shall be provided for each dwelling unit based on fees established by the Town Board for compensatory recreational space.

6. Pedestrian Walks: A (5) five foot wide concrete walk shall be provided for internal pedestrian mobility. The walk shall be a minimum of (8) feet from the edge of the street and shall be arranged so that all manufactured homes are linked to said walk and that linkages are made to recreation areas or other community facilities.

7. Trees and Landscaping: A 2.5 inch caliper shade tree shall be provided in front of each manufactured home between the edge of street and the pedestrian walk. Foundation Plantings shall be provided along the street side of each manufactured home. A landscaping plan with planting schedule for all trees and foundation plantings shall be approved as part of the site plan approval.

8. Utilities:

   (a) Each mobile home lot shall be provided with a water supply connection, sanitary drainage connection and an electrical receptacle.

   (b) Utility connections, including gas connections, where provided, shall be readily accessible at the mobile home stand and shall have the means for safe and efficient hookup to the mobile home.

   (c) Water supply systems shall be designed to provide a sufficient supply of potable water under adequate pressure to outlets servicing mobile homes, community structures, drinking fountains, hose connections, hydrants, etc. A potable water supply approved by the Erie County Health Department shall be provided to each manufactured home in the amount not less than one hundred and fifty (150) gallons per home per day.

   (d) The use of exterior solid fuel furnaces shall be prohibited.

Article Four  District Regulations

   (e) The use of heating oil or other liquid fuels shall be prohibited. All fuel for heating, cooking or as an energy source for each manufactured home or other principal building shall be natural gas or liquefied petroleum gas (LPG). All storage tanks for LPG shall be to the rear of the manufactured home or effectively screened from the road, and be protected from vehicular impact.

   (f) All electrical distribution lines, telephone lines, gas lines, sanitary
service, cable service and similar utilities serving each manufactured home or other principal building within the park itself shall be underground. Overhead distribution or service lines shall be prohibited.

9. Storm Drainage: Manufactured Home Parks shall be design so that there is not a net increase in storm water runoff. A storm drainage plan shall be prepared by a NYS Licensed Design Professional showing the location of all storm drainage intakes, manholes, storm sewers, swales and retention or detention basins. Rim and invert elevations shall be provided on all structures and the design shall be based on a recent topography survey. Storm drainage calculations shall support all drainage plans using the Erie and Niagara Counties Regional Planning Board Storm Drainage Design Manual or other recognized reference standard.

10. Grading / Soil Erosion/ Sedimentation Plan: A grading plan designed by a NYS Licensed Design Professional shall be provided showing the proposed elevation of all roadways, manufactured home sites, sanitary sewage systems and above grade improvements. Grading plans shall also be provided with typical sections for roads, sanitary sewers, storm sewers, waterlines for fire service and storm retention/detention basins. Sedimentation and soil erosion plans must also be provided which meet the minimum requirements of the US Clean Water Act.

H. Construction Standards: Prior to the placement of a manufactured home with in a manufactured home park all infrastructure and required improvements as shown on the approved plan must be in place and ready for use (unless the park plan was approved in sections) and the lot or home site must be properly graded to accept placement of the home. Prior to placement of the manufactured home a building permit must be approved by the Town Code Enforcement Officer. All manufactured home placements and subsequent alterations, renovations or repairs of such manufactured homes shall meet the minimum requirements of the Residential Code of New York State, Appendix E ,as adopted in 2002 and any subsequent amendments thereto.

Article Four  District Regulations

I. Site Plan Approval Procedure: Applicants seeking site plan approval of a manufactured home park must follow the review and approval procedures as specified in section 115-30 of this chapter.

J. Model Homes: The establishment of model homes for display or sale shall be limited to approved pads consistent with the approved site plan. Model homes or homes to be sold shall not be stored on premises other than on an approved pad, with installation and set up of such homes though an approved building permit.
Article Five: General Regulations

§ 115-18 Regulations Applying to All Districts.

Except as hereinafter provided, the following regulations shall apply to all use districts listed as enumerated in section 115-13.

A. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land therein, except as otherwise provided in this chapter.

B. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed moved or structurally altered, except as permitted in the district and in conformity with all of the regulations herein specified and as identified in the schedule of permitted uses and the schedule of yard, bulk, lot, area and height regulations.

C. No building or structure shall hereafter be erected or altered which exceeds the height or bulk; accommodates or houses a greater number of families/units; occupies a greater part of the lot area; or has narrower or smaller rear yards, front yards, side yards or other open spaces than herein permitted or required.

D. No part of a yard or other open space or off-street parking, loading or stacking space required about or in connection with any structure for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking, loading or stacking space required for any other structure.

E. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

F. No required yard shall be separated in ownership from that portion of the lot on which a structure is located

G. If the minimum requirements under this ordinance are already legally non compliant in area, dimension or capacity such deficiencies shall not be further reduced.
§ 115-19 Off-street Parking, Stacking and Loading Requirements: Purpose.

The following requirements are established to allow for the efficient movement of motor vehicle and pedestrian traffic on private property while reducing the potential for impacts to the Town’s street system. The regulations are also established to further the following objectives:

- Provide uniformity in the physical design and construction of parking areas which are aesthetically pleasing and;
- Which are of sufficient size to accommodate the minimum needs of a given land use and;
- Which are not greater in size than necessary and;
- Which are properly arranged and located so that they do not interfere with neighboring less intensive land uses and;
- Which are properly engineered to consider site topography, minimization of off site drainage impacts and properly placing ingress/egress points to improve traffic safety.

§ 115-19.1 General Parking Requirements.

A. Permanent Off-Street Parking: Permanent off-street automobile parking, or standing space shall be provided as set forth in the schedule of required off street parking at the time any building or structure or use of land is created; and at the time any building or structure is enlarged or increased in capacity for which additional parking is required.

B. Maximum/Minimum Total: The required permanent off street parking spaces shown on the schedule of required off-street parking shall also be the maximum number of parking spaces to be permitted. Parking desired in excess of the schedule requires approval from the Zoning Board of Appeals.
Article Five   General Regulations

C. Employee Parking: Whenever parking requirements are based on the number of employees, it shall mean the maximum number of employees on duty on the premises at one time or any two (2) successive shifts;

D. Net Floor Area: The net floor area is defined as the total floor area less permanent concourses, stairways, lobbies, elevator shafts, bathrooms, closets, storage rooms and other similar areas which do not contribute to the occupant load of the building.

E. Fractional Requirements: When units of measurements used in computing the number of required off-street parking, loading and stacking space result in the requirement of a fractional space, the nearest whole number of off-street parking spaces shall be required;

F. Off-Site Provisions: If the required number of off street parking spaces or standing space required by this Code cannot be reasonably provided on the same lot on which the principal use is conducted, the Town Board may, notwithstanding other Code provisions, permit such space be provided on other off-street property, provided that such space lies within five hundred (500) feet of the main entrance to such principal use and is in the same zoning district. Such vehicle parking area shall be deemed to be required parking associated with the permitted use and not thereafter be reduced or encroached upon in any manner. Such parking area shall be available in perpetuity for the life of the principal use. If the off-site parking area is not owned by the owner of the principal use and such available parking is created by lease or other private arrangement, then a deed restriction or other legal guarantee acceptable to the Town Attorney must be provided prior to a certificate of occupancy being issued for the principal use.

G. Pavement Surface: All off street parking areas shall be paved with bituminous macadam or concrete. The use of stone or millings shall not be used for off street parking areas. Such surface materials may be utilized for exterior storage yards where there is no storage or handling of hazardous materials which could negatively impact groundwater resources.

H. Drainage: All newly constructed parking areas or enlargement of existing parking areas must be properly drained. All surface waters from a parking area and adjacent building roof tops must be intercepted by use of drainage intakes and piped to an on site drainage system with no net increase in storm water discharges off the premises. A storm water drainage design for a parking area must be prepared by a NYS Licensed Professional Engineer or Architect and be supported with drainage calculations.
## § 115-19.2 Schedule of Required Off Street Parking Spaces.

The following schedule lists the minimum number of required off street parking spaces for the listed use. The total number required for any property with mixed uses shall be determined by computing each use separately.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Number of Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult entertainment</td>
<td>1 per each five seats for assembly use. 1 for each 300 sf gross floor area for non assembly uses.</td>
</tr>
<tr>
<td>Agricultural uses</td>
<td>1 per non family employee</td>
</tr>
<tr>
<td>Auto lease, rental</td>
<td>2 spaces per employee</td>
</tr>
<tr>
<td>Banks/credit unions</td>
<td>1 per 200 sf of net floor area</td>
</tr>
<tr>
<td>Building trades contractor’s office and storage yard.</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Café, restaurant or coffee shop</td>
<td>1 per each 2 seats, or standing spaces</td>
</tr>
<tr>
<td>Carwash, detail shop</td>
<td>4 per bay</td>
</tr>
<tr>
<td>Cement and cement products manufacturing</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Child/ adult day care centers</td>
<td>1 per employee and 1 per 5 students</td>
</tr>
<tr>
<td>Civic uses, including museums, libraries, senior centers, youth centers, fire stations</td>
<td>1 per 1000 sf of gross floor area plus 1 per employee</td>
</tr>
<tr>
<td>Colleges, universities, technical, theological schools, and schools</td>
<td>3.3 per 1000 sf of gross floor area</td>
</tr>
<tr>
<td>Collision shop</td>
<td>4 per bay</td>
</tr>
<tr>
<td>Commercial keeping of agricultural animals</td>
<td>1 per non family employee</td>
</tr>
<tr>
<td>Communication facilities</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Conservation open spaces</td>
<td>1 per each three users</td>
</tr>
<tr>
<td>Convenience store</td>
<td>1 per 300 sf of gross floor area</td>
</tr>
</tbody>
</table>
§ 115-19.2 Schedule of Required Off Street Parking Spaces cont.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Number of Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crop production, Dairying</td>
<td>1 per non family employee</td>
</tr>
<tr>
<td>Fitness or athletic club</td>
<td>1 per 200 sf of net floor area plus 1 per employee</td>
</tr>
<tr>
<td>Fishing, hunting, trapping and game preserves</td>
<td>1 per each three users</td>
</tr>
<tr>
<td>Food processing</td>
<td>1.5 per employee</td>
</tr>
<tr>
<td>Forestry (without milling operations)</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Furniture, floor covering store, hardware store/building supply</td>
<td>1 per square feet of gross floor area</td>
</tr>
<tr>
<td>Golf courses</td>
<td>3 spaces for each tee plus one for each employee</td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>1 space per room plus parking figured separately for banquet rooms or accessory restaurant</td>
</tr>
<tr>
<td>Human health-care institutions providing inpatient care.</td>
<td>2 spaces per bed</td>
</tr>
<tr>
<td>Indoor entertainment, bowling alley, movie theaters</td>
<td>10 spaces per 1000 net floor area, 1 per each 5 seats for movie theater</td>
</tr>
<tr>
<td>Indoor recreational sports</td>
<td>1 space per each 5 seats of spectator area and 10 spaces per net floor area where spectator seating is not provided</td>
</tr>
<tr>
<td>Kennel</td>
<td>1.5 per employee</td>
</tr>
<tr>
<td>Laboratories for research, testing, and product development</td>
<td>1.5 per employee</td>
</tr>
</tbody>
</table>
§ 115-19.2 Schedule of Required Off Street Parking Spaces cont.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Number of Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape nursery</td>
<td>1 space per 300 sf of gross retail sales area and one per employee</td>
</tr>
<tr>
<td>Light manufacturing</td>
<td>1.5 per employee</td>
</tr>
<tr>
<td>Liquor store</td>
<td>1 per 300 sf of gross floor area</td>
</tr>
<tr>
<td>Lumber mill</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Miniature golf, golf driving range and commercial outdoor</td>
<td>3 spaces per hole plus 1 per employee</td>
</tr>
<tr>
<td>Mixed Use Developments/Planned Unit Developments (PUD)</td>
<td>Parking figured separately for each use</td>
</tr>
<tr>
<td>Motor vehicle repair shop</td>
<td>4 per bay</td>
</tr>
<tr>
<td>Multifamily dwellings (apartments, patio homes condominiums)</td>
<td>2 per each dwelling unit</td>
</tr>
<tr>
<td>Natural and passive recreational parks</td>
<td>3 per each user</td>
</tr>
<tr>
<td>New and used auto sales &amp; accessory service</td>
<td>2 per employee</td>
</tr>
<tr>
<td>Night club, bar or tavern</td>
<td>2 per each 5 seats</td>
</tr>
<tr>
<td>Not-for-profit institutions providing care and protection of persons.</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Nursing home/assisted living center</td>
<td>2 space per bed</td>
</tr>
<tr>
<td>Offices (excluding medical offices)</td>
<td>1 per 200 sf of net floor area</td>
</tr>
<tr>
<td>Offices, Medical</td>
<td>3 per examining/treatment room plus 1 for each employee</td>
</tr>
<tr>
<td>Open storage yards for distribution of previously prepared materials</td>
<td>1 per employee</td>
</tr>
<tr>
<td>places for public assembly, banquet halls</td>
<td>1 per each 2 seats, or standing places</td>
</tr>
<tr>
<td>Petroleum sales /convenience</td>
<td>1 per 300 sf of gross floor area</td>
</tr>
<tr>
<td>Places of worship</td>
<td>1 per each 6 seats</td>
</tr>
<tr>
<td>Plant nurseries /greenhouses</td>
<td>1 space per 300 sf of gross retail sales area and one per employee</td>
</tr>
</tbody>
</table>
§ 115-19.2   Schedule of Required Off Street Parking Spaces cont.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Number of Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printing, publishing and engraving facilities</td>
<td>1.5 per employee</td>
</tr>
<tr>
<td>Public utility stations and exchanges</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Recreational vehicle sales</td>
<td>2 per employee</td>
</tr>
<tr>
<td>Retail sales</td>
<td>1 per 300 sf of gross floor area</td>
</tr>
<tr>
<td>Rifle/archery ranges</td>
<td>1 per target area plus 1 per employee</td>
</tr>
<tr>
<td>Seasonal use cottages</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Self storage facility</td>
<td>1 per 100 individual storage units plus one for each employee</td>
</tr>
<tr>
<td>Shopping center/supermarkets</td>
<td>5 per 1000 sf of gross floor area</td>
</tr>
<tr>
<td>Single family dwellings</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Ski resorts/winter recreation activity centers</td>
<td>2 spaces for each five seats within lodge or place of assembly</td>
</tr>
<tr>
<td>Solid waste landfill as regulated by NYSDEC</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Truck terminal</td>
<td>1 per employee</td>
</tr>
<tr>
<td>Truck, trailer sales &amp; rental</td>
<td>2 spaces per employee</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>1 per 200 sf of net floor area</td>
</tr>
<tr>
<td>Warehousing/distribution</td>
<td>1.5 per employee</td>
</tr>
<tr>
<td>Welding and fabrication</td>
<td>1 per employee</td>
</tr>
</tbody>
</table>
§ 115-19.3 Parking Area Design Requirements.

All new and enlargements of existing parking areas shall meet the following dimensional standards and be provided with pavement markings that are consistent with the figure and table below. The provision of handicap parking spaces shall be provided consistent with the minimum accessibility requirements of the NYS Building Code.

<table>
<thead>
<tr>
<th>n</th>
<th>s</th>
<th>a</th>
<th>c</th>
<th>U</th>
<th>S'</th>
<th>'U'</th>
</tr>
</thead>
<tbody>
<tr>
<td>90°</td>
<td>19'-0</td>
<td>24'-0 two way travel</td>
<td>9'-0</td>
<td>62'-0</td>
<td>19'-0</td>
<td>62'-0</td>
</tr>
<tr>
<td>60°</td>
<td>21'-0</td>
<td>18'-0 one way travel</td>
<td>10'-5</td>
<td>60'-0</td>
<td>18'-9</td>
<td>55'-6</td>
</tr>
<tr>
<td>45°</td>
<td>19'-10</td>
<td>13'-0 one way travel</td>
<td>12'-9</td>
<td>52'-8</td>
<td>16'-7</td>
<td>46'-2</td>
</tr>
</tbody>
</table>
§ 115-19.4 Stacking requirements.

To prevent motor vehicles from creating obstructions and traffic safety conflicts within public roadways or obstructions to internal vehicular circulation paths, the following uses shall provide stacking spaces for vehicles to queue on premises in the amount shown. Space for vehicle queues shall be a minimum of 9’ x 19’ feet.

1) Drive though service windows for restaurants 12 queue spaces

2.) Drive though service tellers for banks, 5 queue spaces per teller, ATM or pneumatic tube dispenser.

3.) Automated car wash, as required based on market demand study, but no less than 20 queue spaces.

§ 115-19.5 Parking Area Lighting Requirements.

Lighting of parking areas shall be lit only to the extent necessary to produce enough lumens necessary to ensure public safety. Illumination shall not be used for the purpose of advertising or attracting attention to the principal use. Lighting fixtures shall be designed, sized, and located so as not create light nuisances to adjoining lands or cause glare hazardous to pedestrians or persons using adjacent public streets. Lights used for parking areas must meet the following requirements:

1.) All lighting must utilize free standing light poles and down light parking areas, with a total mounting height above grade not to exceed 25 feet.

2.) All lights shall be shoe box style with non adjustable heads and flat lenses.

3.) All electrical wiring of lights shall be underground, with no overhead connections.

4.) Lights and support poles shall be black or brown in color. The use of wooden utility poles for lighting is not permitted.
§ 115-19.6 Area / Building Lighting Requirements.

Area light for buildings, walkways and other exterior features shall only utilize down lighting, the use of lights to up light areas or structures shall not be permitted. Up lighting of the American flag or the temporary up lighting of holiday decorations shall be exempt from this section.

§ 115-19.7 Parking Area Screening Requirements.

A. All new parking areas or enlargement of existing parking areas shall be visually screened from any adjacent lot (including lots situated across a street) which is situated within an AR- Agricultural Residential, HR – Hamlet Residential District or existing residential use in the following manner;

1.) Along an interior or rear property line with a solid wood board fence with a minimum fence height of six feet. Parking areas which are adjacent to residentially zoned lots or residential structures and which are in excess of 100 feet from such lots or structures may screen the parking areas with coniferous trees for a vegetative screen in lieu of solid fencing.

2.) Along a road right of way with a planting area a minimum width of 50 feet and planted with a compact vegetative screen to soften the visual blight of the parking area.

B. Any parking area established for the storage of vehicles which are unlicensed and/or inoperative and awaiting repair shall be screened from view off the property by a solid wood board fence with a minimum fence height of six feet.
Article Five  General Regulations

§ 115-20  Landscaping Requirements.

A. Intent. It is the intent of this section to promote the public health, safety and general welfare of the community by requiring the landscaping of all commercial developments and by requiring landscaping to be an integral component of a commercial development. The preservation of existing flora and/or the replacement flora displaced by commercial development contributes to the character of a community and provides a betterment to the quality of life for the residents and individuals doing business with the Town. This section is further established to provide minimum standards and criteria for the placement of landscaping; reduce the effects of wind and air turbulence, heat, noise and automobile headlight glare; reduce the level of carbon dioxide and provide pure oxygen to the atmosphere; provide shade value to parking and other open areas; prevent soil erosion and to improve the view shed of road corridors.

§ 115-20.1 Standards and Criteria.

A. All commercial developments which require site plan approval shall provide landscape areas which are not less than thirty percent of the entire project site.

B. Parking areas for 25 or more vehicles shall reserve (10) ten percent of the impervious area for interior landscaping. Interior landscaping shall be comprised of interior islands curbed with (6) six inch high poured in place concrete curbing or granite curbing.

C. Interior islands within parking areas shall be provided with shade trees having a minimum caliper of 2.5 inches.

D. The perimeter of all parking areas shall be provided with shade trees having a minimum caliper of 2.5 inches and a spacing between trees no greater than (40) forty feet on centers.

E. All trees required as part of an approved site plan shall be number one grade according to the NYS Nurseryman’s Standards, be balled and burlaped and properly staked.

F. All coniferous trees required as part of an approved site plan shall have a minimum height of (5) feet. All deciduous shade trees for parking areas, street/roadway plantings and shading of perimeters areas shall have a minimum caliper of 2.5 inches.
Article Five General Regulations

G. Plastic or artificial plantings shall not be permitted.

H. The primary emphasis of landscaped areas shall be on trees. Shrubbery, hedges, grass and other vegetation shall be used to compliment the use of trees but shall not be the primary emphasis of a landscaping scheme.

I. All disturbed areas proposed for lawns shall be provided with minimum of 3 inches of topsoil and seeded to establish a 90 percent germination rate.

§ 115-20.2 Landscaping information to be provided on a site plan.

A. All site plans shall show a landscaping layer indicating the location of all trees, low level plantings, material to be utilized in landscape beds and specifications for establishing lawn areas.

B. A planting schedule shall be provided showing the quantity of each tree or shrub specie, its common name and its minimum size.

C. A planting detail shall be provided for coniferous / deciduous trees and shrubs showing soil mix for each, and tree staking requirements.

D. Details of any proposed fencing, retaining walls or other site features shall also be provided on the site plan.

§ 115-20.3 Maintenance of Landscaping/ Fencing Etc.

A. All landscaping, fencing and other site features required for site plan approval shall be maintained perpetually with the building and other improvements on the site, and consistent with the approved site plan. Trees and shrubs which die or otherwise become destroyed shall be replaced. Fencing, retaining walls and other site features shall be maintained in a safe condition and shall be protected from deterioration. Fencing, retaining walls and other site features which become deteriorated or destroyed shall be replaced.

§ 115-20.4 Grading / Filling and Alteration of Natural Topography.

A. Prior to striping of soil, the grading, filling or alteration of the natural topography of land within the Town of Sardinia a grading plan must be approved by the Town Code Enforcement Officer. All such grade changes shall be for the purposes of an approved land use or permitted
Article Five  General Regulations

construction activity Soil disturbances of (1) one acre or greater shall require an approved State Pollutant Discharge Elimination System (SPDES)Permit before such activities can be approved by the Town.

B. Preparation of soils for agricultural farming and crop production are exempt from requirements of this section.

§ 115-20.5 Accessory Uses.

A. A principal use specified in one zoning district shall not be established as an accessory use in another zoning district unless such use is listed as a permitted use. Such accessory use must be customarily incidental and subordinate to the principal use and located on the same lot therewith.

B. Accessory uses shall not be established prior to the establishment of a principal use, unless as listed as permitted by this chapter through a Zoning Board of Appeals special use permit.

§ 115-20.6 Temporary Structures and Uses.

A. The following temporary structures and uses, when in compliance with all applicable provisions of this chapter shall be permitted subject to the following:

1. Construction Trailers used in conjunction with a construction project shall be permitted on a construction site for which a valid building permit has been issued by the Town Code Enforcement Officer. Such trailer must be a minimum of (10) ten feet from any property line.

2. Temporary signs related to a construction project for a contactor, design professional or to provide project information. Such signs shall not exceed (32) thirty two square feet in area, shall not be placed within the road right of way and shall be removed once the project is completed.
Article Five  General Regulations

3. The temporary sales of products, wares or similar merchandise which are not accessory or materially affiliated to a business on premises, including but not limited to the sale of artwork, rugs, furniture, food stuffs, Christmas trees / seasonal products and similar consumer goods. Such temporary sales shall be permitted subject to the issuance of a temporary use permit by the Zoning Board of Appeals consistent with section 115-41 of this chapter.

4. Temporary buildings as defined in this chapter may be permitted for seasonal use subject to an approved building permit and consistent with the minimum required yard and maximum size requirements of this chapter. Temporary buildings used in conjunction with the temporary sales of products as listed in paragraph (3) three of this section above, must have an approved temporary permit and location plan by the Zoning Board of Appeals prior to a building permit issued by the Town Code Enforcement Officer.

§ 115-20.7 Supplemental Building Height, Yard and Lot Regulations.

The following regulations shall apply to all use districts enumerated in section 115-13 or as applicable below.

A. Height Exceptions: The height limitations established within the Schedule of Yard, Bulk Lot Area and Heights shall not apply to chimneys, church spires and belfries, water tanks or necessary mechanical features not occupying more than one-tenth of the roof area.

B. Lot Frontage on Street: No dwelling shall be erected on any lot which does not have immediate frontage on a legal right of way to an existing platted street or highway.

C. Minimum Required Front Yard Depth-Widened Streets: Properties fronting streets which are widened or proposed to be widened after the adoption of this ordinance shall meet the minimum required front yard depth as shown in the Schedule of Yard, Bulk Lot Area and Heights for any new structure or accessory use from the widened street right of way.

D. Permitted Projections or Obstructions within Required Yards: None of the following uses, structures or parts of structures shall be considered as obstructions when located as specified:
Article Five  General Regulations

1. In any required open space:

(a) Walks, unenclosed stairs or retaining walls of any necessary height.
(b) Fence or wall not exceeding 3½ feet in height, except as otherwise required for screening, but not in any visibility triangle on a corner lot.
(c) Flagpoles not exceeding 20 feet in height.
(d) Roof overhangs projecting not more than one foot into a required open space.
(e) permitted signs and as regulated by Article seven of this chapter.
(f) Unenclosed decks or terraces not extending more than one foot above the adjoining finished grade, nor more than eight feet from structure.
(g) Projections from a principal building as follows, provided that no projection is nearer than five feet to a side lot line:
   [1] Awnings or canopies.
   [2] Chimneys projecting not more than two feet into a required open space.
   [3] Windowsills and architectural features projecting not more than four inches into a required open space.
(h) Enclosures for utilities serving a building or buildings located on the premises, provided the enclosure is located a minimum of 25 feet from any street property line and (5) five feet from any side property line; and such enclosure is screened with hedges or similar landscaping to soften its appearance.

2. In any required interior side yard:

(a) Children’s play equipment including but not limited to swing sets, playhouses and trampolines providing such equipment is a minimum of 5 feet from a property line.

(b) Fire wood or similar exterior storage of materials accessory to a residence, providing such storage is a minimum of (5) five feet from a property line and does not exceed a height of (5) five feet.
Article Five  General Regulations

3. In any rear yard, not a front yard equivalent, or in any part of an interior side yard:

   (a) Fence or wall not to exceed six feet in height in any zoning district. Razor ribbon and concertina wire fence topping is not permitted. Tennis court enclosures not exceeding 12 feet shall be permitted to exceed the (6) six foot fence limitation.

   (b) Projections, balconies, bay windows, non-weatherproofed porches, breezeways or attached garages, not exceeding 12 feet in height, may extend into a required rear yard for a distance not to exceed 1/4 the required depth of such yard.

   (c) Accessory residential radio or television antennas of any height, provided that such structure shall be set back from any property line a distance equal to its height.

E. Visibility at Intersections: No fence, wall, sign, hedge, shrub planting or tree foliage which obstructs sight lines at elevations between (2) two and (6) six feet above the roadway or sidewalk shall be placed or permitted to remain on any corner lot in the triangular area formed by intersection street property lines and a line connecting them at points 50 feet distant from their intersection or, in the case of a rounded or cutoff corner, from the intersection of such lines extended.

§ 115-20.8 Sanitation. [also see Chapter 69 of the Town Code]

Dumping of garbage, refuse, rubbish or trash is prohibited on any private property unless within an approved municipal landfill. The storage or stockpiling of garbage, refuse, rubbish or trash shall also be prohibited on any private property for any extended period of time. All such waste items may be maintained on private property until normally scheduled refuse pick up services.

All sanitary facilities constructed for the purpose of disposing residential sanitary waste or commercial effluent shall be done in accordance with the minimum requirements of the NYS Uniform Fire Prevention and Building Code and with an approved permit issued by the Erie County Health Department to construct such private individual waste disposal systems.
Article Six: Supplementary Regulations – Land Activities

§ 115-21 Supplementary Regulations: Purpose.

The supplemental regulations consider the unique characteristics of each use and the potential impacts they may have on the community and its residents. Said regulations are in addition to the regulations of the underlying district.

§ 115-21.1 Adult Uses: Purpose.

It is recognized that buildings and establishments operated as adult uses have serious objectionable operational characteristics. In order to promote the health, safety and general welfare of the residents of the Town of Sardinia, this subsection is intended to restrict adult uses to nonresidential, non-business areas of the Town of Sardinia and otherwise regulate their operation. Moreover, in light of the fact that the operational characteristics of adult uses increase the detrimental impact on a community when such uses are concentrated, this subsection is intended to promote the health, safety and general welfare of the residents of the Town of Sardinia by regulating the concentration of such uses and to lessen the following possible secondary effects attributable to such uses:

- the creation of traffic and/or parking problems, loitering due to the attraction of transients, increases in criminal activities, the loss of business to nearby non-adult commercial establishments, the blighting or downgrading of adjacent neighborhoods and the potential for endangering the well-being of minors.

The special regulations deemed necessary to control the undesirable secondary effects arising from these enterprises are set forth below:

A. LOCATION OF ADULT USES: The following provisions shall apply to the location of adult uses:

1. Adult uses shall be permitted in the LC – Limited Commercial District with approval of a special use permit from the Town Board

2. No adult use shall be permitted within one thousand feet of the following:
   a. The boundary line of a residence;
   b. A school or nursery school;
   c. Religious institution or house of worship;
   d. A public or private park, playground or public recreation facility;
   e. Historic or scenic resource, civic or cultural facility.
Article Six  Supplementary Regulations – Land Activities

3. For measurement purpose, the distance between an adult use and any such other named uses shall be measured in a straight line without regard to intervening structures or objects from the closest structural wall of such adult use to the boundary line of such residence, school, nursery school, religious institution, house of worship, public park, playground or public recreational facility, historic or scenic resource, civic or cultural facility;

4. Not more than one adult use shall be located in the same building or upon the same lot or parcel of land;

5. No adult use shall be located within a one thousand foot radius of another adult use;

6. All building openings, including doors and windows, shall be coated, covered or screened in such a manner as to prevent a view into the establishment from any public street, sidewalk or parking area;

7. No loudspeakers or sound equipment shall be used by adult uses that can be heard by the public from outside the establishment; and

8. As a condition of approval of any adult use, there shall be a restriction that no person under the age of eighteen (18) years shall be permitted into or on the premises.

B. ADDITIONAL SIGN REQUIREMENTS: In addition to the sign requirements of this chapter, the following provisions shall apply to signs erected or maintained in connection with an adult use

1. No off-site signs shall be permitted;

2. Advertisements, displays or promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or from other areas public or semi-public, and such displays shall be considered signs;

3. Not more than one business wall sign shall be permitted for an adult use and such sign shall be permitted only on the front façade;

4. Sign messages shall be generic in nature, shall not contain advertising material and shall only identify the business that is being conducted; and
Article Six  Supplementary Regulations – Land Activities

5. Such sign shall be reviewed by the Town Board in conjunction with the Special Use application and shall conform to all signage requirements of this Zoning Ordinance

§ 115-21.2  Agricultural Animals – Non Commercial.

The keeping of agricultural animals owned by a resident or occupant for non-commercial agricultural purposes shall be permitted within an AR- Agricultural Residential District subject to the following:

A. The lot has a minimum width of one hundred and fifty feet (150) and a minimum lot area of two (2) acres for the first agricultural animal and additional area of one (1) acre for each additional agricultural animal;

B. The barn and grazing area is located at least two hundred (200) feet from any neighboring residence

C. The barn is located at least twenty-five (25) feet from any lot line.

D. Manure and other waste or excretion accumulation on such premises or in a structure shall not be kept in an unsightly or unsanitary manner. The waste shall be properly disposed of so as not to create odors that disturb occupants of adjoining properties. Nothing in this provision shall authorize on-site disposal of waste of any animals not resident on the zoning lot.

§ 115-21.3 Commercial Riding Stables.

A commercial riding stable with or without a riding school is permitted within an Agricultural Residential District with approval of a special use permit from the Town Board subject to the following

A. The site shall consist of no less than five (5) acres, with no less than one (1) acre per horse, not including parking areas, and no more than fifty (50) horses shall be boarded at one time. All lands used to meet this requirement for commercial riding stables shall be under single ownership:
Article Six Supplementary Regulations – Land Activities

B. The barn or any stabling facility and grazing area is located at least two hundred (200) feet from any neighboring residence and at least one hundred (100) feet from the applicant’s personal residence;

C. The barn or any stabling facility is located at least twenty-five (25) feet from any lot line, and the grazing area is located at least ten (10) feet from any lot line

D. Manure and other water or excretion accumulation on such premises or in a structure shall not be kept in an unsightly or unsanitary manner. The waste shall be properly disposed of so as not to create odors that disturb occupants of adjoining properties. Nothing in this provision shall authorize on-site disposal of waste of any animals not resident on the zoning lot.

§ 115-21.4 Communication Facilities.

A. Purpose: The Town of Sardinia recognizes the increased demand for wireless communications transmitting facilities and the need for the services they provide. Often, these facilities require the construction of a communications tower. The intent of this section is to protect the town's interest in properly siting communication towers, building mounted antennas and similar communication facilities in a manner consistent with sound land use planning by minimizing adverse visual effects of towers through careful design, siting and vegetative screening; avoiding potential damage to adjacent properties from tower failure or falling debris through engineering and careful siting of tower structures; maximizing use of any new or existing tower, or existing building and/or structures, to reduce the number of communication towers needed; while also allowing wireless service providers to meet their technological and service objectives.

B. Where Permitted: Communication facilities shall be permitted in the LC- Limited Commercial and the BL- Business-Light Industrial zoning districts upon issuance of a special use permit and site plan approval by the Town Board, consistent with the requirements of article 9. and 10. of this chapter.
C. Maximum Allowable Height: The height of communication towers including the mounting height of any antenna shall be 150 feet from grade.

D. Standards for issuing a special use permit: The following standards shall be the basis for an approval of a special use permit for a communications facility and in addition to the general requirements of article ten (Special Use Permits) of this chapter:

1. The communication facility is situated within a permitted zoning district and;

2. The communication facility is situated a minimum of 1000 feet from any existing residence and,

3. The height of any communication tower does not exceed 150 feet from grade and,

4. The communication facility, including building mounted facilities will be designed and constructed in a manner which minimizes visual impacts to the extent practicable. The ability to minimize visual impacts shall be demonstrated by an applicant /developer by providing evidence through the use of visual simulation, line of site drawings or other medium demonstrating that the site(s) chosen or alternative sites recommended by the Town will not impact aesthetic resources or cultural resources important to the community or that such impacts can be mitigated through the use of camouflage technology and,

5. The applicant / developer can demonstrate the necessity of the site chosen by providing a "search ring" prepared by a qualified radio frequency engineer and overlayed on an appropriate background map demonstrating the area within which the communications facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to justify to the Town Board why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for collocated antenna(s), and to what extent the applicant explored locating the proposed tower in alternative sites, or alternative sites recommended by the town and;
Article Six  Supplementary Regulations – Land Activities

6. The applicant/developer can demonstrate a technological need for the site chosen, by providing "Before" and "After" propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed communications facility or alternative locations/facilities recommended by the Town and;

7. The applicant/developer provides guarantees to allow for co-location opportunities on the communication tower to lessen the need for additional communication towers in the community and,

8. The applicant/developer can demonstrate that the facility will be operated only at Federal Communications Commission (FCC) designated frequencies and power levels within Environmental Protection Agency (EPA) technical exposure limits for electromagnetic radiation, and that the applicant provide competent documentation to support that maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded and,

9. Other reasonable standards which may serve to protect the general public health safety and welfare of the community.

E. Submission Requirements:

The applicant/shall submit the following Information with an application for a special use permit and application for site plan approval which shall be in addition to the information required on the town site plan checklist:

1. A completed Visual Environmental Assessment Form (Visual EAF)

2. General Site Location Map showing the location of the proposed communication facility, proposed access roads, any residence within (1000)one thousand feet, the search ring for the cell facility and any alternative sites within or in proximity of the search ring.

3. The proposed mounting height of the communication facility, and the mounting heights of facilities at alternative sites considered.

4. Typical detail drawings indicating the type communication tower/facility, accessory structures, safety lighting type, color of the proposed facility and any security features of facility/perimeter.
Article Six Supplementary Regulations – Land Activities

5. A landscaping/visual screening plan.

6. Before and after propagation surveys showing existing and proposed radio signal coverage.

7. Company co-location agreements and/or policies.

8. Evidence of Federal Aviation Authority (FAA) notifications.


F. Aesthetic Impacts:

In order to thoroughly evaluate the potential visual impacts a communication facility may have on the community and its character, the following additional information may be requested of the applicant/developer during the review of a site plan/special permit application request:

1. The preparation of a Visual Impact Analysis (VIA) may be asked of the applicant/developer based on information revealed in the Visual Environmental Assessment Form. The purpose of the VIA is to

   a.) Define the visual character of the project study area.
   b.) Inventory and evaluate existing visual resources and viewer groups within the study area.
   c.) Identify key views for visual assessment which represent the range of landscape characteristics and viewer groups within the project study area.
   d.) Assess the visual impacts associated with the proposed action.

   The VIA is to be prepared under the direct guidance of a registered landscape architect experienced in the preparation of visual impact assessments. The VIA is to be prepared in accordance with the policies, procedures and guidelines contained in established visual impact assessment methodologies. Such methodologies shall include the use of visual simulations and line of site drawings.

2. The use of on site locators to assist town reviewers in evaluating the potential visual impact, including but not limited to the use of tethered balloons, cranes or other reasonable measures to establish proposed mounting heights in the field and the location of the proposed facility.
G. Alternatives Requested by the Town:

During the review of a special permit and site plan application for a communication facility the town has the right to request that the applicant/developer consider modifications to his/her proposed project or alternatives which will mitigate for visual impacts including:

1. Alternative sites or existing structures available for co-location or building mounted locations.

2. Alternative types of tower designs, including the use of camouflage technology.

3. Alternative mounting heights.

4. Alternative safety lighting, if approved by the FAA.

H. Co-Location Opportunities:

The shared use of existing communication facilities or the use of existing structures/buildings shall be the community standard and first preference for alternatives to be considered by the Town. All applicant’s must provide co-location agreements allowing other users to share their proposed facilities.

Applicants must demonstrate that the proposed communication facility cannot be accommodated on existing facilities or structures/buildings. Evidence demonstrating the inability to co-locate shall include but not be limited to the following:

1. The planned equipment would exceed the structural capacity of existing facilities or other structures, considering the existing and planned use for such existing facilities/structures;

2. The planned equipment would cause radio frequency interference with other existing or planned equipment, which can not be reasonably prevented;

3. Existing facilities or other structures do not have space which would allow for proposed equipment to function effectively and reasonably;
4. Other technical justification is provided showing the practical difficulties with co-location or building mounted locations;

I. Structural Safety, Proximity to Other Structures and Perimeter Security:

The applicant/developer must demonstrate that the communication facility will be a sufficient distance from adjacent property lines and/or structures to safeguard the general public and/or adjacent property from damage in the event of tower failure or falling debris such as ice. Such distance shall be a minimum of the tower height to any property line. Any lease lines established for the communication facility must accommodate the entire facility and its equivalent mounting height distance, including any accessory installations such as guy supports, etc. All communication facilities must be safeguarded from unauthorized access, with the use of perimeter security fencing, breakaway road gates etc.

1. Accessory buildings ancillary to a communication facility must meet the minimum setback requirements as established by the schedule of yard, bulk, lot area and heights (see appendix).

2. All communication facilities shall be designed by a NYS licensed Engineer and be designed to meet the minimum requirements of the NYS Uniform Fire and Prevention Building Code.

3. A structural maintenance/safety inspection schedule must be supplied by the developer/applicant indicating the time frames in which a facility will undergo routine safety and maintenance inspections by a NYS Licensed Engineer. Such inspection reports must be made available to the Town Code Enforcement Officer upon completion and at a frequency not less than every two years. The Town may request an inspection report sooner, if it believes that facility was subject to unusual loadings or incurred damage.

J. Abandonment and Removal.

Prior to an approval of special use permit and site plan approval of a communication facility, the applicant/developer must submit a written agreement to the Town Board to remove the communication facility and all accessory installations thereto, if the facility becomes abandoned, technologically obsolete or ceases to perform its originally intended function for a period of twelve months.
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Such agreement shall be secured with a performance bond equivalent to the cost of removing the structure and all accessory installations and shall name the Town of Sardinia as an insured. Said abandonment agreement shall bind the applicant/developer and his/her successors or assigns in perpetuity, until such removal is complete. The applicant must produce cost estimates for the removal of the facility as a basis for establishing the bond amount.

§115-21.5 Hazardous Materials Storage.

The storage of hazardous materials for use in the production of goods, as a source of fuel, providing services or providing a commodity shall be done in accordance with the NYS Uniform Fire Prevention and Building Code and any subsequent amendments thereto. All installation, storage and handling of such hazardous materials shall be through an approved hazardous materials permit issued by the Town Code Enforcement Officer. The Town Board may limit quantities of such hazardous materials as a condition of site plan approval or as a condition of special permit issuance to safeguard the health safety and general welfare of the community.

A. The use of below grade fuel storage tanks within the AR- Agricultural - Residence and the HR- Hamlet Residential District shall be prohibited.

B. Underground storage tanks installed and abandoned for a period of 30 days shall be safeguarded meeting the minimum requirements of the NYS Fire Code.

C. Underground storage tanks installed prior to the adoption of this ordinance, and any such storage tank installed after the adoption of this ordinance, which have been taken out of service for a period of (1) one year shall be removed from the ground and consistent with the requirements of the NYS Fire Code. Such removal shall be done through an approved permit issued by the Town Code Enforcement Officer and appropriate approvals issued by the NYS Department of Environmental Conservation.
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§115-21.6 Motor Vehicle Service Stations and Repair Shops.

Motor Vehicle Service Stations and Repair Shops shall be permitted in the LC and BL District by Special Use Permit approved by the Town Board and site plan approval subject to the following conditions:

A. All gasoline dispensers, fueling dispensers, vacuums, air dispensers, areas drying and similar appurtenances shall be arranged to require all servicing on the premises and outside the public way; and no such appurtenance shall be placed closer than 50 feet to any road right of way.

B. Two reservoir spaces for each fuel dispensing position shall be provided on the lot for waiting vehicles. Such reservoir space shall not include space at the dispensing unit or other required parking spaces on the lot.

C. All hazardous material storage and/or use of hazardous materials shall be provided with safeguards and or be contained to prevent contamination of groundwater resources.

D. All repair activities shall be conducted within an enclosed building.

E. A maximum of one motor vehicle per 500 square feet of gross ground floor area of a principal building, which is not properly licensed may be kept out side of an enclosed building while awaiting repair work.

F. All waste material, discarded parts, parts to be re-used and/or salvaged shall be stored within a structure or enclosed within refuse enclosure so as not to be visible from off the property.

G. Display areas designated for motor vehicles and/or other vehicles offered for sale shall be a minimum of 50 feet from any road right of way.
§115-21.7 Outdoor Display of Merchandise.

Seasonal display of retail merchandise may be displayed outside a retail store during business hours, providing the following criteria are complied with:

1. The seasonal display is accessory to a retail store, and not a principal use.

2. The area to be utilized for exterior daily display is clearly shown on the site plan to be considered for site plan approval.

3. All retail products are removed from designated areas and the end of the season. Any such display may not exceed a (3) three month consecutive period.

4. The area for display does not create any visual obstructions for motorists or pedestrians.

5. All such displays shall be properly secured and not pose a hazard to the general public due to windy conditions or unstable displays.

6. Display of products may not exceed 6 feet in height.

7. Signage for such displays must meet the minimum requirements of the signage regulations of this chapter.

§115-21.8 Outdoor Furnaces- Limited Locations: Purpose.

In order to protect the health safety and general welfare of the residents of the hamlets of Sardinia and Chaffee, the use of exterior solid fuel furnaces are not permitted within the HR – Hamlet Residential District and The HB- Hamlet Business District. The use of such accessory appliance outside of the HR-Hamlet Residential and the HB- Hamlet Business zoning districts is permitted, subject to the minimum yard requirements of this chapter for accessory structures and consistent with the minimum provisions of the NYS Uniform Fire Prevention and Building Code.
§ 115-21.9 Outdoor Seating/Outdoor Activities.

A. Outdoor seating for dining and/or consumption of food or drinks is permitted as an accessory use subject to site plan approval. Applications for site plan modifications solely to add outdoor seating need only submit a plan showing the proposed seating and the area of the premises to be used, as well as showing any impacts on traffic flow, and that adequate provisions for off-street parking and for pedestrian flow in the area have been made.

B. Outdoor seating areas shall be a minimum of 50 feet from any adjacent lot within a AR- Agricultural Residential or Hamlet Residential District or existing residential use.

C. Outdoor seating or viewing established for purposes of mass gathering or entertainment purposes accessory to a permitted use shall be permitted only by special permit approved by the Town Board and site plan approval. A special permit approval will be based on the following:

1.) Such outdoor activity area will not create nuisances to neighboring lands such as excessive noise, light or air particulate emissions;

2.) Adequate safeguards are established that protect the public safety, health and welfare of the participants and the general public:

3.) Adequate provisions are made to mitigate for impacts to the Town’s streets, and other public infrastructure or necessary public services

§ 115-21.10 Outdoor Storage.

A. Outdoor storage of merchandise, material, or equipment is permitted in LC – Limited Commercial District and the BL-Business – Light Industrial District if:

1. The outdoor storage is incidental to a use located on the premises;

2. The outdoor storage does not occupy any required yard area. The display of motor vehicles, farm equipment and similar motor driven vehicle if displayed on an approved parking area for such use shall be considered outdoor storage limited by this section.
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2. The storage area does not exceed:
   a. Twenty (20) percent of the site; or
   
   b. For contractor’s yards, automotive sales, trailer or recreational vehicle sales, or mobile home sales sites, sixty-five percent (65%) of the site; or
   
   c. Recreational equipment sales use, or recreational equipment maintenance and storage use, 50-percent of the site.

3. The storage area is screened in accordance with this ordinance except for automobile and recreational vehicle sales

4. Storage Height:
   a. In the LC District stored items shall not exceed the height of the screen, or eight (8) feet, whichever is lower and shall be setback from all property lines consistent with the setback requirements as established for the LC District.

   b. In the BL District stored items shall not exceed the height allowed for accessory structures and shall be setback from all property lines consistent with the setback for such structures.

5. The use of trailers or trailer/containers shall be prohibited.

§ 115-21.11 Ponds.

A. The construction of private ponds for recreational purposes, for scenic benefits or on site reclamation for fill material requires the issuance of a special construction permit by the Town Code Enforcement Officer.

B. Exemptions: The following ponds are exempt from the special permit requirements as specified above;

   1. Ponds with a water surface area of 100 square feet or less.
   2. Prefabricated decorative landscaping ponds
   3. Ponds required for storm water management purposes and approved as a part of a realty subdivision or site plan approval.
   4. Ponds required for fire fighting water supplies and approved as part of a realty subdivision or a site plan approval.
   5. Ponds accessory to agricultural uses for irrigation or feeding or for the pasturage of animals.
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C. Where Permitted:

Ponds may be constructed in any zoning district other than the HR-Hamlet Residential and the Hamlet Business District.

D. Minimum size of site:

All proposed ponds must be on a site with a minimum of 3 acres of land area.

E. General Requirements:

1. All proposed ponds requiring a special construction permit shall conform to the requirements of, and be approved by the U.S. Department of Agriculture, the Natural Resource Conservation Service (NRCS) or the Erie County Soil and Water Conservation Service (SWCD) or at the applicant’s choice be designed by a NYS Licensed Professional Engineer or a NYS Licensed Landscape Architect.

2. All pond special construction permits shall be accompanied by a site plan drawn to scale showing the total acreage of the property, location of property lines, proposed pond location, existing improvements including but not limited to dwellings, accessory structures, drives, wells, septic tanks and leach fields; and any natural features such as streams, wetlands and topographical features.

3. Pond shall not be closer than 25 feet to any property line or within 100 feet of an existing septic field or individual sewage disposal system or well.

4. Pond shall be provided with an outfall location which shall drain to a natural waterway or suitable outlet available on site.

5. No pond may adversely interfere with or impede the natural flow of water nor adversely impact any flood plane, flood way or regulated wetlands.

6. All pond designs must be provided with a grading plan for all material excavated. All excavated material must be reclaimed on site to the maximum extent practicable.
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7. All pond designs must not create adverse drainage impacts for neighboring lands. All designs prepared by a NYS Licensed professional must be supported by drainage calculations and a soil analysis confirming the suitability of the soils to support the retention of water.

F. Permit Approvals:

The Code Enforcement Officer shall approve all special construction permits for private pond construction. All applications must be accompanied by a pond design approved by the U.S. Department of Agriculture, the Natural Resource Conservation Service (NRCS) or the Erie County Soil and Water Conservation Service (SWCD). Failure by an applicant to obtain an approved design from the aforesaid agencies will require the submittal of a pond design prepared by a NYS Licensed Professional Engineer or a NYS Licensed Landscaped Architect.

Ponds which are regulated by the New York State Department of Environmental Conservation (NYSDEC) due to their size, must first obtain a permit from the NYSDEC, prior to a permit being issued by the Town Code Enforcement Officer.

§ 115- 21.12  Solid Waste Landfill. ( Municipal Solid Waste)

A. A municipal solid waste land fill shall be permitted in the BL – Business Light Industrial zoning district by special use permit approved by the Town Board and with site plan approval. For purposes of this section a solid waste landfill shall not include, land fills for hazardous wastes, regulated medical wastes; automobile dismantling; waste tire storage facilities; used oil transfer facilities; used oil storage facilities; used oil processing facilities; used engine lubricating oil retention facilities; land application facilities; composting facilities or incineration facilities.

B. Standards for Issuance of a Special Use Permit: The Town Board may approve the establishment of a solid waste land fill providing that:

1. The siting of such a facility does not pose a hazard to the health, safety and general welfare of the community and;
2. The establishment of such a facility is consistent with the requirements of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 360 and;

3. The landfill facility is on a site with a minimum of 400 acres so that adequate buffers can be established to protect nearby lands and;

4. Such site has access on a state highway and;

5. The proposed landfill area is a minimum of 1500 feet from a regional or state highway, and

6. The facility recaptures methane gas for beneficial re-use or will provide a mechanism to re-capture such gas and establish a time frame acceptable to the Town Board to implement the re-use of such methane gas, and;

7. A host municipality agreement is offered to, and approved by the Town of Sardinia and;

8. The facility is operated by an organization with an established business history in the operation and maintenance of solid waste handling; and can provide monetary security guarantees for the maintenance of the facility including, monitoring of groundwater inspection wells and remedial work for breaches which may pose a health hazard to the community, and;

9. Guarantees are provided for workforce levels at the landfill facility and;

10. A management plan to control nuisances created by the facility, is established which includes, but is not limited to, mitigation for;

   - increases in noise
   - noxious odors
   - windblown debris
   - air-borne sediments/dust
   - increases in truck traffic
   - vector nuisances and;

11. Visual impacts associated with the proposed facility will be evaluated by a visual impact assessment utilizing visual simulations and proposed mitigation measures including but not limited to the
planting of vegetative screens on the premises, as well as vegetative line of site interferences off the premises (with permission of land owners) are provided. Such vegetative screens shall be maintained as required by the landscaping sections of this chapter and;

12. Potential diminution in property values of contiguous neighboring off site lands or lands within ½ mile of the proposed land fill are mitigated by the landfill operator/owner or his/her successors.

C. Failure of a special permit applicant to demonstrate that the above standards will be met is justification for denial of a special permit request. The Town has the right to deny the issuance of a special permit for a solid waste landfill if it believes that the chosen site will cause an impairment to the character of the community.

D. Once a special use permit is granted for a solid waste, landfill any modifications to a NYSDEC permit to operate such landfill, shall require the submittal of a new special permit application for consideration by the Town Board.
Article Seven: Sign Regulations

§ 115-22 Sign Regulations: Purpose.

The purposes of these sign regulations include, but are not limited to, the following: to encourage the effective use of signs as a means of communication in the town; to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to provide for a mechanism for avoiding visual clutter; and to enable the fair and consistent enforcement of these sign restrictions.

A. Applicability; effect. A sign may be erected, placed, established, painted, created, or maintained in the town only in conformance with the standards, procedures, and other requirements of this chapter. The effect of this section as more specifically set forth herein is:

(1) To establish a permit system to allow a variety of types of signs in the commercial and manufacturing districts, and a limited variety of signs in other districts, subject to the standards and the permit procedures of this chapter;

(2) To allow signs of a noncommercial nature in order to promote and foster the free expression of ideas consistent with the scheme set forth in the Constitution of the United States and the New York State Constitution;

(3) To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without the requirement for permits;

(4) To prohibit all signs not expressly permitted by this chapter; and

(5) To provide for the enforcement of the provisions of this chapter.

B. Exceptions. For the purposes of this chapter, the term "sign" does not include:

1) Signs erected and maintained pursuant to and in discharge of any governmental function.
2) Signs prohibiting trespassing.
3) Integral, decorative or architectural features of buildings, except letters or trademarks.
4) Signs not exceeding four square feet per face directing and guiding traffic and parking on private property and bearing no advertising, trademarks or logos.
Article Seven  Sign Regulations

5) Signs not exceeding one square foot per face advertising the cost of motor fuel when attached to a fuel pump or service island canopy.

6) Signs maintained by residents for purposes of conducting a garage sale, providing such sign is removed within 24 hours of the close of the sale.

C. Sign Definitions. As used in this chapter the following terms shall have meanings indicated:

AGRICULTURAL OR HORTICULTURAL SELLING PURPOSES: Any sign, wording, logo, or other representation that advertises, or calls attention to a business, which sells and/or promotes seasonal agricultural or horticultural products and/or services including but not limited to the sale of fruits, vegetables, plants, trees and flowers, and associated goods and services.

BUILDING MARKER -- Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

COMMERCIAL MESSAGE (Commercial Content)-- Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

NON COMMERCIAL MESSAGE (Non commercial content) – Any sign wording or other representation which promotes and fosters the free expression of ideas consistent with the scheme set forth in the Constitution of the United States and the New York State Constitution and which is not a commercial message as defined above.

SIGN -- A name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land which directs attention to an object, product, service, place, activity, person, institution, organization or business and the supporting members thereto. A motor vehicle or trailer shall be deemed a sign if it is lettered or displayed in such a fashion so as to attract attention and is utilized to advertise or otherwise call attention to a business located in, or event taking place in, the Town of Sardinia or surrounding communities.
SIGN, BILLBOARD -- Any sign that attracts attention to an object, product, service, place, activity, institution, organization or business not available or located on the lot where the sign is located.

Article Seven  Sign Regulations

SIGN FACE AREA -- The entire area within the single, continuous perimeter enclosing the extreme limits of writing, representation, emblems or any figure of similar character together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports, upright or structures on which any sign is supported shall not be included in determining the sign [face] area unless such supports, uprights or structures are designed in such a manner as to form an integral part of the display. Where a sign has only two faces, the area of one sign shall be the face area of the sign. Where a sign has more than two faces, the area of all the faces shall be the face area of the sign.

SIGN, FREESTANDING -- A sign resting upon or attached to the ground by means of a integral base or one or more poles or standards. Freestanding signs include both pole signs and ground signs.

SIGN, INCIDENTAL -- A sign, generally informational, that has a purpose secondary to the building lot on which it is located, such as "no parking," "loading only," building directories and similar directives. No sign with a commercial message legible from a position off the building lot on which the sign is located shall be considered incidental.

SIGN, PROJECTING -- Any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of such building or wall.

SIGN, TEMPORARY/PORTABLE -- Any sign that is used only temporarily and is not permanently mounted.

SIGN, WALL -- A sign integral with or attached to and supported by the exterior wall of a building or fascia attached to such wall and projecting not more than 12 inches there from. Wall signs shall also include any painted sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity. Such other representation shall also include artwork such as murals etc.
Article Seven  Sign Regulations

§ 115-22.1 Sign permits.

No sign or support structure shall be erected, constructed or maintained without a permit issued by the Code Enforcement Officer. A permit fee for the processing and issuance of such permits in such amount as the Town Board shall determine, by resolution, from time to time shall accompany all sign permit applications. No permit shall be necessary to erect a sign with a non commercial message. However, all signs with non commercial messages / expressions of free speech shall observe the maximum cumulative size areas as set forth in this chapter and other restrictions limiting locations which promote the health safety and welfare of the community.

§ 115-22.2 General Sign Regulations.

A. The prohibitions contained in this section shall apply to all signs and use districts.

1) No sign shall be used to attract attention to an object, product, place, activity, institution, organization or business not available or located on the premises where the sign is located; provided, however, that this shall not preclude signs carrying non commercial messages which are expressions of constitutionally protected free speech.

2) Illumination. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination there from to be directed upon a public street, highway, side walk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Signs shall not utilize up-lighting. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced. Overhead wires or exposed wires on a sign or its supporting members shall be prohibited.

3) Signs on public property. No sign shall be placed in any street right-
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4.) Roof signs. Signs shall not be mounted on roof lines or project above the wall line of buildings.

5.) Banners, etc. No banners, posters, pennants, ribbons, streamers, spinners, tethered balloons, inflatable signs or other similar moving, fluttering or revolving signs or devices or strings of lights shall be permitted. One promotional event per year, such as a grand opening may utilize such signage for a maximum of two consecutive weeks within any one calendar year, providing such signage does not pose a hazard to public health, safety and general welfare of the community. Promotional events shall not run consecutively into another calendar year.

6.) Sign-mounting structures and supports shall be designed and constructed to support live loads, dead loads and wind loads as required by the New York State Uniform Fire Prevention and Building Code.

7.) No sign shall be maintained at any location where, by reason of its position, size, shape, color or appearance, it may obstruct, impair or be confused with any traffic control sign, signal or device or otherwise be positioned where it may interfere with, mislead or tend to confuse vehicular or pedestrian traffic.

8.) No sign shall be attached to a utility pole or tree. Commercial message signs shall be limited to the installation/ placement on building walls or free standing signs. Signs shall not be placed upon fences or other exterior features of a site.

9.) All signs utilizing electrical lighting shall be installed and maintained in accordance with the National Electrical Code, as amended and modified from time to time.

10.) No sign shall rotate or otherwise be in physical motion or have parts or elements in motion.

11.) Signs of a temporary nature utilizing electric power, which are connected to a distant power source by means of an extension cord, shall not be permitted if such extension cord lies exposed on the ground or is supported in the air by props.
12.) Signs, frames, mounts and support structures shall be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting, leveling and cleaning.

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14.) No sign shall be mounted in an inverted fashion or be mounted in a manner which is not at a ninety-degree angle to a horizontal plane and will not project more than 12 inches from a wall.

15.) Search lights, rotating lights and flashing lights are not permitted for any purposes.

16.) Signs containing manually interchangeable letters mounted on channels or carriers shall be constructed and/or maintained to protect individual letters from dislocation.

17.) Temporary real estate signs shall not be placed on existing signs or their frames, mounts or supporting structures and shall be located between the front property line and building, or, if no building exists, such sign shall be located a minimum of five feet inside the property line.

18.) Signs with no commercial message and which are the expression of free speech shall be permitted in all districts with a maximum size as allowed in the schedule of maximum cumulative sign areas listed herein.

§ 115-22.3 Sign Design Standards.

A. Free Standing Signs: One commercial message free standing sign shall be permitted per lot/parcel, including any groups of stores or multiple buildings on one lot/parcel. Such free standing signs shall not exceed the maximum size as listed below.

1. Maximum face area for a freestanding sign (double sided)

   **AR- zoning district**
   16 s.f. per face for permitted commercial uses.

   **HR- zoning district**
   commercial message signs not permitted

   **HB- zoning district**
   40 s.f. per face for individual business on single lot/parcel
80 s.f. per face for multiple businesses on single lot/parcel

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**LC-zoning district**
60 s.f. per face for individual business on single lot/parcel
100 s.f. per face for multiple businesses on single lot/parcel

**BL –zoning district**
100 s.f. per face for individual business on single lot/parcel
120 s.f. per face for multiple businesses up to 25,000 sf total
140s.f. per face for multiple businesses 25,000 sf -200,000 sf total
200 s.f. per face for multiple businesses over 200,000 sf total

**GCF –zoning district**
40 s.f. per face for individual use on single lot/parcel
80 s.f. per face for multiple uses on single lot/parcel

**PRC- zoning district**
40 s.f. per face for individual use on single lot/parcel
80 s.f. per face for multiple uses on single lot/parcel

**MHP- zoning district**
Commercial message signs not permitted

2. Maximum Height. Free standing signs shall not exceed 20 feet from grade as measured to the uppermost part of the sign structure.

3. Location on Lot. Free standing signs may be placed with the leading edge of the sign up to the road right of way, but must be a minimum of 20 feet from any interior lot line. All free standing signs shall be located within landscaped areas.

4. LED Displays. LED displays or variable electronic message boards are permitted to be incorporated into a freestanding sign subject to the following limitations:
   a.) The LED display does not exceed 40 s.f or 50 percent of the allowable sign face area, whichever is lesser and;
   b.) The interval of the message change does not exceed one message per every 15 minutes and;
c.) The message change is instantaneous. Moving, scrolling, fading in or flashing messages are not permitted and;

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d.) The display is limited to alphanumeric messages. Graphics, movies or non alphanumeric messages are not permitted and;

e.) The color of the luminaries or LED’s are limited to red.

B. Other identification signs. Non-flashing signs which direct attention to a profession, business, service, entertainment or commodity conducted, offered, sold, or manufactured upon the same lot (including "for rent" or "for sale" signs) shall be permitted in any business district, subject to the following restrictions:

1. Wall Signage. Signage erected, painted or placed upon the exterior of building walls shall be limited to a maximum of 20 percent of the entire wall area or 200 square feet which ever is less. Groups of buildings on one parcel, such as a shopping plaza
or other unified development shall be permitted to have signage on all building walls, subject to the maximum cumulative sign areas listed in this article for each parcel/lot. Wall signage on individual buildings and properties with multiple buildings shall not have signs on any walls which are adjacent to an existing residential use or residential zoning district.

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2. Window Appliqués. Static appliqués or signage placed on the interior of storefront windows shall not exceed 50 percent of the window glass. Window appliqués and similar window signage applied to the interior of a building shall not require a permit.

C. Maximum Cumulative Sign Areas Permitted. The maximum amount of signage which is permitted to be on a parcel/lot shall be based on the following schedule. Such maximum sign areas shall include commercial signage for exterior wall signage, the maximum allowable sign area allowed for a free standing sign and non-commercial messages/expressions of political speech:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Sign face area not to exceed 20% of entire wall or 200 square feet which ever is less</th>
</tr>
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<tbody>
<tr>
<td>Residential Use</td>
<td>Wall signs not permitted on side walls facing residential uses or residential zoning districts</td>
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<tr>
<td></td>
<td>Wall Sign</td>
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<tr>
<td></td>
<td>Sign can not exceed top of wall or be mounted on roof</td>
</tr>
<tr>
<td></td>
<td>Window applique’s can not exceed 50% of glass area</td>
</tr>
</tbody>
</table>
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D. Flags. The use of flags to promote attention to an object, product, service, place, activity, institution, organization or business shall be considered pennants and shall not be permitted. Within the HB, LC and BL Zoning Districts, Flags of the United States, New York State, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction shall be permitted, provided that such flag shall not exceed 45 square feet in area and shall be flown from a pole affixed to the ground, the top of which is not more than 30 feet in height from grade. Such flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Permitted flags shall not be mounted on the roofs of buildings, top of walls or top of other covered structures and shall be located a distance from the property line equal to the height of the pole.

One corporate flag, or flag representative of the business logo or trademark, not exceeding 45 square feet shall be permitted for such business, group or organization, providing it is flown from a pole affixed to the ground, the top of which is not more than 30 feet in height from grade.

E. Temporary/Portable Signs.

The use of (1) one portable /temporary sign shall be permitted for seasonal commercial messages/promotions under the following conditions:

1.) A permit is obtained from the Code Enforcement Officer which shall permit a temporary sign display for a maximum of 8 weeks within one calendar year.

2.) Such (8) eight week period shall be specified by the sign permit applicant and shall be in increments of not less than one week. Sign displays shall not run consecutively into another calendar year.

3.) The portable/temporary sign is not larger than 32 square feet in face area and if lighted internally, does not flash or have flashing lights and;
4.) The portable/temporary sign is placed outside of the road right of way and does not create visual obstructions for motorists or pedestrians and;

Article Seven Sign Regulations

5.) The sign is securely affixed to the ground to prevent disengagement during inclement weather conditions.

6.) For businesses within a plaza or other multiple building parcel/lot a maximum of (2) two such portable/temporary signs at any one time may be permitted to be displayed simultaneously. The owner of the plaza must provide each tenant seeking a permit for a temporary/portable sign with a letter of permission allowing for the sign installation on his/her land and such letter of permission must accompany a sign permit application.

F. Off-Site Temporary/Portable Signs for Agricultural or Horticultural Selling Purposes

The use of up to (2) two portable/temporary signs shall be permitted off-site for agricultural or horticultural selling purposes under the following conditions:

1. A permit for up to two signs shall be obtained from the Code Enforcement Officer which shall permit a temporary sign display for agricultural or horticultural selling purposes for a maximum of (9) nine months.

2. Such (9) nine month period shall run from the date that the permit is issued.

3. The maximum size of any sign shall be three feet wide by 2 feet high.

4. A permit shall only be available to Agricultural or Horticultural businesses located within the Town of Sardinia.
5. The application shall identify the location(s) where the sign(s) will be placed and shall include written authorization signed by the property owner authorizing the placement of the sign on his and/or her property.

6. All signs must be placed at least 50 feet from any intersecting roads.

7. All signs shall be ground mounted and shall be a maximum of three feet high, when measured from the ground level.

8. The size of the sign shall not exceed 3 feet wide by 2 feet high and a permit stick shall be affixed to back of each sign. All other provisions of this Chapter with respect to design of signs shall apply to any sign.

9. The applicant shall remit to the Code Enforcement Officer a fee of $5.00 per sign.

Article Eight: Nonconforming Uses, Buildings and Structures

§ 115-23 Nonconforming Uses Regulations.

A. Purpose. The zoning districts established in this Chapter (as set forth in the district regulations and on the zoning maps) are designed to guide the future use of the Town’s land by encouraging the development and maintenance of desirable agricultural, residential, commercial, and manufacturing areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety, and general welfare. As a necessary corollary, in order to carry out such purposes, nonconforming uses and structures which adversely affect the development of such areas must be subject to certain limitations.

The regulations governing nonconforming uses set forth in this Article are therefore adopted in order to provide a gradual remedy for existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, creating permanent establishments in inappropriate locations.

In the case of buildings not complying with the bulk regulations of this
ordinance, the regulations governing non-complying buildings set forth in this Chapter are adopted in order to permit the appropriate use of such buildings but to prevent the creation of additional non-compliance or increases in the degree of existing non-compliance, except as specifically authorized.

Article Eight Nonconforming Uses, Buildings and Structures

§ 115-24 Continuation of Existing Lawful Uses.

A. A use which was lawfully established prior to the adoption of this ordinance and made lawfully non conforming may continue subject to the restrictions and limitations of this Article.

B. Nothing in the Article shall be deemed to authorize any use or structure which was not conforming under the laws of the Town of Sardinia as they existed at the time the use began or the structure was constructed or altered, nor in any manner limit the power of the Town to take any action to abate or remove such use or structure, or prosecute violations of the laws of the Town of Sardinia created by said uses or structures.

C. Nonconformity as to lot size, open space, height or building size regulations. Any building, other structure or use of land which is made nonconforming by any lot size, open space, height or building size regulations of this chapter, or by any subsequent amendments thereto, may be continued, except as hereinafter provided.

§ 115-25 Change in use; change in intensity of use.

A. A nonconforming use may be changed to any other use permitted in the district in which such existing nonconforming use is first permitted. Any additional restrictions or requirements which apply to the changed use shall be complied with before such change in use can be allowed. Once a nonconforming use is changed to a conforming use or to a more restricted use, such use shall thereafter not revert to a less restricted use. The regulations of the district in which the use is first permitted shall be complied with and shall apply to the property for enforcement purposes.

B. Any increase in the intensity of a nonconforming use shall be prohibited.

§ 115-26 Enlargement or Extension.

Such nonconforming use or building shall not be enlarged or extended. Except that residences and their customary accessory uses made lawful non conforming at the adoption of this chapter may be enlarged or extended providing such enlargements or extensions meet the minimum yard requirements as specified in the ordinance.
Article Eight Nonconforming Uses, Buildings and Structures

§ 115-27 Repair or alteration.

A. Nothing herein shall be deemed to prevent normal maintenance of a building or other structure containing a nonconforming use, including nonstructural repairs and incidental alterations not extending the nonconforming use.

B. No structural alteration shall be made in a building or other structure containing a nonconforming use except:

(1) When required by law.
(2) To restore to a safe condition any building or structure declared unsafe by the Building Inspector.
(3) To accomplish permitted enlargements.
(4) To accomplish a change to a conforming use or to a permitted use in a more restricted district.

§ 115-28 Restoration of Damaged Structures.

Such nonconforming building or other structure which has been damaged or destroyed by any means to the extent of 75% or more of its equalized assessed value as determined by the Town of Sardinia Assessors Office’s current assessed value or which has been ordered to be demolished or removed by Town Board resolution, shall not be rebuilt nor repaired except in conformance with the regulations of this chapter. In the case of a permitted restoration of a nonconforming use, neither the floor area nor the cubical content shall be increased from the original nonconforming building or other structure.

§ 115-29 Discontinuance and Abandonment of Use.

In any district, whenever a nonconforming use of land, building or other structure, or any part or portion thereof, has been discontinued for a period of one year, such nonconforming use shall not thereafter be re-established, and all future use shall be in conformity with the provisions of this chapter. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or

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portion thereof, for such period of one year is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations.

Article Eight  Nonconforming Uses, Buildings and Structures

If actual abandonment in fact is evidenced by the removal of buildings, other structures, machinery, equipment or other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed within a period of less than one year, and all rights to re-establish or continue such nonconforming use shall thereupon terminate.
Article Nine: Site Plan Approval

§ 115-30 Site Plan Approval: Purpose.

Prior to the development of individual parcels for commercial activities, including but not limited to multifamily residential and manufactured housing parks, a site plan for the land activity or development must be reviewed and approved. The purpose of these regulations is to enable the Town to control the placement of buildings and accessory structures, and ancillary improvements so that they do not impact neighboring land uses or negatively impact the surrounding community. The implementation of these requirements furthers the public health, safety and general welfare of the community by allowing the reviewing body to restrict the number, size and location of vehicular access points along all roads; require buffering of incompatible land uses; require adequate aesthetic enhancements in the form of soft and hard landscaping features; require buildings to have architectural features which are consistent with human scale and/or require architectural styles that are consistent or reflective of the surrounding community; and require the provision of open space in multifamily residential or manufactured housing parks for recreational opportunities or permit the Town to accept monies in lieu of providing such open space, for the creation of recreational opportunities elsewhere in the community.

§ 115-30.1 Applicability.

A. The following activities do not require site plan approval:

1. The construction of one or two family dwellings and their customary accessory structures on individual lots.

2. Exterior alterations or additions to existing commercial structures which are 25 percent of the gross building area or (1,000) square feet, which ever is less. Such exemption will be limited to a cumulative maximum building area of 1,000 square feet. All subsequent additions must obtain site plan approval.

3. The establishment of an accessory roadside stand within the AR – Agricultural Residential district.
§ 115-30.2 Approval Authority.

A. The Planning Board shall receive and review all site plans required by this article and shall approve, approve with modifications or deny such site plans in compliance with the provisions of this article.

Article Nine Site Plan Approval

§ 115-30.3 Minor and Major Actions.

A. All commercial activities requiring site plan approval shall be classified by the Code Enforcement Officer or his/her designee as either a minor or major action. Minor actions are those which are not listed as Type One actions pursuant section 617.4 of State Environmental Quality Review Act and/or the estimated value of construction as determined by the Code Enforcement Officer or his/her designee is consistent with construction activities of a smaller scale.

B. Major actions shall be defined as those activities which are Type One actions pursuant to 617.4 of the State Environmental Quality Review Act and/or the estimated value of construction or the scale of the project as determined by the Code Enforcement Officer or his/her designee is of a magnitude which warrants a designation of major activity rather than a minor activity.

§ 115-30.4 Review and Approval Procedure.

Prior to a building permit being issued or construction commencing for an activity which requires site plan approval, the Code Enforcement Officer will require an application for site plan approval to be filed with his/her office. Actions deemed by the Code Enforcement Officer or his/her designee to be a major activity may allow an independent review by an urban planner hired by the Town of Sardinia. Such independent review will be for the purpose of providing assistance to the planning board and offering recommendations on the site plan.
Article Nine  Site Plan Approval

A. All minor and major actions shall require a sketch plan conference to be held with the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of the conference is to enable the applicant to inform the Planning Board of his/her proposal prior to the preparation of a detailed site plan; and for the Planning Board to review basic site concept, advise the applicant of potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives the applicant shall provide the following with his /her written request for a sketch plan conference:

1. A project statement indicating the proposed use and or changes (if an addition to an existing facility).

2. A rough sketch (to scale), showing the locations and dimensions of principal and accessory structures, parking areas, vehicular ingress and egress points, proposed signage, existing and proposed vegetation, any other proposed exterior site features; anticipated changes in topography and natural site features including, flood plains, flood ways and /or regulated wetlands or water bodies.

3. A general location map which places the site in context with the surrounding streets, right of ways, easements and other pertinent features.

4. A boundary survey prepared by a NYS Licensed Land Surveyor reflective of current conditions.

A. Following the Sketch Plan conference with the Planning Board, a site plan approval request form and filing fee shall be submitted to the Code Enforcement Officer or his/her designee along with (10) copies of a site Plan, or as specified by the planning board, showing all of the information required of the planning board as discussed with the applicant during the sketch plan conference; and as indicated by the planning board on the town’s site plan checklist.

B. In addition to the information indicated on the town site plan checklist, the
planning board may also request that the applicant prepare studies to demonstrate that potential impacts including but not limited to; traffic, storm drainage, noise, air pollution or water quality will be mitigated and/or avoided as required pursuant to the provisions of the State Environmental Quality Review Act (SEQRA).

Article Nine Site Plan Approval

C. In addition to the filing fee for a site plan approval request, the town shall be reimbursed for any costs incurred by the Planning Board for required professional assistance, or other extraordinary expense in connection with the review of a proposed site plan. Such reimbursable costs will be a charge associated with the site plan review, in addition to the aforesaid site plan filing fee.

§ 115-30.5 Standards for Review.

The Planning Board’s review of the site plan shall include, as appropriate, the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

3. Location, arrangement, appearance and sufficiency of off street parking, loading and drive thru lane stacking.

4. Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walks and walkway structures, control of intersections with vehicular traffic and overall pedestrian mobility and convenience.

5. Adequacy of storm water and drainage facilities.

6. Adequacy of water supply and sewage disposal facilities.

7. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between adjoining lands, including the maximum retention of existing vegetation.

8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

Article Nine  Site Plan Approval

10. Overall impact on the neighborhood including compatibility of design considerations.

11. The provision of open space within multifamily and manufactured home parks for the recreational needs of the residents of such developments.

§ 115-30.6 Open Space for Recreation.

The Town may require the provision of open up to a maximum of thirty (30) percent of a development site within proposed multifamily developments and within proposed manufactured home parks to provide for the recreation needs of the residents of such developments. The Town may also accept in lieu of such open space, monies to provide recreational opportunities elsewhere in the community.

§ 115-30.7 Planning Board Decision.

A. Within sixty two (62) days of receipt of a formal application for site plan approval (subsequent to sketch plan conference as specified in section 115.30.4A) the Planning Board shall schedule a public meeting with the applicant. Such public meeting shall not be scheduled unless the application submittal is deemed complete by the Planning Board.

B. Within sixty-two (62) days following the scheduled public meeting the Planning Board shall render a decision. In its decision the Planning Board shall approve the site plan, approve with modifications or deny the site plan. Any decision rendered shall be in writing and based on evidence of the proceedings and based on information contained within the site plan submittal. The decision of the Planning Board shall be filed in the Office of the Town Clerk within five business days of the decision being rendered and a copy shall be mailed to the applicant.

The Time period in which the Planning Board must render a decision can be extended by mutual consent of the applicant and the Planning Board,
providing the applicant makes a written request to extend the time frame to the Planning Board prior to the expiration of sixty two (62) days.

Article Nine    Site Plan Approval

§ 115-30.8   Town Board Decision.

When site plan submittals are made simultaneously with requests for special use permits the time frames for rendering a decision by the Town Board pursuant to section 115-31.2 shall take precedence. All time frames as mandated pursuant to the State Quality Review Act (SEQRA) shall be observed in addition to the time frames allowed for this section.

§ 115-30.9   Failure to Obtain Site Plan Approval.

Failure of an applicant to obtain site plan approval prior to commencing an activity shall be considered a violation punishable by the provisions of section 115-35 of this chapter.
Article Ten: Special Use Permits

§ 115-31 Special Use Permits: Purpose.

The requirement for the issuance of a special use permit shall be for the purpose of determining that each proposed use is, and will continue to be, compatible with surrounding existing and planned uses. Unless otherwise provided, the special permitted uses outlined in the zoning districts of this ordinance shall be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards outlined in this ordinance. Any use requiring the issuance of special use permit, which, is not listed within a zoning district, is not permitted (see section 115-5C). All special permitted uses possess unique characteristics and will be considered on an individual basis.

§ 115-31.1 Special Use Permits: Authority to Issue.

The authority to issue special use permits is vested with the Town Board of the Town of Sardinia; unless a special permitted use is listed to be approved by the Zoning Board of Appeals, pursuant to section 115-40.

No special use permit shall be issued unless the Town Board determines that the use complies with the following general requirements and any supplemental regulations listed for that particular use:

1. The use is designed, located and proposed to be operated so the public health, safety, welfare and convenience will be protected.

2. The use will not cause substantial injury to the value of other property in the neighborhood where it is located.

3. The use will be compatible with adjoining development and the character of the neighborhood where it is located.

4. Adequate buffering, including landscaping and screening is provided to preserve the character of the neighborhood and adjacent land uses.

5. Adequate off-street parking and loading are provided and the special use will not substantially interfere with traffic on abutting streets.
Article Ten  Special Use Permits

§ 115-31.2 Application Procedure.

A. All Applicants seeking a special use permit approval shall submit a request on the forms provided by the Town along with a filing fee and within the filing deadlines as established by the Town. All requests shall be submitted simultaneously with a site plan approval request application and consistent with the application procedure as specified for site plan submissions in section 115.30.4A.

B. Within sixty-two (62) days after receipt of the application by the Planning Board, the Planning Board shall review the special use permit application, site plan, and supporting data, and shall recommend approval, approval with modifications or conditions, or disapproval of the special use permit request. The Planning Board’s action shall be in the form of a written recommendation of approval or disapproval of the special use permit application to the Town Board.

C. The failure of the Planning Board to act within sixty-two (62) days of receipt of a special use permit application, shall be deemed a recommendation for the approval of the special use permit as submitted.

D. Within sixty-two (62) days following the receipt by the Town Board of the report of the Planning Board, or its failure to act as provided, above, the Town Board shall conduct a public hearing. Within sixty-two (62) days thereafter the Town Board shall either approve or deny the special use permit. All time frames mandated pursuant to the State Environmental Quality Review Act shall be observed in addition to the time frames allowed by this section.

E. In granting approval, the Town Board may impose conditions as necessary to ensure the harmonious integration and compatibility of special permitted uses within neighborhoods and with surrounding areas.
§ 115-31.3 Expiration.

Special use permits shall expire under the following conditions:

A. The applicant or owner abandons the activity or land use for which special use permit was granted. Such an abandonment shall be when the activity or land use has not been actively used for its intended purpose for a period of one year.

B. The special use permit shall expire on the next day following the end of any period granted to correct deficiencies and/or violations of any condition attached to the granting of a special use permit.

C. A special use permit shall be deemed to authorize only one (1) special use and shall expire if the applicant or owner fails to obtain a building permit within (6) six months of the Town Board’s approval of a special use permit.

D. Where no structure is involved, and a special use or activity has not commenced within six (6) months of the Town Board’s approval.

E. Construction and/or use of the structure for which such special use permit was granted shall not have commenced within twelve (12) months after the date of issue of such special use permit.

§ 115-31.4 Revocation – Violation of Conditions.

Failure to adhere to special permit conditions as established by the Town Board shall be considered a violation, subject to the penalties as prescribed by section 115-35 of this chapter.

A. Failure to adhere to special permit conditions may also be cause for revocation of a special use permit by the Town Board. The Town Board may, after holding a public hearing at which the permit holder is given an opportunity to be heard, order the revocation of the permit either immediately, or after a remedial action period, if the permit holder fails to correct the violation. Upon revocation of the permit, the special use or activity shall immediately cease.
§ 115-31.5  Re-hearings

A. Applications for special use permits once denied, or revoked may not be re-heard for a period one year. All requests for re-hearings shall be treated as new applications subject to the applications procedures as established in section 115-31.2
Article Eleven: Administration and Enforcement

§ 115-32 Administrative and Enforcement Officer.

Unless otherwise provided, the provisions of this chapter shall be administered and enforced by the Code Enforcement Officer of the Town of Sardinia. The Code Enforcement Officer shall keep a complete file of all applications, permits, orders, certificates, requirements and decisions affecting each and every application filed with the Town of Sardinia pursuant to this chapter.

§ 115-33 Building permits.

A. The provisions of the NYS Uniform Fire Prevention and Building Code and other applicable regulations of the Town of Sardinia shall control the issuance of building permits. In addition to such provisions, every application for a building permit shall be accompanied by a survey sealed or stamped by a licensed surveyor, in duplicate, drawn to scale and showing the dimensions of the plot to be built upon, the size and location of the building or other structure on the plot and such other information as may be necessary to provide for the enforcement of the regulations contained in this chapter.

B. No building permit shall be issued unless the provisions of this chapter are complied with, including approved site plans and/or special use permits as required. Building permits shall not be issued and/or commencement of construction activities shall not continue on any project for which an appeal is pending before the Town Zoning Board of Appeals; and until the written decision of the Zoning Board of Appeals is filed with the Town Clerk's Office and the Code Enforcement Officer.

C. In the case of a building permit for multifamily dwellings or apartments, no building permit shall be issued unless plans have been prepared by a NYS Licensed Professional Engineer certifying that such dwellings will provided with adequate sanitary sewage, potable water and storm drainage for the project.
§ 115-34 Inspection authorized.

The Code Enforcement Officer is hereby empowered to cause any building, other structure or tract of land to be inspected and examined and to order in writing the nature of the violation of any provision of this chapter and the remedying of the violation found to exist, and a time frame for completing such remedy. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to comply with such order.

§ 115-35 Penalties for offenses.

A. A violation of this chapter is hereby declared to be an offense, punishable by a fine not less than $50 nor more than $350 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than $350 nor more than $700 or imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than $700 nor more than $1,000 or imprisonment for a period not to exceed 15 days, or both. Each week’s continued violation shall constitute a separate additional violation.

B. An owner, general agent, lessee or tenant of the building, other structure or tract of land or any part thereof, or an architect, builder, contractor or anyone who commits or assists in any violation of any of the provisions of this chapter, shall be subject to the penalties imposed by this section. Each week’s continued violation shall constitute a separate, additional violation and shall be punishable hereunder.

§ 115-36 Town may seek other remedies.

In addition to the foregoing remedies, the Town of Sardinia may institute any appropriate action or proceeding to prevent, correct or restrain any violation of this chapter.
Article Twelve: Zoning Board of Appeals

§ 115-37 Creation and organization; filling of vacancies; powers and duties.

The Board of Appeals, consisting of five members, as constituted and empowered under § 267 of Article 16 of the Town Law on the effective date of this chapter, shall be continued. Vacancies occurring in such Board shall be filled in accordance with the Town Law. The Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this chapter.

§ 115-38 Appeals for interpretation.

The Board of Appeals shall hear and decide appeals where it is alleged that there is an error or misrepresentation in any order, requirement, decision or determination by any administrative official of the Town of Sardinia charged with the enforcement of the provisions of this chapter. The Board of Appeals may reverse, modify or affirm, in whole or in part, any such appealed order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as in its opinion ought to be made in strictly applying and interpreting the provisions of this chapter, and for such purposes shall have all the powers of the officer from whom the appeal is taken.

§ 115-39 Appeals for variances.

A. On an appeal from an order, requirement, decision or determination of any administrative official charged with the enforcement of this chapter, where it is alleged by the appellant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict application of any provision of this chapter, the Board of Appeals may grant a variance from the strict application of such provisions, provided that the findings of the Board of Appeals are consistent with the following:

B. Variances defined. The following define the two types of variances which the Zoning Board of Appeals has the power to grant and the criteria which the Zoning Board of Appeals must consider in order to grant each type of variance:
Article Twelve: Zoning Board of Appeals

(1) "Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

(a) In making such determination the Board shall also consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created.

(b) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
(2) "Use variance" shall mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

(a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(d) That the alleged hardship has not been self-created.

C. The Board of Appeals, in the granting of the use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D. Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on a neighborhood or community, public safety secured and substantial justice done. Such conditions or restrictions shall be incorporated in the building permit and certificate of zoning compliance.
§ 115-40 Original jurisdiction, generally.

A. The Board of Appeals shall hear and decide, in accordance with the provisions of this article, all applications for special permits or for modifications of provisions of this chapter in all such cases upon which the Board of Appeals is specifically authorized to pass, or to make any other determination required by this chapter.

B. In authorizing any specified special permit or specified modification, or in making any required determination, all required findings shall be made, and, in the case of special permits or modifications, the Board of Appeals may prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience or general welfare.

C. No special permit or modification of the provisions of this chapter shall be authorized by the Board of Appeals unless, in addition to other findings specified in this chapter, it finds that such special permit or modification:

1. Will be in harmony with the general purposes and intent of this chapter.

2. Will not tend to depreciate the value of adjacent property.

3. Will not create a hazard to health, safety or the general welfare.

4. Will not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

5. Will not otherwise be detrimental to the public convenience and welfare.

§ 115-41 Temporary permits.

A. Temporary structures or uses (not including signs). The Board of Appeals may authorize a temporary and revocable permit for not more than two years for uses or structures that do not conform with the regulations of this chapter for the district in which they are located, provided that the following findings are made:
Article Twelve  
Zoning Board of Appeals

(1) That such use is of a temporary nature and does not involve the erection or enlargement of any permanent structure.

(2) In case of a renewal of such permit, that all conditions and safeguards previously required have been complied with.

B. Permitted temporary structures or uses; extension of time limit. The Board of Appeals may authorize the continuation of temporary structures or uses incidental to construction work, provided that the following findings are made:

(1) That the nature and scale of the construction is such as to require a longer period of time for completion.

(2) That such construction has been diligently prosecuted or that any delays have been unavoidable.

§ 115-42 Procedure for filing of appeals, meetings and decisions.

A. Rules of conduct and procedure. The Board of Appeals, consistent with law and ordinance, may adopt rules of conduct and procedure.

B. Filing appeals. An appeal to the Board of Appeals from any ruling of any administrative officer charged with the enforcement of this chapter may be taken by any person aggrieved or by any officer, department, board or bureau of the town. Such appeal shall be taken, within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the ground thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

C. Filing applications. An application for any matter upon which the Board of Appeals is required to hear may be made to the Town Clerk, along with a filing fee as set by Town Board resolution, by the owner or tenant of the property (or a duly authorized agent) for which such appeal or application is sought.
D. Meetings, witnesses and records.

(1) Meetings of the Board of Appeals shall be held at the call of the Chairman and held at the Sardinia Town Hall. All meetings shall be open to the public. The Chairman of the Board of Appeals or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

(2) The Board of Appeals 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, and shall keep records of its examination and other official action. Every rule, regulation, amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall be filed in the office of the Town Clerk within (5) days of the decision being rendered and shall be a public record.

E. Stay of proceedings. Any appeal to the Board of Appeals shall stay all proceedings in furtherance of the action appealed from, except as otherwise provided in Subdivision 4 of § 267 of the Town Law.

F. Public hearing. The Board of Appeals shall fix a reasonable time for a hearing of an appeal, applications for special permits or modifications or regulations, or other matters referred to it, and shall give public notice thereof in accordance with the provisions of Subdivision 5 of § 267 of the Town Law.

G. Decisions of the Board of Appeals.

(1) The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from, to decide in favor of the applicant any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter.

(2) Every decision of the Board of Appeals shall be by resolution. Where findings are required, the decision shall set forth each required finding, supported by substantial evidence or other data considered by the Board of Appeals in each specific case, or, in the case of denial, the decision shall include the findings which are not satisfied.
§ 115-43 Lapse of authorization.

Any variance, special permit or modification of regulations authorized by the Board of Appeals shall be automatically revoked unless a building permit conforming to all the conditions and requirements established by the Board of Appeals is obtained within six months of the date of approval by the Board of Appeals and construction is commenced within one year of such date of approval.

§ 115-44 Violation of conditions or restrictions

Failure to comply with any condition or restriction prescribed by the Board of Appeals in approving any appeal for a variance, application for a special permit or a modification of regulations shall constitute a violation. Such violation may constitute the basis for revocation of a variance, special permit or modification, or for imposing penalties and other applicable remedies.

§ 115-45 Rehearings.

There shall be no rehearing of an appeal or application by the Board of Appeals, except in accordance with Article 16, § 267, Subdivision 6, of the Town Law.
Article Thirteen: Amendments

§ 115-46 Amendments authorized; notice of proposed amendments.

A. The Town Board may from time to time on its own motion, on a recommendation by the Zoning Board of Appeals or the Planning Board or on petition from the property owner or owners, after proper public notice and public hearing, amend, supplement or repeal the regulations, provisions or boundaries of this chapter as provided by Town Law.

B. In addition to publication of notice of a zoning change in a newspaper as required by § 264 of the Town Law, all owners of land either of the area included in such proposed change or of that immediately adjacent extending 300 feet there from, or of that directly opposite thereto extending 300 feet from the street frontage of such opposite land, shall be notified by registered mail at least five days prior to the date of public hearing on the proposed zoning change.

§ 115-47 Provisional amendments.

A. In the case of a proposed amendment which involves the reclassification or transfer of ½ acre or more from any use to a less restricted use, the Town Board shall require the petitioner to submit a development or site plan showing the extent, location and character of proposed structures and uses. The Town Board may require that such plan be modified to ensure its compatibility with adjacent areas and may qualify its approval of such amendment by attaching a special endorsement thereto. Any future additions to the development or site plan area must be resubmitted to the Town Board to determine that the addition is substantially in agreement with the intent of the original chapter amendment. Nonconformity in architectural design with the original development may be considered a reasonable basis for refusal to issue a building permit for such an addition.

B. No building permit shall be issued for construction within the area described by said provisional amendment, except in accordance with the approved development or site plan and with all conditions and limitations placed thereon by the Town Board or in accordance with the zoning
regulations applicable prior to said reclassification action. Unless application for a building permit for such property rezoned or granted special permit is made within a period of one year after the Town Board's approval, said approval shall be void and the zoning classification shall be as it was when the petition for amendment was filed.

§ 115-48 Amendment procedure.

A. Filing of petition. A petition to amend, change or supplement the text of this chapter or any zoning district as designed on the Zoning Map established herein shall be filed with the Town Clerk, along with a filing fee as set by Town Board resolution, on forms obtained from his office and shall be transmitted by the Clerk to the Town Board.

B. Referral to Planning Board. Each proposed amendment, except those initiated by the Town Planning Board, shall be referred to the Town Planning Board for an advisory report prior to the public hearing on said zoning change. In reporting, the Town Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment and, if it shall recommend adoption, shall describe any changes in conditions which it believes make the amendment desirable and shall state whether such amendment is in harmony with a Comprehensive Plan for land use in the town.

C. Rehearing on petition. The disposition of a petition for amendment by the Town Board shall be final, and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment which has been previously denied by the Town Board shall be considered by it, and no public hearing shall be held on such amendment, within a period of one year from the date of such previous denial, unless the Planning Board shall find that there have been substantial changes in the situation which would merit a rehearing and shall state the same in writing to the Town Clerk before he accepts a reapplication on this petition.

§ 115-49 Keeping Zoning Map up-to-date.

Map changes resulting from official action by the Town Board shall be referred to the Town Clerk or his/her designee who shall be responsible for keeping the Official Zoning Map up-to-date.
## Schedule of Yard, Bulk, Lot Area and Heights

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area</th>
<th>Maximum Density</th>
<th>Minimum Lot Frontage</th>
<th>Minimum Front Yard Depth</th>
<th>Minimum Rear Yard Depth</th>
<th>Minimum Setback to Parking Areas</th>
<th>Minimum Distance Between Buildings on same lot</th>
<th>Maximum Building Length</th>
<th>No. Of Stories</th>
<th>Maximum Building Height</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR</td>
<td>2 acres</td>
<td>1 dwelling unit per acre</td>
<td>250'</td>
<td>50'</td>
<td>25'</td>
<td>50' 15' for accessory buildings</td>
<td>10'</td>
<td>See note 2</td>
<td>2.5</td>
<td>35'</td>
<td>See note 2</td>
</tr>
<tr>
<td>HR</td>
<td>1 acre</td>
<td>1 dwelling unit per 20,000 sf</td>
<td>150'</td>
<td>25'</td>
<td>10' single family 3' patio home 25' multifamily bldgs.</td>
<td>50' single 3' patio home 50' multifamily bldgs. 15' accessory bldgs.</td>
<td>25' to r.o.w. 10' to side 10' to rear 1/2 height of tallest building</td>
<td>125'</td>
<td>2.5</td>
<td>35'</td>
<td>35%</td>
</tr>
<tr>
<td>HB</td>
<td>1 acre</td>
<td>N/A</td>
<td>150'</td>
<td>40'</td>
<td>10' or height of building if to residential use P/L</td>
<td>50'</td>
<td>25' to r.o.w. 10' to side 10' to rear 25' to residential use P/L</td>
<td>10'</td>
<td>100'</td>
<td>2.5</td>
<td>35'</td>
</tr>
<tr>
<td>LC</td>
<td>2 acres</td>
<td>N/A</td>
<td>150'</td>
<td>50'</td>
<td>25' or height of building whichever is greater</td>
<td>50'</td>
<td>50 to r.o.w. 10' to side 10' to rear 25' to residential use P/L</td>
<td>60'</td>
<td>N/A</td>
<td>2</td>
<td>35'</td>
</tr>
<tr>
<td>BL</td>
<td>3 acres</td>
<td>N/A</td>
<td>150'</td>
<td>75'</td>
<td>25' or height of building whichever is greater</td>
<td>50'</td>
<td>50 to r.o.w. 10' to side 10' to rear 25' to residential use P/L</td>
<td>60'</td>
<td>N/A</td>
<td>3</td>
<td>50'</td>
</tr>
<tr>
<td>GCF</td>
<td>3 acres</td>
<td>N/A</td>
<td>250''</td>
<td>75'</td>
<td>25' or height of building whichever is greater</td>
<td>50'</td>
<td>50 to r.o.w. 10' to side 10' to rear 25' to residential use P/L</td>
<td>60'</td>
<td>N/A</td>
<td>3</td>
<td>50'</td>
</tr>
</tbody>
</table>

notes:
1. Maximum density of 1 d.u./acre only applies when open space development designs are proposed.
2. Minimum livable ground floor area must be 840 square feet
## Schedule of Yard, Bulk, Lot Area and Heights continued

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area</th>
<th>Maximum Density</th>
<th>Minimum Lot Frontage</th>
<th>Minimum Front Yard Depth</th>
<th>Minimum Side Yard Depth</th>
<th>Minimum Rear Yard Depth</th>
<th>Minimum Setback to Parking Areas</th>
<th>Minimum Distance Between Buildings on same lot.</th>
<th>Maximum Building Length</th>
<th>No. Of Stories</th>
<th>Maximum Building Height</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR</td>
<td>50 acres unless for conservation open spaces then 1 acre</td>
<td>N/A</td>
<td>150'</td>
<td>75'</td>
<td>25’ or height of building whichever is greater</td>
<td>50'</td>
<td>50 to r.o.w. 10’ to side 10’ to rear 50’ to residential use P/L</td>
<td>60'</td>
<td>N/A</td>
<td>2</td>
<td>35’</td>
<td>15%</td>
</tr>
<tr>
<td>MHP</td>
<td>6,600 sf</td>
<td>0.69 units /acre</td>
<td>250’ for park site 55’ for home lot</td>
<td>150’ for park site 25’ to private street E.P.</td>
<td>150’ from P/L of park site 15’ for home lot</td>
<td>150’ from P/L of park site</td>
<td>50 to r.o.w. 10’ to side 10’ to rear 50’ to residential use P/L for any accessory parking areas.</td>
<td>20 feet</td>
<td>N/A</td>
<td>2</td>
<td>35’</td>
<td>30%</td>
</tr>
</tbody>
</table>