TOWN OF MINA

ZONING LAW

Local Law #3 – 2025
Replacing Local Law #5-2024

Effective June 12, 2025

TOWN OF MINA
ZONING LAW

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ZONING LAW OF THE TOWN OF MINA

Local Law #3-2025
Replacing Local Law #5-2024
Effective June 12, 2025

ARTICLE I
TITLE, ENACTING CLAUSE, PURPOSE, & APPLICATION

SECTION 101: TITLE

A Local Law is hereby enacted regulating the location, construction and use of buildings, structures, and the use of land in the Town of Mina, County of Chautauqua, State of New York, and for said purposes dividing the municipality into districts. This Local Law shall be known and cited as the Zoning Law of the Town of Mina.

SECTION 102: ENACTING CLAUSE

Pursuant to the authority conferred by the Laws of the State of New York and for each of the purposes specified therein, the Town Board of the Town of Mina, County of Chautauqua and the State of New York, has ordained and does hereby enact the following Local Law regulating and restricting the location, size and use of buildings and other structures, and the use of land in the municipality.

SECTION 103: PURPOSE AND OBJECTIVES

A. Comprehensive Plan - The zoning regulations and districts set forth and outlined upon the zoning map are made in accordance with a comprehensive plan for the municipality. The enactment of the Zoning Law brings benefits to the community which may not be highly or immediately visible. However, the resulting conditions will enhance and preserve the quality of living, health, and safety for the municipality.

B. General - General benefits derived from zoning laws include the following:

1. promotes health, convenience, economics, and general welfare of the community;

2. balances the rights of the public at large, private landowners, and other various interest groups;

3. encourages the positive shaping of the future and the long-range benefits associated with zoning laws;

4. allows for the maintenance of an equitable assessment rule;

5. imposes some reasonable restraints on opportunists; and

6. locally controlled, may be amended to meet changing needs, and has built-in flexibilities for unique situations.

C. Safety - From a safety viewpoint, zoning laws can assist in the following:

1. promotes fire safety by controlling building heights, separation of structures, etc.

2. promotes traffic safety by protecting the traffic carrying capabilities of highways through setbacks, etc.;

3. ensures that flood-plains are reasonably controlled with respect to types of uses, densities, etc.;

4. protects residents from other conditions which could cause injury or death.

D. Quality - Zoning laws perpetuate the highest possible quality of life by:

1. maintains a rural atmosphere in selected areas;

2. promotes the retention of an aesthetically pleasing community by minimizing nuisances and visually unattractive developments;

3. ensures adequate light, air, and open space; and

4. maintains the character of residential neighborhoods by providing appropriate locations for living and raising a family through types of uses encouraged in a district.

E. Economics - Zoning laws also contribute a great deal to neighborhood stability by:

1. optimizes the use of existing infrastructure;

2. utilizes existing roadways optimally while discouraging the creation of new roads, except as needed;

3. encourages the retention of prime agricultural, commercial, and industrial properties for those uses for which they are most suited; and

4. encourages the largest tax base possible through controlled development.

F. Stability - Zoning laws also contribute a great deal to neighborhood stability by:

1. keeps rural municipalities from being a dumping ground;

2. protects property values and individual investments by encouraging proper

development for each type of district;

3. maintains the character of a neighborhood by providing a stable and orderly living environment;

4. keeps nuisances to a minimum, especially in residentially oriented neighborhoods;

5. allows for the creation of a fair tax base by keeping informed of both new construction and demolition.

G. Health - Lastly, zoning laws protect public health through establishment of standards which address these issues. A zoning law:

1. ensures that appropriate amounts of light, air, and open space are available for all residents;

2. reinforces health standards, particularly with respect to sewage and water-related problems; and

3. keeps unhealthy situations from arising which could cause disease or injury.

SECTION 104: APPLICATION OF REGULATIONS

A. Compliance Responsibility - It shall be the responsibility of all property owners, developers, lessors, or others involved with the temporary or permanent use of land or structures to comply with the regulations of this zoning law. No building or buildings shall be erected or altered which will substantially limit the usefulness or depreciate the value of the surrounding property.

B. Regulation Responsibility - The regulations of this law shall apply and shall require a building/zoning permit (except as specifically exempted) for the following situations:

1. to occupy a structure or land;

2. to erect, alter, enlarge, move, or demolish a structure; and

3. to change one use to another use to include the increasing of families utilizing land or structures.

C. Other Related Regulations - The following regulations shall, as applicable, be complied with prior to occupancy or where specifically stated prior to issuance of a building/zoning permit:

1. Subdivision Laws - State and existing subdivision laws must be complied with in addition to this Zoning Law.

2. National Flood Insurance Program - It shall be the responsibility of the applicant for a

zoning/building permit to ensure that the National Flood Insurance regulations in addition to zoning regulations shall be complied with for those parcels located within the flood plain as shown on official Flood Insurance Administration maps.

3. State Environmental Quality Review Act - Any development requiring a permit as well as amendments to this Law shall be subject to an Environmental Assessment in accordance with state law.

4. Health Department Rules - In areas not served by municipal sewer or water systems, the regulations of the State and County and Local facilities will apply. The applicant for a building or zoning permit must obtain a copy of the required health department permits for attachment to the application, before the issuance of local approval.

5. Fire & Building Code - No structure shall be erected, altered, or used unless it complies, where applicable, with the New York State Uniform Fire & Building Code. The Code Enforcement Officer shall be sent copies of all zoning permits.

6. Highway Access Regulations- No entry or exit from or to a public road shall be constructed prior to the developer contacting the appropriate highway department to coordinate the project. Applicable jurisdiction laws must be followed.

ARTICLE II
DEFINITIONS

SECTION 201: LANGUAGE AND INTERPRETATIONS

For the purpose of this Local Law, certain terms or words herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The singular includes the plural. The word "person" includes a corporation as well as an individual. The word "lot" includes "plot" or "parcel". The term "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

SECTION 202: DEFINITIONS

Certain words and terms used in this Local Law are defined as follows (if not defined here, or in the code, then they shall be given the usual and ordinary meaning unless the context or subject matter otherwise requires a technical or special meaning):

ACCESSORY BUILDING OR USE - An accessory building or use is one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same lot as the principal building or principal use served. Example: Garage accessory to house.

ACCESSORY APARTMENT - A secondary apartment developed in an existing single family dwelling which meets the following conditions: No more than one unit shall be created per dwelling unit in districts where multiple units are allowed, the apartment shall be between 600 and 800 square feet in floor space with the resultant primary dwelling meeting all area requirements such as minimum floor space, sufficient off-street parking shall be provided, no visible signs of an apartment shall be present and finally, accessory dwellings may be utilized.

ACCESSORY DWELLING UNIT - Dwellings intended for temporary occupancy and including but not limited to a travel trailer/motor home, truck camper or tent occupied by persons other than those generally residing in the primary dwelling unit and located on the same parcel as the primary unit.

AGRICULTURAL PROCESSOR - Facilities that process crops, livestock or other agricultural products in preparation for wholesale or retail sale to the public.

AGRICULTURE - The raising of crops, animals or animal products; the selling of products grown on the premises; and other commonly accepted agricultural operations. Incidental mechanical processing and sale of products grown on the premises are included in the definition.

AGRICULTURAL BUILDING - Any structure used primarily and directly for agricultural activities and including but not limited to barns, silos, storage sheds, corn cribs, milk houses, and similar structures.

AGRICULTURE, LIMITED - The production of crops, plants, vines, and trees, provided that no substantial odor or dust is produced within 100 feet of any building on adjacent property.

AIRPORT/AIRSTRIP/HELIPORT - A place where airborne vehicles land or take off, where said vehicles are stored indoors or outdoors adjacent to a landing area, and where repairs can be made to said vehicles also adjacent to a landing site. Public airports are operated by governmental agencies while private airports are operated by private individuals or businesses. Vehicles may be manned or unmanned, powered or gliders. All airports must comply with federal and state regulations and be approved by the Commissioner of Transportation for New York State.

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

AMBULANCE SERVICE - The providing of private emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.

AMUSEMENT PARK/THEME PARK/ZOO - A commercially operated park, having devices for entertainment and usually booths for the sale of food and drink. Zoo is a facility where wild or domestic animals are housed for exhibition.

ANIMAL CEMETERY - Same definition as cemetery except it is only for the burial of dead animals.

ANIMAL HOSPITAL/VETERINARY CLINIC - A facility staffed by a licensed veterinarian for the treatment of animals; may also board animals on a limited basis.
ANIMAL SHELTER - A kennel temporarily housing rescued or stray animals until they are adopted; usually operated as a nonprofit organization.

APARTMENT HOUSE - A building arrangement, intended or designed to be occupied by four (4) or more families living independently of each other. Condominiums and townhouses shall be considered to be apartments.

APPLICANT - Shall be defined as property owner or an individual with a contract to become a property owner.

ARCADE - Amusement centers having coin-operated games for public use.

AREA OF SPECIAL FLOOD HAZARD - Means the land in the floodplain within community subject to a 1% or greater chance of flooding in any given year.

ARTISAN STORE - Stores run by an artisan who practices a trade or handicraft and sells products that are produced in limited quantities often using traditional methods.

ARTS/CIVIC/COMMUNITY/CONVENTION CENTER - Building or group of buildings for a community's educational and recreational activities.

AUCTION BUSINESS - Business that is involved in the selling of goods and property through conducting auctions.

AUTO SALES/USED CAR LOT - Commercial businesses operated for profit that sell motor vehicles either new or used.

BAR - An establishment serving legal alcoholic beverages (beer, wine, spirits). A bar may also serve a limited menu of food and snacks.

BARBER SHOP/BEAUTY SHOP - A shop where licensed barbers, licensed hairdressers, licensed beauticians and/or licensed cosmetologist work.

BASE FLOOD - Means the flood having a 1% chance of being equaled or exceeded in any given year.

BED & BREAKFAST (Sec 638) - Temporary accommodations for short duration stays in a private home in which breakfast is provided as part of the price.

BOARDING HOUSE - A single-family dwelling unit lived in by a family where, for compensation, guest room lodging is provided with or without meals for up to two (2) individuals. The term Boarding House shall include Rooming House, Lodging House, and other similar terms.

BOATHOUSE - An enclosed or roofed structure extending from the shoreline of the water which is

used by the property owner for the indoor parking of boats, or temporary storage of watercraft.

BREW PUB/MICRO-BREWERY - A facility which brews, sells, and serves beer produced on site.
BUFFER - A strip of land, fence or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one area from another area. An appropriate buffer may vary depending on uses, districts, size, etc., and shall be determined by the Permitting Board.

BUILDING - Any structure having a roof supported by columns or by four (4) independent, nonparty walls, and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

BUILDING AREA - 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 porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

BUILDING CONTRACTOR - A contractor specializing in new home construction or home repairs and improvements, such as remodeling, roofing, spouting, fencing, plastering, painting, tile, siding, storm doors and windows, plumbing, heating and electrical work.

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

BUILDING PERMIT - A permit issued by the Town of Mina Code Enforcement Officer allowing for construction or remodeling. This permit is issued relative to the Town of Mina Building Laws and must be signed by and issued to the property owner as the applicant.

BUILDING SETBACK LINE - Established line within a property defining the minimum required distance between the face of any structure to be erected and the edge of the road of an adjacent highway.

BUSINESS DISTRICT, COMMERCIAL (B2) - A district established to promote business development along the Route 426 corridor beginning north of Interstate 86 and ending at the intersection of School Street. This district provides greater access to highways, parking, deliveries, as well as assuring safer ingress, egress, and traffic management than the other business districts.

BUSINESS DISTRICT, HISTORIC (B1) - A district which preserves the aesthetics, character, style, structure and historical nature of the community. This promotes tourism and attracts visitors to the area and maintains the quaint setting of a lakeside community. The nature and style of businesses in the Historic District are significantly different from that of a traditional business corridor allowing the zoning code the flexibility to address the diverse needs of the business community and regulate activities which are unique to historical development.

BUSINESS DISTRICT, SHADYSIDE (B4) - The Shadyside Business District is a large plot which is located along the lakeshore in a densely populated Lakeside Residential District (R2). This business

has different needs, parameters, and social/economic factors than a traditional business district. The intent is to allow the zoning code the flexibility to manage, maintain, and protect the property values of the surrounding residential community and lakefront property. It also allows for the development of the business district in a manner which is in concert with the character of the surrounding residential neighborhood, and preserves the beauty and integrity of the lakeshore.

BUSINESS DISTRICT, SUNNYSIDE (B3) - The Sunnyside Business District is a medium sized plot which is located in the middle of a densely populated residential district (R1). As such, this business district has different needs, parameters, and social/economic factors than a traditional business district. The intent is to allow the zoning code the flexibility to manage, maintain, and protect the property values of the surrounding residential community. It allows for the development of the business district in a manner which is in concert with the character of the residential neighborhood.

BY RIGHT - Refers to uses requiring a permit but no public hearing is required.

CABINS, COMMERCIAL - A small house or houses usually built of wood located in a wooded area for temporary living purposes which includes County-approved sanitary facilities.

CAMPER - A person who registers his party for the occupancy of a campsite or who otherwise assumes charge of or is placed in charge of a campsite.

CAMPER UNIT - A tent or camping vehicle temporarily located on a campsite.

CAMPGROUND - A lot, tract or parcel of land upon which two or more campsites are located, established or maintained and occupied by camping units for children or adults, or both.

CAMPING VEHICLE OR TRAILER COACH - A vehicular accommodation not more than 32 feet in length, operating under its own power or towed by an automobile, suitable for temporary habitation, used for travel, vacation, or recreational purposes, and occupied in any one place for a period not exceeding 30 days.

CAMPSITE - A plot of ground within a campground intended for the exclusive occupation by a camping unit on a daily, weekly or monthly period of time.

CAR WASH - The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

CARNIVAL/CIRCUS – TEMPORARY - A seasonal festival or enterprise for the purpose of amusement and entertainment. Also, an arena often covered by a tent and used for a variety of shows usually feats of physical skill, wild animal acts and performances by clowns.

CEMETERY/MAUSOLEUM - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CANNABIS ADULT-USE ON-SITE CONSUMPTION - “On-site consumption” means the

consumption of cannabis in an area licensed by the Cannabis Control Board. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location.

CANNABIS ADULT-USE RETAIL DISPENSARY - "Retailer" means any person who sells at retail any cannabis product, to cannabis consumers. A retail dispensary license authorizes the acquisition, possession, sale and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.

CANNABIS CONTROL BOARD - The New York State Cannabis Control Board is the approval and oversight body of the Office of Cannabis Management. The Board is responsible for approving the comprehensive regulatory framework for New York's cannabis industry, including issuing applications and licenses to cannabis businesses and approving the rules and regulations which govern the industry.

CERTIFICATE OF COMPLIANCE OR CERTIFICATE OF OCCUPANCY - A document that grants permission for the use of a building or structure for a specific type of use or occupancy. By issuing a certificate, the Town of Mina acknowledges that construction has been completed and grants permission for the building or structure to be used for the intended purpose. The Town of Mina Code Enforcement Officer is authorized to issue, revoke or suspend a Certificate of Compliance or a Certificate of Occupancy if the permit holder violates the New York State Uniform Code or does not comply with the Town of Mina Zoning Code.

CERTIFICATE OF INSURANCE - A document issued by an insurance company that provides a summary of insurance coverage and serves as verification that the individual(s)/business has coverage. The Certificate of Insurance identifies the insurer who issued the document, identifies the individual(s)/business that is covered, lists the liability policy limits, and the effective date and expiration date of the policy.

CHURCH/RECTORY - A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

CHURCH, STOREFRONT (SEE CHURCH)

CLUB (SEE FRATERNAL ORGANIZATION)

CLUSTER RESIDENTIAL DEVELOPMENT - A development of five acres or more where a developer may elect, after board approval, to cluster or group his development in return for the permanent creation of common areas. Overall, the density of development remains approximately the same as required by the district area requirements.

COAL-BURNING FURNACES, OUTDOOR (SEE WOOD-BURNING FURNACES, OUTDOOR)

COMMERCIAL DISTRIBUTION CENTER - Facilities that are part of a distribution chain for products, order fulfillment, and storing produced goods prior to their shipment to wholesale, retail or customers.

COMMERCIAL PROPERTY - Property of buildings that accommodate activities that are intended to make a profit. This includes large storage, warehouse and distribution facilities.

COMMERCIAL RECREATION (Indoor or Outdoor) - Recreational facilities operated as a business and open to the general public for a fee. This definition includes only those facilities, which can confine noise, lights and other potential nuisances to their own premises.

COMMERCIAL STORAGE - Storage unit(s) rented to public and maintained for profit.

COMMERCIAL WAREHOUSE - Facilities to store goods in a centralized location so that products can be quickly and efficiently transported to their destinations.

CONVENTIONAL DWELLING UNIT (SEE DWELLING UNIT)

COOPERATIVE - A farm, business, or other organization which is owned and run jointly for its members, who share the profits or benefits.

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

CULTIVATOR - Someone concerned with the science or art or business of cultivating the soil – an agriculturalist, grower, raiser, farmer, granger, husbandman, sodbuster – a person who operates a farm.

DAY CARE FACILITY, ADULT - Structure, together with its lot, operated on a regular basis for the purpose of providing daytime care for adults. The day care facility must meet the requirements and be licensed by the appropriate New York State agency.

DAY CARE FACILITY, CHILDREN - Structure, together with its lot, operated on a regular basis for the purpose of providing daytime care for children. The day care facility must meet the requirements and be licensed by the appropriate New York State agency.

DAY CARE CENTER, LIMITED - Same as a Day Care Center except involving care for five (5) or less children or adults.

DAY CARE FAMILY HOME - In accordance with Sections 390 of the Social Security Law, an individual's home used to care for three (3) to six (6) children away from their homes for less than 24 hours per day for compensation for more than five (5) hours per week. The provider's own children who are under six (6) years old shall be counted toward the maximum number allowed. An annual permit from the Social Services Department is required with the applicant required to verify fitness to care for children, sound health, sufficient finances, an adequate physical plant, etc.

DECK - An unroofed open structure projecting from an outside wall of a structure without any form of enclosure.

DELIVERY - The action of delivering letters, packages, or ordered goods.

DEMOLITION - Total removal of all construction and building materials or other debris from site of structure thereby returning the land to a natural state.

DESIGN/ARCHITECTURAL STANDARDS - Standards approved by the Municipal Board for use in guiding the design of new signs. A design review board, appointed by the Municipal Board, shall be responsible for the administration of the design/architectural standards.

DEVELOPMENT - Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation, or drilling operations.

DISTRIBUTOR - An agent who supplies goods to stores and other businesses that sell to consumers.

DOCK - A structure used exclusively by the property owner for the parking or temporary storage of boats that is located along the shore of water. A dock is any structure, whether affixed to land or floating on water that provides access to fishing, boating and other recreational activities. Docks may not have any roof, awning, or enclosure of any type.

DOCKAGE - Any type of shoreline structure (dock, pier, boardwalk, slip, etc.) used for the storage or docking of boats for which a fee is levied, or rent is charged.

DOMESTIC ANIMAL - For the purposes of this law, a domestic animal shall include dogs and cats only.

DOMICILE - One's fixed place of dwelling, home or residence.

DORMITORY: A MULTIPLE DWELLING - A space in a building where group sleeping accommodations are provided in one room or in a series of closely associated rooms for persons who are not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

DRIVE-IN - Businesses designed to either wholly or partially provide services or products to customers while in automobiles parked on the premises. Examples include but are not limited to: film shops, drive-in theaters, and fast-food restaurants.

DRUG STORE - An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies whose floor area is no greater than 2,500 square feet.

DRY CLEANING SHOP - A business involved in the cleaning of garments and fabrics with some solvents and other chemical cleaning agents.

DRY HYDRANT - A pipeline capable of transporting water on a year-round basis from a pond, lake, or other water source to a hydrant. The water is not under pressure and thus to be utilized for fire fighting purposes it must be properly engineered such that a pumper truck can successfully draw sufficient water volume from the hydrant.

DUPLEX - A dwelling structure arranged, intended, or designed to be occupied by two (2) families living independently of each other.

DWELLING UNIT - One or more rooms providing living facilities, including equipment and provisions for cooking for a single household including one or more persons living as a family. Dwelling units shall be categorized by four (4) construction types:

A. Conventional - A permanent single or multiple-family dwelling unit which is built on-site using conventional "stick" construction techniques among others. Included in this category are precut homes which refer to a conventional dwelling unit built on-site utilizing wood framing members that are precut in a factory to the correct lengths but delivered to the building site unassembled. For the purpose of this law, a precut dwelling unit shall be considered to be the same as a conventional dwelling unit and shall not be considered to be a manufactured home.

B. Modular - A permanent single or multiple-family dwelling unit which is brought to the building site as two (2) or more units on a transport trailer. Modular dwelling units have no support frames as found on mobile homes but instead are placed on a separate foundation. Modular dwelling units contain the same utility systems as conventional dwelling units. Modular dwelling units are not designed to be moved after they have been lifted onto a foundation. They are generally a minimum of 24 feet wide.

C. Prefabricated - A permanent single or multiple-family dwelling unit which is brought to the building site in large sections or panels usually eight (8) feet high and up to 40 feet long. Often the doors and windows are factory insulated in the panels with the wall panels designed to be erected immediately after delivery. Prefabricated dwelling units are sometimes referred to as panelized units.

D. Mobile Home - A transportable, fully assembled single-family dwelling unit suitable for year-round occupancy. Mobile dwelling units contain the same utility systems (water, waste, electricity) as found in conventional dwelling units. Mobile dwelling units are supported by a chassis which is an integral part of the unit. Mobile dwelling units are not designed to be lived in except when set up on a lot with proper utilities. This includes double and triple-wide mobile dwelling units, but does not include travel trailers which are self-contained. For the purpose of this law, mobile homes are listed separately as allowed uses as are conventional (stick built/precut), modular, and prefabricated (panelized) dwelling units.

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

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) – are commonly referred to as EV chargers. They provide power to EVs, including fully electric vehicles and plug-in hybrid vehicles that use a combination of gasoline and electricity. In general, there are three levels of EV charging, which deliver different charging experiences due to the amount of power (or range) they can provide within a given period of time. Charging times differ between vehicle models due to battery sizes and the charging rates that a given vehicle can accommodate.

ELECTRIC VEHICLE LEVEL 1 CHARGERS – Level 1 chargers charge a vehicle using a standard wall outlet. These chargers can provide up to 5 miles of range per hour, with charging loads ranging from 1 – 3 kW. Given the power level, these chargers are most appropriate for home charging, typically overnight. Average charging time is 8 to 20 hours.

ELECTRIC VEHICLE LEVEL 2 CHARGERS – Level 2 chargers charge a vehicle with a moderately stepped-up electric power. These chargers provide 20 to 30 miles of range per hour of charging (depending on vehicle model), with charging loads ranging from 3 to 20 kW. Given the medium power level, these chargers are most appropriate for charging while parked for one or more hours at home, work, or while shopping. The vast majority of EV chargers in the United States, are Level 2 chargers. Average charging time is 4 to 8 hours.

ELECTRIC VEHICLE LEVEL 3 NON-COMMERCIAL FAST CHARGERS are sometimes referred to as direct current fast chargers (DCFC) or Level 3 chargers. They use much higher amounts of electric power. These chargers can provide 60 to 200 or more miles of charge in 20 to 30 minutes. Charging loads of fast chargers start at 50 kW, but can go as high as 350 kW. The electrical upgrade required and the high installation cost may make EV Level 3 Non-Commercial Fast Chargers less feasible for single home installation.

ELECTRIC VEHICLE LEVEL 3 COMMERCIAL FAST CHARGERS/COMMERCIAL EV CHARGING STATIONS – These chargers are also Level 3 direct current fast chargers (DCFC). They are typically installed in commercial locations such as high transit corridors or public fueling stations. They are usually installed in multiple quantities (clusters) as free-standing units for general public use and enable rapid charging of EV batteries to 80% capacity in as little as 30 minutes. These units draw large amounts of electrical current, and require utility upgrades and dedicated circuits. Installation costs are high. Commercial charging stations typically charge a fee for public use and require additional design features to enable payment interfaces, provider networks, and reservation systems. Commercial chargers require adequate access, parking, and egress. Adequate safety measures must be in place to ensure damage prevention and operator protection.

ENFORCEMENT OFFICER – This shall mean the enforcement officer of the municipality.

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

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

FARM - Any parcel of land containing at least 10 acres and used principally for the raising of agricultural products or the keeping of poultry, fowl, livestock or domestic animals, including necessary farm structures and the storage of farm equipment.

FARM, ANIMAL - Any animal which customarily is raised for profit on farms and has the potential of causing a nuisance if not properly maintained.

FARMERS MARKET - A public market at which farmers and often other vendors sell produce directly to consumers.

FARMING USES - Any activity customarily carried on upon a farm, such as cultivation of land and animal husbandry.

FEED AND SEED SHOP - A shop (store) carrying mostly grain, grass seed, and other farm supplies. Their inventory may also include various other seeds (or tubers) for planting as well as landscaping products.

FENCE - Any artificially constructed barrier or vegetation barrier such as a hedge, with the purpose or intent of preventing passage or view, thus providing privacy.

FENCES/WALLS - A structure erected around or by the side of any open space to prevent passage in or out; especially, a structure enclosing or separating yards, fields, etc. The term is commonly applied to the various forms constructed of posts, carrying boards, rails, pickets, or wire, or to iron structures consisting of vertical or horizontal bars of open work. A wall, hedge, row of trees or bank may constitute a fence.

FENCE, BARRIER - Any fence which is located near the perimeter of the property of which it is intended to provide privacy.

FENCE, FARM - Any fence whether located on a farm or not which has as its primary purpose the control of non-domestic animals.

FENCE, NON-BARRIER - Any fence located a distance from the property line which provides privacy to a portion of land such as a patio or swimming pool.

FINANCIAL INSTITUTION - An established organization or corporation that is involved in the circulation of money, the granting of credit, the making of investments and/or the provision of banking services.

FIRE HALL/FIRE STATION - Facilities, including buildings and lands, owned by a public or private organization that provides fire protection for a certain jurisdiction, which typically is a municipality, county, or fire protection district. Building use may include storage and repair of fire department vehicles; group meeting areas; food preparation areas; and department office space. Land use may include parking and recreation facilities.

FIRE RESISTANT - Any materials which possess the properties, construction or assembly qualities which under fire conditions prevents or retards the passage of excessive heat, gases or flames; and thus, is not easily ignited.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS - In compliance with the New York State Uniform Fire Prevention and Building Code, a local government's code enforcement program must provide for fire safety and property maintenance inspections of all buildings which contain an area of public assembly, all multiple dwellings, and all non-residential occupancies.

FLAMMABLE - Capable of igniting within five (5) seconds when exposed to flame and continues to burn.

FLOATING DISTRICT - Any zoning district for which district regulations are included in this Law and yet for which no land has initially been designated on the zoning map to be included in said district. Such a district may become a reality through the amendment of the zoning map of the municipality in accordance with the amendment procedures of this Law. The initiation of the creation of such a district may come from residents, the Planning Board, a developer or the Municipal Board, itself, while the decision whether to activate such a district shall be made based upon the need for such a district.

FLOOR SPACE - The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy or the conduct of business. Said areas shall be measured between the outside face of exterior walls, or from the center line of walls separating two (2) uses. Said areas shall not include areas below the average level of the adjoining ground, garage space, or accessory building space.

FORESTRY/LUMBERING/LOGGING/REFORESTATION - The activity of developing, caring for, cutting, harvesting, management and cultivation of the forests.

FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB OR UNION FACILITY - A building or portion of a building used for business or meetings of an organized group having a restricted membership and specific purposes related to the welfare of its members such as Elks, Masons, Knights of Columbus, or a labor union.

FUEL STORAGE/DISTRIBUTION - A facility that stores large amounts of gasoline, diesel, propane and oil for distribution to retailers, homeowners, and bulk users.

FUNERAL HOME - An establishment for the preparation of the deceased for burial or cremation, for the viewing of the body, and for funerals.

FURNITURE/HOME FURNISHINGS - A business that specializes in selling furniture (moveable articles used for occupancy or use) and home furnishings (articles that decorate a house).

GALLERY - A place or establishment for art exhibitions and retail sales.

GAME FARM/HATCHERY - An area of land or structures used for the raising of wild animals or fish.

GARAGE PRIVATE - A secondary building used in conjunction with a primary building which primarily provides for the storage of motor vehicles and in which no occupation, business, or services

for profit are carried on. Garage must be a permanent structure with traditional construction (footer, stud frame, plywood or plank wall sheeting. External siding may be vinyl, brick or stone. Steel siding is not permitted. Architecture and style must be in concert with the dwelling, and in character with the neighborhood. Garage may be attached or detached to primary dwelling. Maximum size is limited to a 2-car garage and cannot exceed 500 square feet in overall size. Maximum height is 1½ stories.

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

GAS COMPRESSOR - Any mechanical equipment utilized to cause the movement of natural gas through a transmission line system.

GAS STATION - That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items.

GASOLINE/VOLATILE FUEL TANK - A container that is used for the storage of gasoline or other volatile fuel (a fuel which evaporates quickly).

GENERAL AGRICULTURAL BUSINESS - The production, keeping or maintenance of plants and/or farm animals for profit.

GENERAL INDUSTRY - Manufacturing or volume production of goods from raw materials.

GENERAL REPAIR SHOP - An establishment primarily providing household appliance repair, furniture repair, office machine repair, bicycle repair and similar services within a fully enclosed building. This does not include the maintenance and repair of lawnmowers, snowmobiles, motor vehicles, motorcycles, boats and similar items.

GENERAL RETAIL BUSINESS (SEE RETAIL BUSINESS, GENERAL)

GENERAL SERVICE BUSINESS (SEE SERVICE BUSINESS)

GENERAL SERVICE SHOP - A business that repairs vehicles and/or equipment.

GENERAL WHOLESALE BUSINESS (SEE WHOLESALE BUSINESS)

GLASS STORE - A store that sells and or produces items/products made of glass. It encompasses a rather significant range of items from glass such as window panes to blown glass, to glass items of many shapes, sizes including glassware.

GOLF COURSE (PUBLIC/PRIVATE) - An area of land laid out for golf with twenty (20) acres or more improved with tees, greens, fairways, natural or artificial hazards, and which may include clubhouses.

GRAVEL PIT/QUARRY/SAND PIT - A lot or land or part thereof used for the purpose of extracting

stone, sand, gravel or top soil for sale, as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for building permit has been made.

GRAVEL PIT, SMALL - Any gravel pit involving the extraction of less than 1,000 tons annually or approximately 2.6 average trucks weekly.

GREENHOUSE (SEE NURSERY/GREENHOUSE)

GROCERY STORE, MINI MART, CONVENIENCE STORE - A small-scale food store with a building no greater than 2,500 square feet in size. Such stores may have on-site service of food or drink for immediate consumption, carry for sale general food items as well as medicines, cosmetics, and limited beer and wine items and may also sell gasoline.

GROUP HOME - A residence for persons usually requiring care or supervision.

HARDWARE STORE - A retail business that sells hardware and items associated with general home repairs.

HEALTH CARE FACILITY - A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including but not limited to a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

HEALTH CLUB - A business, either public or private, that offers exercise equipment, indoor or outdoor physical activity space and/or exercise and wellness classes.

HEATING FUEL TANK- Oil, propane or other container for storage of flammable liquids/fuel or other materials to supply heat or power.

HEAVY VEHICLES - Automobile wreckers, commercial trailers, semi-trailers, or any vehicle or truck with three (3) or more axles which is subject to vehicle regulations and state inspections for use on public highways.

HEAVY VEHICLE PARKING - A large or commercially-used vehicle whether or not motorized. Parking for such vehicles is restricted to certain locations.

HEIGHT - The vertical distance from the highest point on a structure (excepting chimneys and other items listed in Article V, Section on "Height") to the average ground level of the grade where the wall or other structural elements intersect the ground.

HISTORICAL SOCIETY - An organization whose purpose is to preserve the history and heritage of the people and culture of a specific geographical area. The society makes its collection available to the public and must be chartered by the New York State Department of Education Board of Regents.

HOME OCCUPATION - A use conducted within a dwelling and carried on by the inhabitants thereof, which is clearly secondary to the use of the dwelling for dwelling purposes and does not substantially change the character of the residence or neighborhood. Home occupations shall meet all conditions specified in the section on Home Occupations. In some instances, accessory buildings may be utilized for Home Occupations.

HORTICULTURE, PRIVATE - The growing of fruits, vegetables, flowers, or ornamental plants for one's own pleasure and use. Also referred to as a private garden.

HOTEL/MOTEL - A business which rents rooms on a daily basis.

HOUSEHOLD SALE - Household sale for the purpose of this Law shall include lawn sales, patio sales, garage sales, basement sales, flea markets, bazaar, or other similar types of sales. A household sale shall be distinguished from a business in that it involves the infrequent sale of used merchandise which, for private sales, was NOT obtained from outside the household. Nonprofit or fraternal organizations on the other hand may obtain their sale items from donations received from members or other sources.

HOUSING, ELDERLY - Apartments containing eating, sleeping, and living space and designed with elderly fully independent residents in mind. Generally, these apartments contain smaller than normal floor space, require less parking and less active recreational area. Additionally, common eating areas are sometimes provided.

HUNTING CAMP - A building located on a parcel of land used seasonally only for occupancy as a place from which camping, hiking, bird watching, hunting and similar activities takes place, and not usually occupied overnight for more than 120 days in any one year.

INDUSTRY, GENERAL - The manufacture, preparation, processing, milling, or repair of any article, substance or commodity, and which involves no dangerous or toxic product or emissions. Additionally, noise, odors, or other nuisances, incidental to productions and processing shall be limited to a level which does not affect the use or enjoyment of property outside of the Commercial/Industrial District.

JUNK CARS, PRIVATE PROPERTY - Cars or other motor vehicles located outside on private property that are not registered, do not have a license, or are not operational/road-worthy and are in need of repair or are considered scrap.

JUNK FARM VEHICLES - Farm equipment, whether or not motorized, that either are not operational, are in the process of being dismantled or are in need of repair or are considered scrap.

JUNK VEHICLES and UNLICENSED VEHICLES - A motor vehicle, including farm machinery, which is not intended for or in condition for legal use on public highways or for the purpose for which it is intended or which is in the process of being dismantled.

JUNK YARD (SEE DEFINITIONS OF SCRAP YARDS AND VEHICLE DISMANTLING YARDS)

KENNEL - Any premises on which five (5) or more dogs or cats over six (6) months old are housed, groomed, boarded, trained, or sold for monetary gain.

KENNEL BUSINESS - A boarding facility for dogs and cats; may also retail pets.

LARGE BOX RETAIL - A singular retail operation that occupies no less than 20,000 square feet of gross floor area. Regional retail/wholesale clubs that emphasize bulk sales, discount stores.

LARGE GROUP - Any gathering of 150 or more people, occurring on a non-regular basis and involving either the charging of a fee, request for a donation or sale of products or services.

LARGE GROUP GATHERING - Large group gatherings are defined as uses and activities which during the course of their operation are likely to attract three hundred (300) or more people to a defined parcel of land.

LAUNDROMAT - A commercial establishment equipped with washing machines and dryers, usually coin-operated and self-service.

LIBRARY - A collection of useful material for common use which is available to the general public for self-education or research. The library must be chartered under New York State Department of Education Board of Regents.

LIQUOR STORE - A retail store that sells alcoholic beverages for consumption elsewhere. The store must hold a valid license by New York State Liquor Authority Division of Alcoholic Beverage Control.

LOADING SPACE - Space logically and conveniently located exclusively for bulk pickups and deliveries at commercial structures.

LOT - A parcel of land occupied, or designed to be occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open space as are required by this Zoning Law.

LOT (CORNER) - Refer to corner lot.

LOT COVERAGE - Percentage of the lot which is devoted to all structures including dwelling, garage, accessory buildings, sheds, decks, etc. and the aggregate of all impervious surfaces and landscapes, such as driveways, parking lots, patios, walkways, boardwalks, etc.

LOT LINE - Any line dividing one lot from another.

LOT SIZE - An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres.

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

MANUFACTURED HOME - A general category of housing construction denoting single-family detached or attached multiple-family dwelling units which are partially or totally constructed away from the site where they are to be placed for occupancy. Included in this category are mobile homes, modular housing, and panelized (prefabricated) housing.

MARINA - A retail business providing, dockage, boat storage, boat repair services and/or sales of supplies for small pleasure craft.

MASSAGE ESTABLISHMENT/SPA – Massage establishment is a site or premises, or portion thereof, wherein a licensed or certified massage therapist practices. A spa is a wellness complex that is primarily designed for relaxation and may utilize water, healing herbs, clays and minerals combined with natural therapies to sustain or improve health.

MICROBUSINESS - A business that typically operates with fewer than 10 people and focuses on a specific niche.

MOBILE DWELLING UNIT (SEE DWELLING UNIT – SAME AS MOBILE HOME)

MOBILE HOME (SEE DWELLING UNIT)

MOBILE HOME PARK - A parcel of land upon which two (2) or more mobile homes are set up for living purposes.

MOBILE HOME/TRAILER SALES – A business involved in the selling of mobile homes (manufactured homes) or trailers.

MODULAR DWELLING UNIT (SEE DWELLING UNIT)

MONUMENT SALES – A business that sells and may produce cemetery memorials.

MOTOR HOMES - A self-propelled, relatively small temporary living quarter generally used as mobile vacation homes. Motor homes generally have self-contained, independent utility systems.

MOTOR VEHICLE - Any automobile, bus, truck, tractor, mobile home, recreational vehicle, motorcycle, snowmobile, watercraft, all terrain vehicles, and any other contraptions originally intended or usable in whole or in part as motorized transportation.

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

MULTIPLE DWELLING - Two or more dwelling units per building.

MULTIPLE USE BUSINESS - A building or buildings in one (1) contiguous location under single

ownership which has more than one (1) distinct business (e.g., restaurant and a gift shop) as defined in the allowed uses.

MUNICIPAL BOARD - The elected officials to the Mina Town Board (Town Supervisor and Councilmen/Councilwomen).

MUNICIPAL OFFICE - Office building operated by a government agency.

MUNICIPALITY - The Town for which this Law applies.

MUSEUM - A facility that houses a collection of artifacts for viewing by the general public. The museum must be chartered by the New York State Department of Education Board of Regents.

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

NUISANCE - A violation of this Law caused by an offensive annoying, unpleasant, or obnoxious use of characteristics of said use which produces effects of such a nature or degree that they are detrimental to the health safety, general welfare, property values, etc., thus resulting in harm or injury to adjacent or nearby properties. Common examples include excessive odors, noise, smoke, vibration, light, runoff, traffic, development density, electronic interference, etc.

NURSERY - A place where young plants and trees are grown for sale or for planting elsewhere.

NURSERY FOR CHILDREN (SEE DAY CARE CENTER, CHILDREN)

NURSERY/GREENHOUSE - Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing or display. A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

NURSING HOME - Also referred to as a convalescent home, it includes buildings where, for a fee, non-ambulatory residents are provided full-time convalescent or chronic care by skilled nurses in addition to room and board. No care for the acutely ill is provided; and thus, clearly, hospitals and mental health centers are not to be considered as a nursing home.

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

ONE HUNDRED-YEAR FLOOD - The waters of a flood that on the average is likely to occur once every 100 years.

OPEN PORCH/DECK - An open porch or deck is usually a room on the outside of a building that does not have a roof.

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

OUTDOOR STORAGE, RECREATIONAL VEHICLE - Outdoor storage of a recreational vehicle includes parking the vehicle outside of an enclosed building whether that is in a driveway, on a concrete pad, or under an awning or covered structure.

OUTLET MALL - Usually located in a rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount.

PAINT STORE - A store (business) that sells paint and paint supplies.

PANELIZED (SEE DWELLING UNIT, PREFABRICATED)

PARKING, COMMERCIAL LOT - An off-street parking area that is an open space designed for the parking of a number of vehicles, either free or for a fee.

PARKING, PRIVATE - Off-street parking that is on private property and is intended for the use of the owner or the owner's guests.

PARKING SPACE - A required off-street parking space. (See Supplemental Section 612.)

PERMITTING BOARD - Any governmental body that has authority to allow or deny an application for a permit.

PIER - A structure used exclusively by the property owner, which is typically built on posts extending from land but over water. A pier is used as a landing space for boats, access to fishing, or other recreational activities. Piers may not have any roof, awning, or enclosure of any type.

PLANNING BOARD - Refers to the Municipal Planning Board unless otherwise indicated.

PLUMBING/HEATING CONTRACTOR (SEE BUILDING CONTRACTOR)

POLE BARN/POLE STRUCTURE - Any storage structure which exceeds 500 square feet. Construction is typically a wood pole or steel framework with "embedded posts." Walls are post and frame with wall "girts". Exterior is typically steel sheeting or planks. Floor is typically concrete slab or gravel. Maximum height is two stories.

POND - A man-made body of water utilizing natural materials which is used for agricultural, and recreational purposes as well as for fire protection.

PORCH - A roofed open structure projecting from an outside wall of a structure without any form of enclosure. Screens used as insect barriers are permissible and shall not cause the porch to be considered to be an enclosure.

POST OFFICE (PUBLIC OR PRIVATE) - A facility authorized by a postal system for the posting, receipt, sorting, handling, transmission or delivery of mail. Post offices may offer mail-related services including post office boxes, postage and packaging supplies or perform non-postal services such as passport applications and other government forms, money orders, and banking services.

PRECUT (SEE DWELLING UNIT, CONVENTIONAL)

PREEXISTING USE - Any use, either conforming or nonconforming with this Law, that is legally existing at the enactment date of this Law.

PREFABRICATED DWELLING UNIT (SEE DWELLING UNIT)

PRINCIPAL USE - The main use of land or buildings as distinguished from a subordinate or accessory use.

PRINTING AND RELATED BUSINESS - Facility for the custom reproduction of written or graphic materials for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, facsimile sending and receiving, offset printing and silk-screening.

PRIVATE PARK/PLAYGROUND - A recreation facility, park or playground which is not owned by a public agency such as the Town of Mina or public school district, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

PRIVATE CAMP - A parcel of land on which a travel trailer, tent, cabin, or other structure is present for use on a seasonal basis for leisure or recreation purposes. (See Supplemental Section 634)

PROFESSIONAL - Any person who possesses a license to practice. This includes but is not limited to doctors, lawyers, CPAs, engineers, etc.

PROFESSIONAL/OFFICE BUILDING - An office building containing multiple offices or suites where professionals meet with and/or treat clients or patients.

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

PUBLIC PARK/PLAYGROUND - Publicly (by Town of Mina, County, State or public school) owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits.

PUBLIC, QUASI - An organization which serves a governmental function but is not a governmental unit per se. A volunteer fire department is an example. Additionally, any use owned or operated by a nonprofit or religious organization providing educational, cultural, recreational, religious or similar types of programs.

PUBLIC UTILITIES - Owned and operated by the Town, County, State or a public utility (ex: public water or sewer).

PUBLIC UTILITIES, QUASI - Owned and operated by a franchise authorized by the Town, County or State (ex: electric, natural gas, telephone, cable TV).

RADIO/TV BROADCASTING STATION - A building or facility used for the transportation of audio and/or video signals.

RECREATION, COMMERCIAL - Recreational facilities operated as a business and open to the general public for a fee. Recreational facilities shall include, but not be limited to, golf courses, ice skating rinks, and swimming pools.

RECREATIONAL CAMP, PUBLIC/PRIVATE - Any plot of land on which is located or may be placed two (2) or more simple buildings or accommodations of a design or character suitable for temporary living purposes including County-approved sanitary facilities and other recreational buildings or structures used for the entertainment of the residents.

RECREATIONAL VEHICLE - A recreational vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own mode of power or is mounted on or drawn by another vehicle. The term recreational vehicle shall include the following types:

A. Travel Trailer (including fifth-wheel trailers) - A vehicular transportable unit identified by the manufacturer as a travel trailer, whether mounted on wheels or not, designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

B. Motor Home - A vehicular unit built upon a self-propelled motor vehicle chassis primarily designed to provide temporary living quarters for recreational, camping or travel use.

C. Pickup Coach/Truck Camper - A portable unit designed to be loaded onto or affixed to a pickup or other truck chassis and constructed to provide temporary living quarters for recreational, camping or travel use.

D. Camping Trailer - A vehicular portable unit mounted on wheels and may be constructed with collapsible partial sidewalls which fold or collapse for towing by another vehicle to provide temporary living quarters for recreational, camping or travel use.

E. Park Trailer - A vehicular transportable unit having a body width not exceeding 14 feet built upon a singe chassis design to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

F. Boat - A vessel designed to travel on water.

G. Boat Trailer - A trailer designed to haul a boat as defined above.

RENTAL STORE - A business (store) that grants temporary use of equipment, items in exchange for payment.

RESIDENCE, SINGLE-FAMILY DETACHED - A detached building designed to contain one (1) dwelling unit.

RESIDENCE, TWO-FAMILY - Either of the following: (A) a building having two (2) side yards and accommodating two (2) dwelling units; or (B) a detached building containing two (2) dwelling units separated by a party wall, each having one (1) side yard.

RESIDENCE, MULTI-FAMILY - A building used or designed for three (3) or more dwelling units including apartment houses, town houses, and condominiums.

RESIDENTIAL CONVERSIONS - The creation of one (1) or more additional dwelling units within existing residential structure in accordance with conditions set forth in this Law.

REST HOME - Commonly referred to as homes for the aged. These facilities provide private sleeping rooms for ambulatory (able to walk) residents. Generally, rest homes have common eating areas and provide minimal medical aid to residents. Only incidental convalescent care is provided which does not involve trained nurses, physical therapy or other activities provided in a hospital or nursing home.

RESTAURANT (DINE IN/TAKE OUT) - A facility where food is prepared and consumed on site for patrons or prepared foods are purchased and intended to be consumed off-site.

RETAIL BUSINESS, GENERAL - A business whose purpose is the sale of one or more articles of merchandise or one or more services at retail. Retail outlets in which very minor manufacture or processing are incidental to the sale of goods or services in the same premises are included in this definition. Any retail business which has a minimal negative impact and can meet the regulations as specified in this chapter shall be allowed in addition to the specifically enumerated retail uses listed in the zoning district regulation sections.

RIDING ACADEMY - Any establishment where horses are kept for riding for compensation. Riding academies shall be situated on a minimum of 10 acres of land and only in districts where allowed. Additionally, horses can be boarded and groomed and instructions in equestrian skills can be offered.

RIFLE/SKEET/GUN/ARCHERY RANGE - An area of land or building that has a horizontal distance to which a projectile can be propelled.

ROADSIDE STAND - A structure (either enclosed or open), a booth or a transportable vehicle, the purpose of which is the sale of produce and other farm products to the general public. Roadside stands are located along a roadway in such a manner as to provide safe and convenient off-street parking even

though front yard setbacks are not required to be met. All conditions specified in this Law must be met, otherwise a full business use permit must be applied for.

SAWMILL - A facility where logs are cut into boards including commercial, agricultural and personal.

SCHOOL/COLLEGE, PUBLIC/PRIVATE - A facility used for the instruction of students.

SCRAP YARD - Any place of storage or deposit of more than 100 square feet, usually of a commercial nature, where metals, glass, rags, etc., are held, whether for the purpose of disposal, reclamation, recycling or resale of such, including establishments having facilities for processing iron, steel, and nonferrous scrap for melting purposes.

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

SELF STORAGE - A commercial business that offers storage units for rent to individuals or businesses and the individual or business has full access to the unit as provided under a rental agreement.

SEMI-PUBLIC - Places of worship, institutions for the aged and children, nurseries, nonprofit colleges, hospitals, libraries, cemeteries, and institutions of the philanthropic nature; also, open space.

SENIOR HOUSING - A structure principally used to house senior citizens in which a separate household is established for each family. Nursing homes are not considered to be senior housing.

SETBACK - Distance measured from the street edge to a structure, sign, etc. For private roads, the front yard setback shall also be the distance from the edge of the traveled portion of the road to the closest point on the structure.

SERVICE BUSINESS, GENERAL - For the purpose of this Law, whenever general service business is listed as an allowed use, it shall signify that any service business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed, in addition to the specific service uses listed as being allowed.

SEXUALLY ORIENTED BUSINESSES -

A. Adult Book/Video/Media Store - An establishment having as its stock-in-trade, books, magazines, videos and other periodicals which are distinguished by or relating to specified sexual activities or specified anatomical areas, as defined herein, or an establishment with a segment or section devoted to the sale or display of such materials, and/or offers for sale sexual devices related to and/or connected with specified sexual activities and/or specified anatomical areas.

B. Adult entertainment Facilities - Means and refers to "adult news racks", "adult book stores", "adult motion picture theaters" and "exotic cabarets".

C. Adult Motion Picture/Video Theater - An enclosed building used for presenting material

distinguished or characterized by an emphasis on matter depicting, describing or relating to the "specified sexual activities" or "specified anatomical area" defined herein, for observation by persons within the use.

D. Adult News Rack - Any machine or device, whether coin operated or not, which dispenses material which is distinguished or characterized by emphasis depicting, describing or relating to the "specified sexual activities" or "specified anatomical areas" defined herein.

E. Exotic Cabaret - A nightclub, bar or restaurant or similar commercial establishment which regularly features 1) persons who appear nude or semi-nude; or 2) live performances which are characterized by the exposure of "specified anatomical areas: or by "specified sexual activities; or 3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas".

F. Specified Sexual Activities - a) human genitals in a state of sexual stimulation or arousal; b) acts of human masturbation, sexual intercourse or sodomy; c) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

G. Specified Anatomical Areas - a) less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above areola; b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SHOOTING RANGE - The parcel(s) of land used for discharging of firearms with the intent to hit any object (moving or stationary) other than live game, by any person who pays a fee (e.g.; membership fees, shooting fee, etc.) to use said facilities. Commercial shooting ranges include but are not limited to nonprofit clubs (skeet club, etc.); and profit motivated business. For the purpose of this Law a shooting range shall be considered to be a trap/skeet or other type of range utilizing shot guns as well as an indoor (fully enclosed) range utilizing rifles or pistols not classified as shotguns.

SHOPPING CENTER - A group of commercial establishments occupying adjoining structures all of which may be deemed as one building and normally owned/managed as one unit. Off street parking as well as loading/unloading facilities are provided as an integral part of the unit.

SHORT TERM RENTAL (STR) (Sec 655) - A privately owned dwelling with approved accommodations for overnight guests in exchange for compensation. The typical duration of rental is weekly, but cannot exceed 30 days. In order to operate an STR, the owner of the dwelling must apply for an annual “Short Term Rental Permit” which is issued and approved by the Town of Mina. Dining and meals are not provided by STRs. Motels and Hotels are excluded from this definition.

SIGN - A publicly displayed board, placard, etc. bearing some information or advertisement. Any structure, wall display, device or representation which is designed or used to advertise or call attention to or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, place or thing, or activity of any kind, and is visible from a highway or other public right of way. It does not include the flag of any nation or state on a single pole.

SIGN, AWNING - Any visual message incorporated into an awning attached to a building or other structure.

SIGN, BACKLIGHTED - A lighted sign whose source is behind the letters, and where the letters do not transmit any light, but all illumination comes around the dark letters by means of a translucent material.

SIGN, BANNER - A sign of lightweight fabric or similar material that is mounted to a pole, building or structure at one or more edges. National flags, state or municipal flags, or other official flags of any institution or not-for-profit organization, and residential or "OPEN" flags shall not be considered banners.

SIGN, BENCHES - Any design placed on a bench with letters, logos or other advertisement except small plaques mounted, not to exceed 30 square inches, to designate in memory or in honor of an individual.

SIGN, BILLBOARD - Any sign with a total sign area larger than 150 square feet.

SIGN, BOAT - Any sign mounted, affixed or painted on a vessel that can be propelled on water by oars, sails, pontoons or an engine.

SIGN, DIGITAL - A sign displaying a readout in electronic form which is readable and can be manipulated by a computer.

SIGN, DIRECTIONAL - A sign limited to providing information as to the location of a business, activity, or event.

SIGN, FARM - A sign limited to providing the farm name, logo and membership in farm co-op, breeders or product association.

SIGN, FLAG - Any flexible material, usually cloth, upon which a design, letters, symbols or unadorned material is displayed. Often mounted to a staff at two points, flag signs may be displayed hanging against the face of a building, suspended from an overhanding support, as a freestanding sign, or as a projecting sign.

SIGN, FREESTANDING (GROUND) - A sign supported by two or more posts or supports which places the bottom thereof less than six (6) feet from the ground and is not attached to any buildings or structure.

SIGN, FREESTANDING (MONUMENT) - A sign set upon and attached to a permanent foundation that is not attached to any building or structure. Such sign and its associated structure shall not exceed five (5) feet in height.

SIGN, FREESTANDING (POLE or PYLON) - A sign supported by one or more poles, columns, or supports placed in or on the ground and not attached to any building or structure but does not include "Sign, Freestanding (Ground)" as defined herein.

SIGN, GATEWAY - A sign welcoming visitors and residents to the town. Such signs shall contain no commercial off-premise advertising or logos.

SIGN, HOME OCCUPATION - On-Premise sign for a permitted home occupation.

SIGN, ILLUMINATED - Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign.

SIGN, INFORMATION - Signs necessary for the direction, instruction, convenience and/or safety of the general public (i.e. – parking, restroom, etc.).

SIGN, MURAL - A painting or other work of art executed directly on a wall or a building.

SIGN, OFF-PREMISE - A sign which directs attention to a business, profession, commodity, service or entertainment that is not carried on, sold or offered on the same premises.

SIGN, ON-PREMISE - A sign that directs attention to a business, profession, commodity, service or entertainment carried on, sold or offered on the same premises.

SIGN, PERSONAL EXPRESSION - Any sign located on an individual's property or personal residence that communicates or imparts a person opinion or message and does not exceed the common limitations or boundaries to freedom of speech such as libel, slander, obscenity, pornography, sedition, incitement, etc.

SIGN, PORTABLE - A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally or permanently attached to the ground, a building or other structure, or another sign.

SIGN, PROFESSIONAL - On-Premise sign for a permitted professional office within the district in which it is located.

SIGN, PROJECTING - A sign which is attached to a building, wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall or structure or a sign which is perpendicular to the face of such wall or structure.

SIGN, RESIDENTIAL - A sign for identification purposes of a residence (i.e. – street number, family name).

SIGN, ROOF - A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

SIGN, SANDWICH BOARD - A sign composed of two boards holding a message or graphic that is set up in a triangle shape and hinged along the top.

SIGN, SIDEWALK - A sign that is painted on or adhered to a sidewalk.

SIGN, TEMPORARY - A sign related to a single activity or event having a duration of thirty (30) days or less.

SIGN, TOURIST - A sign advertising tourist related businesses such as gift shops, antique shops, lodging, restaurants, wineries, gas stations and local attractions.

SIGN, TRAILER - A sign attached to or painted on an unpowered vehicle that advertises or promotes businesses with design, letters, or symbols.

SIGN, VEHICLE - A sign attached to or painted on a motor vehicle that advertises or promotes businesses with design, letters, or symbols.

SIGN, WALL - A sign which is painted on or attached to the outside wall of a building or structure with face of the sign parallel to such wall and not extending more than fifteen (15) inches from the face of such wall.

SKI AREA - An area of land, usually a hilly area designated for the purposes of skiing.

SOLAR STRUCTURE - Any structure containing either a passive or active heat storage device which is dependent on direct contact with the sun in order to operate. Said heat storage devices are commonly used to heat totally or partially water, rooms, etc. Solar structures may also be involved in the generation of electricity.

SPECIAL USE PERMIT - A special use permit deals with special permission, granted only by the Permitting Board after public hearing to occupy land for specific purposes when such use is not permitted By Right, but is listed as permitted by Special Use Permit.

STADIUM/ICE RINK/SKATEBOARD PARK - A tiered structure with seats for spectators to observe sports activities or an area constructed for the purpose of ice skating or skate boarding.

STORAGE STRUCTURE - Any constructed combination of materials located on/or attached to the ground utilized for non-inhabited storage purposes. Used trucks, trailers, mobile homes and similar vehicles shall not be utilized as storage structures. For the purposes of this Law, storage structures shall be for non-commercial use and less than 150 square feet with larger structures considered to be customary accessory uses.

STOREFRONT AREA - That area of the front of a building associated with the first floor only. For businesses located above a first floor, the storefront area shall be calculated based on the ground floor entrance only.

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

STORY, HALF - A story under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

STREET EDGE - A curb or in the absence of a curb, the furthest outside point of a street or roadway which is designed and constructed to carry vehicles on a regular basis. A paved or unpaved shoulder of a road shall not be considered in determining the street edge.

STRUCTURE - A building constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Mobile homes are not considered to be structures for the purpose of this Law. (A Mobile Home is considered to be a structure under the Flood Insurance Program.)

SUBSTANTIAL IMPROVEMENT - Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration effects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state of local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alternation of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.

SWIMMING POOL - Any man-made receptacle for water (excepting ponds) used or intended to be used for swimming and constructed, installed or maintained in or above the ground.

TACKLE SHOP - A retail store that sells fishing apparatus, equipment and supplies.

TANNING SALON - A shop or business establishment especially furnished to perform the service of tanning.

TEMPORARY DWELLING UNIT, RECREATIONAL VEHICLE - A temporary dwelling unit is a non-permanent structure or travel trailer which may only be inhabited for a specified and limited period of time.

TEMPORARY DWELLING UNIT, MOBILE HOME - Dwellings intended for temporary occupancy and including but not limited to: travel trailers, motor homes, truck campers, and tents. Persons residing in temporary dwelling units generally do not include those residing in the primary dwelling unit located on the parcel.

TEMPORARY USE - An activity conducted within a structure or on a tract of land for a specific limited period of time which may not otherwise be permitted by the provision of this Law. For example, a building used in conjunction with new construction which would be removed upon completion of the work.

TEMPORARY VENDOR - An organized event not to exceed one week held in an open area or in a

structure where groups or individual vendors offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site, that does not involve the construction or alteration of any permanent structure. A permit is required to conduct business as a temporary vendor.

TENNIS COURT, PRIVATE - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by Special Use Permit.

TENNIS COURT, PUBLIC - A publicly (by Town of Mina, County, State or Public School District) owned area with a surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances. Area may contain lighting for nighttime play.

THEATER - An indoor or outdoor structure, building or area whereby dramatic/musical performances can be performed or motion picture showing can take place.

THEME PARK - (SEE AMUSEMENT PARK/ZOO)

TOPSOIL REMOVAL - The act or process of removing topsoil in an environmentally conscious manner.

TOWER - A structure generally fixed on the ground of a noncommercial or commercial nature, the purpose of which is to better enable the transmission or receiving of signals by achieving more height. For the purposes of this Law, a tower shall generally be capable of being climbed without utilizing special equipment and shall be categorized as:

A. commercial;
B. noncommercial more than 50 feet high as measured from the ground; and,
C. noncommercial 50 feet or less in height.

TOWING SERVICE - A trucking business that is called upon to remove a vehicle from one location and tow or transport it to another location.

TOWN HOUSE - A dwelling unit designed to be occupied as a residence for one (1) family and one (1) of a group of three (3) or more attached dwellings, placed side by side, separated by party walls, each containing one (1) or two (2) stories, and each having separate front and rear, or side and rear, or front and side entrances from the outside.

TOXIC WASTE STORAGE - The storage of solid or liquid wastes which are considered to be toxic or hazardous.

TRACT - A large piece of land under single ownership.

TRASH - Glass, scrap metals, salvaged metals, rags, refuse, garbage, wastepaper, salvaged machines, appliances, or similar materials & used farm machinery, etc. Generally, trash can be described as any items that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

TRASH, PRIVATE PROPERTY - Any waste or worthless matter, garbage, rubbish or refuse that is located on private property.

TRIPLEX - A dwelling arranged, intended and designed to be occupied by three (3) families living independently of each other.

TRUCK PLAZA - A retail facility where trucks stop for fuel, food, minor maintenance and overnight parking.

TRUCK TERMINAL - A yard where trucks are stored and freight is transferred from one truck to another. Non-retail fueling is permitted.

TV DISH ANTENNA - A satellite dish or TV dish antenna is a piece of equipment used for capturing signals from satellites or other communication devices.

TV/RADIO TOWER, COMMERCIAL (SEE TOWER)

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

VARIANCE - Permissive waivers from the terms of the Law, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Law will result in unnecessary hardship or practical difficulty or that the spirit of the Law shall be observed and substantial justice done and granted by the Zoning Board of Appeals.

VEHICLE DISMANTLING YARD - Any place or storage of deposit where two (2) or more unregistered, old, or secondhand vehicles, no longer intended for or in condition for legal use on public highways are held, whether for resale of parts or materials, or used parts and waste materials, which, when taken together equal in bulk two (2) or more vehicles, shall constitute a vehicle dismantling yard. This excludes farm vehicles.

VEHICLE REPAIR SHOP - A commercial business operated for profit which repairs or services motor vehicles, or recreational trailers.

VIDEO RENTAL STORE – An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, DVDs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

WATER TOWER – A structure that is established to hold a substantial water supply, normally for a community or large residential/commercial area.

WHOLESALE - A business establishment engaged in selling to retailers or jobbers rather than consumers in wholesale lots.

WHOLESALE BUSINESS, GENERAL - For the purpose of this Law, whenever a general wholesale

business is listed as an allowed use, it shall signify that any wholesale business which has a minimal negative impact and can meet the conditions specified in this Law shall be allowed in addition to the specific wholesale uses listed as being allowed.

WHOLESALE, LIMITED - A wholesale business with a maximum of three (3) employees, no more than 4,000 square feet of floor space and no outside storage.

WILDLIFE HABITAT/PRESERVE – The place or environment where a plant or an animal naturally or normally lives and grows.

WIND ENERGY CONVERSION SYSTEM (WECS) - A machine including a tower that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill").

WIND MEASUREMENT TOWER - A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

WINE/LIQUOR STORE - A retail business involved in selling of alcohol for off-site consumption.

WINERY - An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the re-fermenting of still wine into sparkling wine. An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

WINERY, BOUTIQUE - A business that produces 100 to 5,000 cases per year. Maximum 5,000 square feet of winery building area.

WINERY, LARGE - A business that produces greater than 100,000 cases per year with no minimum site area.

WINERY, MEDIUM - A business that produces 70,000 to 100,000 cases per year. Maximum 50,000 square feet of building area.

WINERY, SMALL - A business that produces 5,000 to 10,000 cases per year. Maximum 10,000 square feet of building area.

WINE-TASTING ROOM - A facility in which wine products grown or processed on the owner’s property may be tasted and sold. An area devoted to the sampling and sales thereof of wine or beer produced on or off the premises. Sale of food is prohibited; however, incidental provision of food without compensation is allowed.

WOOD-BURNING OR COAL-BURNING FURNACES, OUTDOOR - Any accessory appliances, designed and intended, through the burning of wood or coal, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

YARD, FRONT - The area extending across the entire width of the lot between the building line, and the front edge of the road into which space there shall be no extension of building partitions or accessory structures. For parcels adjacent to a lake, the front yard shall be referred to as lakeside yard.

YARD, REAR - The area extending across the entire width of the lot between the rear wall of the principal building and rear line of the lot. For parcels adjacent to a lake, the rear yard shall be referred to as roadside yard.

YARD, SIDE - That open area of a lot situated between the side lines of the building and the adjacent side lines of the lot.

ZONING BOARD OF APPEALS – This shall mean the Zoning Board of Appeals of the municipality.

ZONING PERMIT - Written permission issued by the appropriate Municipal Board/Officer authorizing the use of lots or structures. Zoning Permits are issued for uses which are permitted by the Zoning Law where all conditions required by the Law can be met for the district where the lot/structure is located. The relocation, enlargement, alteration, or other change of use shall require the issuing of a Zoning Permit. The two types of permits include By Right Permit and Special Use Permit.

ZOO (SEE AMUSEMENT PARK/THEME PARK)

ARTICLE III
ESTABLISHMENT OF DISTRICTS

SECTION 301: CREATION AND ENUMERATION OF DISTRICTS

For the purpose and provisions of this Local Law, the municipality is hereby divided into the following types of districts.

Section 401: R1 - Residential
Section 402: AR - Agricultural Residential
Section 403: R2 - Lakeside Residential
Section 404: A1 - Agricultural
Section 405: B1 – Historic Business
Section 406: B2 – Commercial Business
Section 407: B3 – Sunnyside Business
Section 408: B4 – Shadyside Business

SECTION 302: ZONING MAP

The boundaries of the aforesaid zoning districts are hereby established shown on the map entitled, "Zoning District Map of the Town of Mina, New York" which map accompanies and is made a part of this Local Law (see Appendix A) and shall have the same force and effect as if the zoning map, together with all notations, references, and other information shown thereon, were fully set forth and described herein.

SECTION 303: INTERPRETATION OF DISTRICT BOUNDARIES

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

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

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

C. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance is given.

D. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of jurisdiction of the municipality unless otherwise indicated.

E. Any flood boundary shown on the zoning map indicates general location only. The precise location of flood plain boundaries shall be established by the Enforcement Officer after consulting with the Chautauqua County Planning Department.

F. Any party aggrieved by an interpretation may appeal to the Zoning Board of Appeals, whose decision will be final. However, all decisions of the Zoning Board of Appeals are subject to court reviews in accordance with applicable laws of the State of New York. The burden of proof shall be on the appellant.

SECTION 304: LAND USE ZONING DISTRICT MATRIX

The Matrix in Appendix B is a cross reference to aid in interpretation of land uses. The matrix is a supplement to the Zoning Law and is intended to be used as a guide. The Zoning Law is to be followed if there is a discrepancy between the Zoning Law and the matrix.

ARTICLE IV
DISTRICT REGULATIONS

SECTION 401: RESIDENTIAL (R1) DISTRICT

A. Purpose - R1 Districts are established to primarily provide for single-family development or to protect existing neighborhoods from encroachment of all other uses. Very few other uses are allowed in this district. R1 Districts are generally adjacent to and oriented toward Findley Lake, thus accounting for its high development potential.

B. Uses Requiring No Permit (Requires Compliance with Law)

Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Fences / Walls - (less than 4 ft. in height) - Sec 615
Forestry / Lumbering / Logging / Reforestation
Horticulture, Private
Household Sale - Sec 607
Outdoor Storage – Recreational Vehicle - Sec 632
Parking - Private - Sec 612
Temporary Dwelling Unit (Recreational Vehicle) – Sec 625
Topsoil, Removal - Sec 630

C. Uses by Right (Permit Required)

Agriculture, Limited
Apartment Above Commercial Storefront
Bed and Breakfast – Sec 638
Boathouse / Dock / Pier
Daycare Limited (Less than 5 individuals) - Sec 631
Demolition
Dwelling Unit-Single Family-Detached (Conventional/Prefabricated/Modular)
Garage, Private
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Open Porch / Deck
Public Park / Playground
Public Utilities
Public Utilities, Quasi
Short-Term Rentals – Sec 655
Storage Structure (150 sq. feet or less) - Sec 633
Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616

D. Uses by Special Use Permit (Hearing Required)

Accessory Building
Accessory/Efficiency Apartment / Residential Conversion
Agricultural Building
Artisan Store/Workshop

Barber / Beauty Shop / Tanning Salon
Building Contractor
Cabins – Commercial
Church / Rectory
Cluster Residential Development - Sec 602
Daycare Center (5 or more individuals) - Sec 631
Duplex Dwelling (2 Units) - Attached
Farm, Animal - Sec 649
Fences / Walls - (4 ft. in height and greater) - Sec 615
Gasoline / Volatile Fuel Tank - Sec 628 & 650
Golf Course (Public / Private)
Kennel Business – Sec 636
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Pond - Sec 610
Roadside Stand - General - Sec 608
Roadside Stand - Limited - Sec 608
School / College - Public / Private
Signs - Sec 614
Solar Structure - Sec 617
Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court – Private
Tennis court – Public
TV Dish Antenna (Over 4' diameter) - Sec 616

E. Area Standards: See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area)	35%
Minimum setback (measured from edge of road)	50
Minimum rear yard (feet)	40
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height	30

Minimum floor space (square feet)	750

2. Duplex dwellings or apartments shall meet the following standards;

Minimum lot size per unit (square feet)	12,000
Minimum lot width (feet)	130
Maximum lot coverage (% of lot area)	40%
Minimum front yard (measured from edge of road)	50
Minimum rear yard (feet)	45
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit, square feet)	600

3. All Other Structures

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area for all structures on the property)	60%
Minimum front yard (measured from edge of road)	50
Minimum rear yard (feet)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 402: AGRICULTURAL RESIDENTIAL (AR) DISTRICT

A. Purpose - AR Districts are established to provide for a compatible mix of agricultural and residential uses. Clearly, the intent is to protect and provide agricultural uses and preserve the rural character of the neighborhood as well as providing for natural buffers. This district has an abundant supply of vacant land some of which possesses panoramic views of Findley Lake and as such is subject to residential development pressures. Home occupation and recreational uses are generally permissible.

B. Uses Requiring No Permit (Requires Compliance with Law)

Agriculture
Agriculture, Limited
Boathouse / Dock / Pier
Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Farm

Farm, Animal - Sec 649
Farmers Market
Fences / Walls - (less than 4 ft. in height) - Sec 615
Forestry / Lumbering / Logging / Reforestation
General Agricultural Business
Horticulture, Private
Household Sale - Sec 607
Junk Cars - Private Property - Sec 648
Junk Farm Vehicles - Sec 648
Nursery/Greenhouse
Outdoor Storage - Recreational Vehicle - Sec 632
Parking - Private - Sec 612
Roadside Stand - General - Sec 608
Roadside Stand - Limited - Sec 608
Temporary Dwelling Unit (Recreational Vehicle) – Sec 625
Topsoil, Removal - Sec 630

C. Uses by Right (Permit Required)

Accessory Building
Agricultural Building
Apartment Above Commercial Storefront
Artisan Store/Workshop
Barber / Beauty Shop / Tanning Salon
Bed and Breakfast – Sec 638
Boathouse / Dock / Pier
Daycare Limited (Less than 5 individuals) - Sec 631
Demolition
Duplex Dwelling (2 Units) - Attached
Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Financial Institution
Garage, Private
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Laundromat / Dry Cleaning Shop
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Open Porch / Deck
Parking Public
Professional / Office Building

Public Park / Playground
Public Utilities
Public Utilities, Quasi
Recreational Camp (Public/Private)
Restaurant (Dine In/Take Out) - Sec 641
Short-Term Rentals – Sec 655
Storage Structure (150 sq. ft. or less) - Sec 633
Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616
Vendor, Temporary
Winery
Winery - Boutique
Winery - Large
Winery - Medium
Winery - Small

D. Uses by Special Use Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Adult Entertainment
Agricultural Processor
Ambulance Service
Amusement Park / Theme Park / Zoo
Animal Cemetery
Animal Hospital / Veterinary Clinic
Animal Shelter
Arcade
Arts / Civic / Community / Convention Center
Auction Business
Auto sales / Used Car Lot - Sec 642
Bar
Brew Pub / Micro-brewery
Building Contractor
Cabins - Commercial
Campground - Commercial - Sec 627
Car Wash
Carnival / Circus - Temporary
Cemetery / Mausoleum
Church / Rectory
Church, Storefront

Cluster Residential Development - Sec 602
Commercial Recreation
Commercial Storage
Cooperative
Cultivator
Daycare Center (5 or more individuals) - Sec 631
Delivery
Distributor
Dormitory
Drive-in Business - Sec 609
Drug Store
Feed and Seed Shop
Fences / Walls - (4 ft. in height and greater) - Sec 615
Fire Hall / Fire Station
Fraternal Organization / Lodge / Civic Club / Union
Funeral Home
Furniture / Home Furnishings
Game Farm / Hatchery
Garage, Public
Gas Station - Sec 645
Gasoline / Volatile Fuel Tank - Sec 628 & 650
General Industry
General Service Shop
General Wholesale
Golf Course (Public / Private)
Gravel Pit / Quarry / Sand Pit - Sec 618
Grocery Store / Minimart / Convenience Store
Group Home
Hardware / Glass / Paint Store / Rental Store
Health Care Facility
Health Club
Historical Society
Hotel / Motel
Kennel Business - Sec 636
Large Box Retail / Outlet Mall - Sec 605
Library
Liquor Store
Load/Unload Facility - Sec 613
Marina / Tackle Shop

Massage Establishment
Microbusiness
Mobile Home / Trailer Sales
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Mobile Home Park
Monument Sales
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Municipal Office
Museum
Nursery
Nursing Home / Convalescent Home
Pole Building/Pole Structure
Pond - Sec 610
Post Office (Public or Private)
Printing and Related Business
Radio / TV Broadcasting Station
Recreational Area/Outdoor Courts
Rental Store
Retail Business, General
Rifle / Skeet / Gun / Archery Range
School / College - Public / Private
Self Storage - Sec 613
Senior Housing (3+ Units)
Signs - Sec 614
Ski Area
Solar Structure - Sec 617
Stadium / Ice Rink / Skateboard Park
Swimming Pool (Public) - Sec 646
Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court - Private
Tennis court - Public
Theater
Truck Terminal / Truck Plaza
TV / Radio Tower - Commercial - Sec 647
TV Dish Antenna (Over 4' diameter) - Sec 616
Vehicle Repair Shop / Towing Service - Sec 644
Video Rental Store
Wildlife Habitat / Preserve

Wind Energy Conversion System - Sec 653
Wood-Burning/Coal-Burning Furnaces - Outdoor

E. Area Standards - See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	43,560
Minimum lot width (feet)	150
Maximum lot coverage (% of lot area)	20%
Minimum setback (measured from edge of road)	60
Minimum rear yard (feet)	50
Minimum side yard (feet)	25
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards;

Minimum lot size per unit (Square feet)	30,000
Minimum lot width (feet)	160
Maximum lot coverage (% of lot area)	25%
Minimum front yard (measured from edge of road)	60
Minimum rear Yard (feet)	60
Minimum side yard (feet)	25
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All Other Structures

Minimum lot size (square feet)	43,560
Minimum lot width (feet)	150
Maximum lot coverage (% of lot area for all structures on the property)	40%
Minimum front yard (measured from edge of road)	60
Minimum rear yard (feet)	25
Minimum side yard (feet)	15
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 403: LAKESIDE RESIDENTIAL (R2) DISTRICT

A. Purpose - Most forms of residential uses are permitted in this district in addition to numerous water-oriented, tourism-related uses to include boarding houses. At present this property consists of various single ownership parcels with a great degree of lake exposure.

B. Uses Requiring No Permit (Requires Compliance with Law)

Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Fences / Walls - (less than 4 ft. in height) - Sec 615
Horticulture, Private
Household Sale - Sec 607
Outdoor Storage - Recreational Vehicle - Sec 632
Parking - Private - Sec 612
Temporary Dwelling Unit (Recreational Vehicle) - S.625
Topsoil, Removal - Sec 630

C. Uses by Right (Permit Required)

Bed and Breakfast – Sec 638
Boathouse / Dock / Pier
Daycare Limited (Less than 5 individuals) - Sec 631
Demolition
Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Garage, Private
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Open Porch / Deck
Public Park / Playground
Public Utilities
Public Utilities, Quasi
Short-Term Rentals – Sec 655
Storage Structure (150 sq. ft. or less) - Sec 633
Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616

D. Uses by Special Use Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Accessory Building

Artisan Store/Workshop
Barber / Beauty Shop / Tanning Salon
Building Contractor
Church / Rectory
Daycare Center (5 or more individuals) - Sec 631
Duplex Dwelling (2 Units) - Attached
Fences / Walls - (4 ft. in height and greater) - Sec 615
Gasoline / Volatile Fuel Tank - Sec 628 & 650
Kennel Business - Sec 636
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Roadside Stand - General - Sec 608
Roadside Stand - Limited - Sec 608
School / College - Public / Private
Signs - Sec 614
Solar Structure - Sec 617
Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court - Private
Tennis court - Public
TV Dish Antenna (Over 4' diameter) - Sec 616

E. Area Standards - See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot Area)	35%
Minimum lakeside yard setback (feet) (measured from edge of lake - water at summer level)	50
Minimum roadside yard (feet) (measured from edge of road)	40
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards;

Minimum lot size per unit (square feet)	12,000
Minimum lot width (feet)	130
Maximum lot coverage (% of lot area)	40%
Minimum lakeside yard setback in feet (measured from edge of lake – water at summer level)	50
Minimum roadside yard (feet) (measured from edge of road)	45
Minimum side yard (feet)	30
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All Other Structures

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area for all structures on the property)	60%
Minimum front yard (measured from edge of lake – water at summer level)	50
Minimum roadside yard (feet) (measured from edge of road)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 404: AGRICULTURAL (A1) DISTRICT

A. Purpose - A1 Districts are primarily agricultural lands with scattered large lot residential units. Commercial development is discouraged except for recreational uses.

B. Uses Requiring No Permit (Requires Compliance with Law)

Agriculture
Agriculture, Limited
Boathouse / Dock / Pier
Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Farm
Farm, Animal - Sec 649
Farmers Market

Fences / Walls - (less than 4 ft. in height) - Sec 615
Forestry / Lumbering / Logging / Reforestation
Game Farm / Hatchery
Gasoline / Volatile Fuel Tank - Sec 628 & 650
General Agricultural Business
Health Care Facility
Heavy Vehicle Parking - Sec 621
Horticulture, Private
Household Sale - Sec 607
Junk Cars - Private Property - Sec 648
Junk Farm Vehicles - Sec 648
Nursery/Greenhouse
Outdoor Storage - Recreational Vehicle - Sec 632
Parking - Private - Sec 612
Pond - Sec 610
Roadside Stand - General - Sec 608
Roadside Stand - Limited - Sec 608
Temporary Dwelling Unit (Recreational Vehicle) - Sec 625
Topsoil, Removal - Sec 630
Trash - Private Property - Sec 635
Video Rental Store
Wildlife Habitat / Preserve
Winery
Winery - Boutique
Winery – Large
Winery - Medium
Winery – Small

C. Uses by Right (Permit Required)

Accessory Building
Agricultural Building
Ambulance Service
Animal Hospital / Veterinary Clinic
Apartment Above Commercial Storefront
Artisan Store/Workshop
Auto sales / Used Car Lot - Sec 642
Barber / Beauty Shop / Tanning Salon
Bed and Breakfast - Sec 638
Boathouse / Dock / Pier

Brew Pub / Micro-brewery
Car Wash
Church, Storefront
Daycare Limited (Less than 5 individuals)- Sec 631
Demolition
Drug Store
Duplex Dwelling (2 Units) - Attached
Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Feed and Seed Shop
Financial Institution
Fire Hall / Fire Station
Fraternal Organization / Lodge / Civic Club / Union
Funeral Home
Furniture / Home Furnishings
Garage, Private
Garage, Public
General Service Shop
Hardware / Glass / Paint Store / Rental Store
Health Care Facility
Health Club
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Laundromat / Dry Cleaning Shop
Marina / Tackle Shop
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Monument Sales
Open Porch / Deck
Parking Public
Post Office (Public or Private)
Printing and Related Business
Professional / Office Building
Pole Building / Pole Structure
Public Park / Playground
Public Utilities
Public Utilities, Quasi
Radio / TV Broadcasting Station
Recreational Camp (Public/Private)
Restaurant / Fast Food Restaurant - Sec 641

Retail Business, General
Sawmill
Self Storage – Sec 613
Short-Term Rentals – Sec 655
Storage Structure (150 sq. ft. or less) - Sec 633
Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616
Vendor, Temporary

D. Uses by Special Use Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Adult Entertainment
Agricultural Processor
Airport
Amusement Park / Theme Park / Zoo
Animal Cemetery
Animal Shelter
Arcade
Arts / Civic / Community / Convention Center
Auction Business
Bar
Building Contractor
Cabins - Commercial
Campground - Commercial - Sec 627
Carnival / Circus - Temporary
Cemetery / Mausoleum
Church / Rectory
Cluster Residential Development - Sec 602
Commercial Distribution Center
Commercial Recreation
Commercial Storage
Commercial Warehouse
Cooperative
Cultivator
Daycare Center (5 or more individuals) - Sec 631
Delivery
Distributor
Dormitory
Drive-in Business – Sec 609
Electric Vehicle Level 3 Commercial Fast Chargers

	Fences / Walls - (4 ft. in height and greater) - Sec 615
	Fuel Storage / Distribution - Sec 650
	Gas Compressor
	Gas Station - Sec 645
	General Industry
	General Wholesale
	Golf Course (Public / Private)
	Gravel Pit / Quarry / Sand Pit - Sec 618
	Grocery Store / Minimart / Convenience Store
	Group Home
	Historical Society
	Hotel / Motel
	Kennel Business - Sec 636
	Large Box Retail / Outlet Mall - Sec 605
	Library
	Liquor Store
	Load/Unload Facility - Sec 613
	Massage Establishment
	Microbusiness
	Mobile Home / Trailer Sales
	Mobile Home Dwelling - Detached (Single Wide) - Sec 623
	Mobile Home Park
	Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
	Multiple Dwellings (6+ Units) - Attached - Sec 604
	Municipal Office
	Museum
	Nursery
	Nursing Home / Convalescent Home
	Rental Store
	Rifle / Skeet / Gun / Archery Range
	School / College - Public / Private
	Senior Housing (3+ Units)
	Signs - Sec 614
	Ski Area
	Solar Structure - Sec 617
	Stadium / Ice Rink / Skateboard Park
	Swimming Pool (Public) - Sec 646
	Temporary Dwelling Unit (Mobile Home) - Sec 626
	Tennis court - Private

Tennis court - Public
Theater
Toxic Waste Storage - Sec 650
Truck Terminal / Truck Plaza
TV / Radio Tower - Commercial - Sec 647
TV Dish Antenna (Over 4' diameter) - Sec 616
Vehicle Dismantling / Junk / Scrap yard - Sec 620
Vehicle Repair Shop / Towing Service - Sec 644
Wind Energy Conversion System - Sec 653
Wood-Burning/Coal-Burning Furnaces - Outdoor

E. Area Standards - See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	43,560
Minimum lot width (feet)	150
Maximum lot coverage (% of lot Area)	20%
Minimum setback (measured from edge of road)	60
Minimum rear yard (feet)	50
Minimum side yard (feet)	25
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards:

Minimum lot size per unit (square feet)	30,000
Minimum lot width (feet), plus 20foot for each unit	160
Maximum lot coverage (% of lot area)	25%
Minimum front yard (measured from edge of road)	60
Minimum rear Yard (feet)	60
Minimum side yard (feet)	25
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All Other Structures

Minimum lot size (square feet)	43,560
Minimum lot width (feet)	150

Maximum lot coverage (% of lot area for all structures on the property)	40%
Minimum front yard (measured from edge of road)	60
Minimum rear yard (feet)	25
Minimum side yard (feet)	15
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 405: HISTORIC BUSINESS (B1) DISTRICT

A. Purpose – To establish a separate "Historic" Business District that includes the current Main Street business area and extends north to School Street. The intent is to preserve the aesthetics, character, style, structure and historical nature of the community. This promotes tourism and attracts visitors to the area and maintains the quaint setting of a lakeside community. The nature and style of businesses in the Historic Business District are significantly different from that of a traditional business corridor. This allows the zoning code the flexibility to address the diverse needs of the business community and regulate activities which are unique to historical development.

B. Uses Requiring No Permit (Requires Compliance with Law)

Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Farmers Market
Fences / Walls – (less than 4 ft. in height) (Sec 615)
Household Sale – Sec 607
Parking – Private – Sec 612
Public Utilities

C. Uses by Right (Permit Required)

Apartment Above Store Front
Arts / Civic / Community Center
Bed and Breakfast (Sec 638)
Demolition
Dwelling Unit – Single-Family – Detached (Conventional, Prefab, Modular)
Home Occupation – General – 506
Large Group Gathering
Public Utilities
Short-Term Rentals (Sec 655)
Trash – Private Property (Sec 635)
Vendor, Temporary

D. Uses by Special Permit (Hearing Required)

Accessory / Efficiency Apartment / Residential Conversion
Accessory Building
Arcade
Artisan Store / Workshop
Auction Business
Bar
Barber Shop / Beauty Shop
Boathouse / Dock / Pier
Boutique
Brew Pub / Micro Brewery
Carnival / Circus - Temporary
Church / Rectory
Commercial Warehouse
Cooperative
Daycare Limited (Less than 5 individuals) – Sec 631
Daycare Center (5 or more individuals) – Sec 631
Delivery
Drug Store
Electric Vehicle Level 3 Commercial Fast Chargers
Fences / Walls – (4 ft. in height and greater) -Sec 615
Fire Hall / Fire Station
Furniture / Home Furnishings
Garage, Private
General Wholesale
Grocery Store / Minimart / Convenience Store
Health Care Facility / Physician's Office
Historical Society
Insurance Agency
Library
Liquor Store
Load/Unload Facility – Sec 613
Marina / Tackle Shop
Massage Establishment/Spa
Microbusiness
Museum
Open Porch / Deck
Parking – Public

Post Office (Public or Private)
Professional / Office Building
Public Park / Playground
Real Estate Business
Recreational Area / Outdoor Courts
Rental Store
Restaurant (Dine-in/Take Out)_
Retail Business – General (Small / Private)
Signs – Sec 614
Solar Structure – Sec 617 – Refer to Separate Law
Stadium / Ice Rink / Skateboard Park
Storage Structure (150 sq. ft. or less) – Sec 633
Tennis Court - Public
Winery – Small

E. Area Standards: See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot Area)	35%
Minimum setback (measured from edge of road)	50
Minimum rear yard (feet)	40
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards:

Minimum lot size per unit (Square feet)	12,000
Minimum lot width (feet)	130
Maximum lot coverage (% of lot area)	40%
Minimum front yard (measured from edge of road)	50
Minimum rear Yard (feet)	45
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All other uses shall meet the following standards:

Minimum lot size (Square Feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area)	60
Minimum front yard (measured from edge of road)	50
Minimum rear yard (feet)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 406: COMMERCIAL BUSINESS (B2) DISTRICT

A. Purpose - The purpose of the B2 Commercial District is to promote retail and service uses for the use of Town of Mina residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development. These zoning districts recognize the need for separate areas for industrial development, and until the necessary infrastructure to support substantial development is established, any such request for industrial development, shall be brought before the permitting body, in the form of a Special Use Permit request.

B. Uses Requiring No Permit (Requires Compliance with Law)

Agriculture
Agriculture, Limited
Artisan Store/Workshop
Auction Business
Auto sales / Used Car Lot - Sec 642
Drug Store
Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Farmers Market
Feed and Seed Shop
Fences / Walls - (less than 4 ft.in height) - Sec 615
Forestry / Lumbering / Logging / Reforestation
Furniture / Home Furnishings
Gas Station - Sec 645
Gasoline / Volatile Fuel Tank - Sec 628 & Sec 650
General Agricultural Business
Grocery Store / Minimart / Convenience Store
Hardware / Glass / Paint Store / Rental Store

Health Care Facility
Health Club
Heavy Vehicle Parking - Sec 621
Horticulture, Private
Household Sale - Sec 607
Large Box Retail / Outlet Mall - Sec 605
Liquor Store
Marina / Tackle Shop
Mobile Home / Trailer Sales
Monument Sales
Municipal Office
Outdoor Storage - Recreational Vehicle - Sec 632
Parking - Commercial Lot - Sec 612
Parking - Private - Sec 612
Pond - Sec 610
Rental Store
Retail Business, General
Roadside Stand - General - Sec 608
Roadside Stand - Limited - Sec 608
Temporary Dwelling Unit (Recreational Vehicle) - S.625
Topsoil, Removal - Sec 630
Trash - Private Property - Sec 635
Video Rental Store
Winery
Winery – Boutique
Winery – Small

C. Uses by Right (Permit Required)

Accessory Building
Ambulance Service
Animal Hospital / Veterinary Clinic
Animal Shelter
Apartment Above Commercial Storefront
Arcade
Arts / Civic / Community / Convention Center
Barber / Beauty Shop / Tanning Salon
Bed and Breakfast - Sec 638
Brew Pub / Micro-brewery
Car Wash

Church, Storefront
Daycare Limited (Less than 5 individuals)- Sec 631
Demolition
Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Financial Institution
Fire Hall / Fire Station
Funeral Home
Garage, Private
Garage, Public
General Service Shop
Heating Fuel Tank
Home Occupation - General - Sec 606
Kennel Business - Sec 636
Large Group Gathering
Laundromat / Dry Cleaning Shop
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Nursery/Greenhouse
Open Porch / Deck
Post Office (Public or Private)
Printing and Related Business
Professional / Office Building
Public Park / Playground
Public Utilities
Public Utilities, Quasi
Radio / TV Broadcasting Station
Recreational Camp (Public/Private)
Restaurant / Fast Food Restaurant - Sec 641
Self Storage – Sec 613
Short-Term Rentals – Sec 655
Signs - Sec 614
Stadium / Ice Rink / Skateboard Park
Storage Structure (150 sq. ft. or less) - Sec 633
Swimming Pool - Sec 646
Theater
TV Dish Antenna (Less than 4' diameter) - Sec 616
Vehicle Repair Shop / Towing Service - Sec 644
Vendor, Temporary

D. Uses by Special Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Adult Entertainment – Sec 652
Agricultural Processor
Amusement Park / Theme Park / Zoo
Animal Cemetery
Bar
Boutique
Building Contractor
Cabins – Commercial
Campground - Commercial - Sec 627
Cannabis Adult-Use Retail Dispensary
Carnival / Circus – Temporary
Cemetery / Mausoleum
Church / Rectory
Cluster Residential Development - Sec 602
Commercial Distribution Center
Commercial Recreation
Commercial Storage
Commercial Warehouse
Cooperative
Cultivator
Daycare Center (5 or more individuals) - Sec 631
Delivery
Distributor
Drive-in Business - Sec 609
Duplex Dwelling (2 Units) - Attached
Electric Vehicle Level 3 Commercial Fast Chargers
Farm, Animal - Sec 649
Fences / Walls - (4 ft. in height and greater) - Sec 615
Fraternal Organization / Lodge / Civic Club / Union
Fuel Storage / Distribution - Sec 650
Game Farm / Hatchery
Garage, Public
Gas Compressor
General Industry
General Wholesale
Golf Course (Public / Private)
Gravel Pit / Quarry / Sand Pit - Sec 618

Historical Society
Hotel / Motel
Insurance Agency
Library
Load/Unload Facility - Sec 613
Massage Establishment
Microbusiness
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Museum
Nursery
Nursing Home / Convalescent Home
Parking Public
Pole Building / Pole Structure
Real Estate Business
Recreational Area/Outdoor Courts
Restaurant (Dine-in Only)
Rifle / Skeet / Gun / Archery Range
Sawmill
School / College - Public / Private
Senior Housing (3+ Units)
Ski Area
Solar Structure - Sec 617
Swimming Pool (Public) - Sec 646
Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court – Private
Tennis court – Public
Toxic Waste Storage - Sec 650
Truck Terminal / Truck Plaza
TV / Radio Tower - Commercial - Sec 647
TV Dish Antenna (Over 4' diameter) - Sec 616
Wildlife Habitat / Preserve
Wind Energy Conversion System - Sec 653
Winery – Large
Winery – Medium
Wood-Burning/Coal-Burning Furnaces – Outdoor

E. Area Standards: See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot Area)	35%
Minimum setback (measured from edge of road)	50
Minimum rear yard (feet)	40
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards:

Minimum lot size per unit (Square feet)	12,000
Minimum lot width (feet)	130
Maximum lot coverage (% of lot area)	40%
Minimum front yard (measured from edge of road)	50
Minimum rear Yard (feet)	45
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All other uses shall meet the following standards:

Minimum lot size (Square Feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area)	60
Minimum front yard (measured from edge of road)	50
Minimum rear yard (feet)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 407: SUNNYSIDE BUSINESS (B3) DISTRICT

A. Purpose – To establish a separate business district on Sunnyside Road. The Sunnyside Business District is a medium sized plot located in the middle of a densely populated

residential district (R1). As such, this business district has different needs, parameters, and social/economic factors than a traditional business district. Therefore, the intent is to allow the zoning code flexibility to manage, maintain, and protect the property values of the surrounding residential community. It also allows for the development of the business district in a manner which is in concert with the character of the residential neighborhood.

B. Uses Requiring No Permit (Requires Compliance with Law)

Agriculture
Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers
Farmers Market
Parking – Private – Sec 612
Roadside Stand – General – Sec 608
Roadside Stand – Limited – Sec 608

C. Uses by Right (Permit Required)

Demolition
Dwelling Unit - Single Family Conventional
Home Occupation - General - Sec 606

D. Uses by Special Permit (Hearing Required)

Accessory Building
Delivery
Drive-In Business - Private - Sec 609
Electric Vehicle Level 3 Commercial Fast Chargers
Fences / Walls – (less than 4 ft. in height) - Sec 615
Fences / Walls – (4 ft. in height and greater) – Sec 615
Grocery Store / Minimart / Convenience Store
Microbusiness
Retail Business – Private
Restaurant (Dine-in/Take Out) – Sec 641
Short Term Rental (STR) – Sec 655
Signs – Sec 614

E. Area Standards: See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot Area)	35%
Minimum setback (measured from edge of road)	50
Minimum rear yard (feet)	40
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards:

Minimum lot size per unit (Square feet)	12,000
Minimum lot width (feet)	130
Maximum lot coverage (% of lot area)	40%
Minimum front yard (measured from edge of road)	50
Minimum rear Yard (feet)	45
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All other uses shall meet the following standards:

Minimum lot size (Square Feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area)	60
Minimum front yard (measured from edge of road)	50
Minimum rear yard (feet)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

SECTION 408: SHADYSIDE BUSINESS (B4) DISTRICT

A. Purpose – To establish a separate business district on Shadyside Road. The Shadyside Business District is a large plot located along the lakeshore in a densely populated lakeside residential district (R2). As such, this business has different needs, parameters, and social/economic factors than a traditional business district. Therefore, the intent is to allow the zoning code the flexibility to manage, maintain, and protect the property values of the surrounding residential community and lakefront property. It also allows for the development of the business district in a manner which is in concert with the character of the surrounding residential neighborhood, and preserves the beauty and integrity of the lakeshore.

B. Uses Requiring No Permit (Requires Compliance with Law)

Agriculture
Electric Vehicle Level 1 Chargers
Electric Vehicle Level 2 Chargers
Electric Vehicle Level 3 Non-Commercial Fast Chargers

C. Uses by Right (Permit Required)

Demolition
Dwelling Unit - Single Family Conventional
Home Occupation - General - Sec 606
Open Porch / Deck

D. Uses by Special Permit (Hearing Required)

Accessory Building
Boathouse / Dock / Pier
Cabins – Commercial
Campground - Commercial - Sec 627
Commercial Recreation
Electric Vehicle Level 3 Commercial Fast Chargers
Fences / Walls - (less than 4 ft. in height) - Sec 615
Fences / Walls – (4 ft. in height and greater) – Sec 615
Grocery Store / Minimart / Convenience Store
Parking – Commercial – Sec 612
Pole Building / Pole Structure
Rental Store
Signs – Sec 614
Swimming Pool (Public) - Sec 646
Temporary Dwelling Unit (Recreational Vehicle) – Sec 625
Tennis court – Public

E. Area Standards: See the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems. Note that State Health Laws may require more area than specified below.

1. Single family dwellings. (Excluding structures which house or are intended to house more than one family unit) shall meet the following standards:

Minimum lot size (square feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot Area)	35%
Minimum setback (measured from edge of road)	50
Minimum rear yard (feet)	40

Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space	750

2. Duplex dwellings or apartments shall meet the following standards:

Minimum lot size per unit (Square feet)	12,000
Minimum lot width (feet)	130
Maximum lot coverage (% of lot area)	40%
Minimum front yard (measured from edge of road)	50
Minimum rear Yard (feet)	45
Minimum side yard (feet)	20
Maximum stories	2 ½
Maximum height (feet)	30
Minimum floor space (each unit)	600

3. All other uses shall meet the following standards:

Minimum lot size (Square Feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area)	60
Minimum front yard (measured from edge of road)	50
Minimum rear yard (feet)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

Note: Refer to Article V and VI for other requirements.

ARTICLE V
GENERAL PROVISIONS

SECTION 501: ACCESS TO PUBLIC STREET

Except as otherwise provided for in this Local Law, every building shall be constructed or erected upon a lot, or parcel of land which abuts upon a public street unless a permanent public easement of access to a public street was of record prior to the adoption of this Law. However, this shall not preclude the creation of a private road on a 50-foot right-of-way which connects to a public road and serves 5 or more subdivided lots. Upon request from a developer, landowner(s), etc., the Municipal Board shall consider the takeover of a private roadway, but only after assurances are received by all involved parties that the roadway will be constructed to standards specified by the municipality. The municipality is in no way obligated to take over any road even if it meets specified road construction standards. Where less than five (5) lots are involved, a legal right-of-way of any width shall be

required to connect all lots to a public road when said lots do not abut a public road.

SECTION 502: CONTIGUOUS PARCELS

When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one (1) ownership, they shall be used as one (1) lot for such use.

SECTION 503: CORNER LOTS

Both street sides of a corner lot shall be treated as front yards in the application of bulk and area requirements and parking. The other two sides are considered side yards, not back yards.

SECTION 504: HEIGHT

A. The height limitation of this Law shall not apply to church spires, belfries, cupolas, silos, penthouses (equipment building on flat roof), and domes, not used for human occupancy; nor to chimneys, ventilators, skylights, windmills, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20% of the ground floor area of the building.

B. The provisions of this Law shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

SECTION 505: EXISTING SUBSTANDARD SIZED LOTS

The minimum area requirements specified for each type of allowed use shall not prevent the construction of an allowable use on a substandard sized lot less than two (2) acres in size which existed and was officially recorded at the time of enactment of this Zoning Law if the following conditions are met:

A. At the time of enactment of this Law, the substandard lot was not contiguous with another lot in the same ownership (see section on contiguous parcels found in Article V).

B. The substandard lot is not less than 75% of all of the applicable standards and,

C. The County Health Department approves the lot where there are no municipal utilities.

D. If (B) cannot be met but (C) has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variance Section).

SECTION 506: VISIBILITY AT INTERSECTIONS

For the purpose of maintaining sight lines and promoting traffic safety, on a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three (3) feet in height shall be erected or placed within the triangular areas formed by the intersecting street edge lines and the imaginary straight line down between the points 25 feet from the intersecting street edge lines along the street edge lines.

SECTION 507: INTERPRETATION OF PERMITTED USES

When a use is not specifically listed as a "Use by Right" or a "Use by Special Use Permit" within any zoning district, it shall be assumed to be a prohibited use unless it is determined in a written decision by the Board of Appeals that said use is similar to permitted uses, meets the intent specified in the zoning districts, and is not inherently a nuisance, menace, or danger to the health, safety or welfare of the residents of the municipality.

SECTION 508: PRESERVING YARDS, COURTS AND OPEN SPACE

A. Preservation of Yards, Courts and Open Space - Rear yards, courts and other open space shall be kept undeveloped in order to meet setback and coverage requirements of this Law except as specified in (B) below.

B. Permitted Obstructions - The following shall not be considered to be obstructions when located in the preserved yards, courts, and open space:

1. open terraces, patios, awnings and canopies, chimneys, trellises, flag poles, TV Mast and receiver antennas, fire escapes, decks, balconies, and other similar uses which do not extend more than 40% of the required setback nor come closer to a lot boundary line by more than 40% of the required setback; and

2. bay windows, steps, chimneys, overhanging eaves and gutters and other similar uses shall not extend more than three (3) feet from the principal structure nor come within two (2) feet of any property lines.

C. Location - All yards, courts and open space shall be located on the same undivided lot as the structure for which the setback and area requirements are required. Refer to General Provision on "Contiguous Parcels" and "Number of Residential Dwellings on a Lot."

SECTION 509: ESTABLISHED FRONT YARDS

In an existing neighborhood where structures are not set back from the edge of the road and the distance specified by this Law, it shall be determined by the Enforcement Officer what appropriate setback will be permitted by new construction or by alterations to existing structures in order to aesthetically blend with existing adjacent structures. The varied setback will be based on the average of the setbacks of the two (2) adjacent structures minus up to five (5) feet. Any variation requested which is in greater variation than that permitted by this rule will require an Area Variance.

SECTION 510: NUMBER OF RESIDENTIAL DWELLINGS ON LOT (LOT DIVISION)

A. Number of residential dwellings on a lot - No more than one (1) principal detached residential dwelling shall be constructed on a lot, except by special use permit and with the approval of all state and county regulations.

B. Division of Lots - No lot improved with a building or buildings shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall not be less conforming to all the bulk regulations of the zoning district in which the property is located. However, any portion of a parcel may be removed if it is to be used with an adjacent parcel and the original parcel continues to conform to the bulk regulations.

SECTION 511: DRIVEWAYS WITHIN RIGHTS-OF-WAY

When property to be developed fronts on a highway and access to the highway is desired, an approved permit from the applicable agency for the development of such highway access shall be presented. The Highway/Street Superintendent may require the installation of an appropriately sized sluice pipe where it is likely that drainage problems exist or may be created by the presence of a driveway on a public right-of-way.

SECTION 512: AGRICULTURE

A. Agricultural Preservation - In order to promote, preserve and protect agricultural businesses, any portion of this Law that would reduce operational capability of an agricultural business shall be waived in that one instance. However, where a documented health or safety problem exists or would be created if sections of this Law were not adhered to, then, these sections will be enforced, but even then, only to the minimum necessary. Determination or interpretations shall be made by the Zoning Board of Appeals.

B. Manure - Manure piles or liquid manure may not be located or spread within 200 feet of any neighboring water well on adjacent or nearby lots.

SECTION 513: TRANSITION BETWEEN DISTRICTS

A. Purpose - The purpose of this section is to promote harmonious use of land located at district boundaries.

B. Conditions - Where the Permitting Board determined there is a need to protect a residential neighborhood located in a Residential District from a permitted use in an adjacent district, the Board may:

1. require an artificial or natural buffer such as a hedge, fence, wall, etc., which shields the residential units from the non-residential use;

2. require a doubling of the yard setback requirements to protect the neighborhood;

3. control the positioning of signs, lights, parking, mechanical equipment, and any other features so as to reduce the potential nuisance; or

4. impose other appropriate requirements.

C. Preexisting Uses - This section shall apply to new construction and includes additions and enlargements.

SECTION 514: DISPUTED LOT LINES

A. Purpose - It is the intent of this section to clarify the procedures to be followed in verifying where lot lines are in order to ensure that area requirements (side yards, etc.) are met.

B. Procedures - When the Enforcement Officer is in doubt as to the location of lot lines and it is apparent that new development may not be in accordance with area requirements, the Enforcement Officer shall withhold the granting of the Zoning Permit until one of the following occurs:

1. Applicant provides proof such as a survey accomplished by a licensed surveyor.

2. Refer the matter to the Zoning Board of Appeals for an interpretation of documentation provided by the applicant.

3. Grant Zoning Permit after the applicant receives an Area Variance from the Zoning Board of Appeals.

SECTION 515: LOTS IN TWO DISTRICTS

Where a district boundary divides a parcel at the time of enactment of this Law, the regulations for the district which contains most of the land area of the parcel shall apply to all of the parcel.

SECTION 5l6: BUSINESS ENTRANCES ON RESIDENTIAL STREETS

A. Purpose - To preserve the residential character of neighborhoods which abut Business Districts, the regulations which follow shall apply to all businesses which are adjacent to a Residential District and have both access to a primary business street and primary residential street.

B. Regulations -

1. Store Entrance - Business structures erected in the Business District shall not face and open onto the street which is primarily in the Residential District.
2. Display Windows - Primary display windows shall front on the primary business street and not the primary residential street.

3. Parking - Off-street parking for use by business patrons shall be situated so that the access is from the primary business street.

4. Signs - Business Signs shall be oriented toward the primary business street.

5. Lighting - All lighting fixtures associated with the business shall be oriented away from the Residential District.

SECTION 517: BUFFER ZONES

The Zoning Board of Appeals and Planning Board shall include in their analysis of application (Variances, Special-Use Permits, etc.) a consideration for the need of an appropriate buffer zone. If such a barrier is deemed necessary, then this condition will be included in the written decision and the Zoning Officer shall insure that appropriate vegetation is planted or other man-made structure is installed within a reasonable time after completion of the construction.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION 601: GENERAL DEVELOPMENT CONDITIONS

A. Purposes - Development conditions shall be attached to permits or variances when necessary or advisable to reduce or eliminate conflicts between uses or to protect the health, safety, and general welfare.

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B. Areas of Concern - The following checklist shall be considered by the appropriate Boards and administrators in their reviews of request for Building Permits, Special Use Permits and Variances. The checklist is not intended to be all inclusive and does not limit the areas of concern over which conditions may be imposed.

1. Traffic - safety of ingress/egress from roadway, intersection visibility, level of anticipated new traffic generation in relation to existing road capacity and traffic, adequacy of off-street parking and loading, pedestrian safety, and/or location of structures in relation to all of the above.

2. Safety - trash disposal, steep slopes, open pits, toxic and/or flammable fluids.

3. Health - sewers/water, sunlight, air movement, junk vehicles and/or trash storage.

4. Character of Neighborhood - development density, traffic volume, lot sizes, compatible uses, and/or buffers.

4. Public Costs - road damage, need for new roads, and/or need for new utilities.

6. Environmental Protection - flood plain, wetlands, and/or natural features.

7. Nuisances - noise, odor, dust, lights, hours of operation, lot size, buffers, and/or nuisance location.

8. Land Use Preservation - agriculture, and/or open space.

9. Aesthetics - restoration, appearance, scenic views, and/or buffers.

C. Failure to Comply - Applicants who have received Variances or Special Use Permits with conditions attached shall be responsible for continual compliance with the specified conditions. Noncompliance with any condition shall result in revocation of the Variance/Special Use Permit and continuance of the use shall only be allowed after reapplying for the Variance/Special Use Permit.

SECTION 602: CLUSTER RESIDENTIAL DEVELOPMENT

A. Purpose - Cluster residential provisions for single-family subdivisions and attached multiple-family projects are intended to allow flexibility where desirable to permit and encourage superior development of relatively large undeveloped sites; development aims may include the preservation of views or natural features, provision of amenities for common use, including recreational facilities not feasible on individual lots, and innovative groups of dwellings which will provide desirable variety in the municipal housing stock. To carry out this purpose, standards for individual lot area and dimensions may be reduced from the standards of the district in which the cluster is located, if compensating permanent common area ancillary to the dwelling units is provided.

B. Standards for Development of Single-Family Clustered Subdivision -

1. A cluster single-family residential development shall not be less than five (5) acres of contiguous undeveloped area under single ownership.

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

3. An approved municipal or community sewage system and water system must be utilized.

4. Maximum permitted reductions in individual lot standards - Any lot in a cluster development may be reduced from the standards of the district in which it is located by the following or lesser amounts:

a. Minimum lot area may be reduced by up to 25% of the required area.
b. Minimum lot width may be reduced by up to 25%.
c. Minimum yard requirements (front, side, and rear) may be reduced up to 25% where the lots are not adjacent to an existing public roadway.

5. Compensating permanent common area ancillary to the dwelling units shall consist of

all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

6. Compensating permanent common area shall equal or exceed 100% of the total of individual lot area reductions, thus there shall be no overall increase in density.

7. Applicable general provisions and supplemental regulations of this Law shall apply to all cluster residential development.

8. Clustering regulations may be mandated by the Permitting Board if they decide that clustering will be beneficial to the municipality and developer.

C. Standards for Development of Clustered Multiple Attached Dwellings (Apartments, Condominiums, Townhouses and Duplexes)

1. A cluster multiple-family residential development shall not be less than five (5) acres of contiguous undeveloped area under single ownership.

2. Multiple dwellings (attached) shall be listed as an allowable use in the district in which the project is proposed.

3. An approved municipal or community sewage and water system must be utilized.

4. The per acre density may be increased up to 10% over that specified in the area requirements for the district as long as the overall density of the project is maintained at or below the maximum allowed. This is accomplished by setting aside common areas as defined below.

5. Compensating permanent common area ancillary to the dwelling units shall consist of all land and recreational areas held in common by the owners of the dwelling units in the development. This shall include but not be limited to private streets, parking areas, utility systems, parks, buffer areas, recreational areas to include tennis courts, pools, golf courses, storage areas, and wetlands. Permanent common areas shall be legally set aside and developed for the common use and enjoyment of all residents of the cluster development and appropriate convenient access shall be provided.

6. Applicable "general provisions" and "supplemental" sections of this Law shall apply to all cluster residential development.

D. Application and Procedures for Establishing a Cluster Residential Development-

1. Application for establishing a cluster residential development shall be made to the

Zoning Enforcement Officer who shall refer the application to the Municipal Board.

2. The application shall include:

a. names and addresses of owner and developer;
b. written statements concerning need for development and suitability of site, potential impact on abutting properties and the neighborhood, development schedule for private and common areas, method of disposition of common areas including pertinent documents regarding owner's association or other organization and long-term maintenance, estimates of annual maintenance costs, other pertinent information;
c. location map drawn to scale of not less than one (1) inch equals 1,000 feet showing subject parcel, existing and proposed access streets and nature of abutting development;
d. overall development plan drawn to scale of one (1) inch equals 10 feet with contour interval of two (2) feet, showing exact size and shape of the subject parcel, natural features to be preserved, proposed residential lots and their dimensions, internal and surrounding streets and all other provisions for pedestrian and vehicular access and circulation, off street parking and loading areas, utility rights-of-ways or installations on or near the property, location, dimensions and area of proposed open space or other commonly held facilities which are part of the compensating permanent common area, comparison of total area of residential lot reduction with total area of common area, nature and location of public or private utilities which would serve the residential cluster;
e. preliminary landscaping and drainage plans at a scale of one (1) inch equals 10 feet with two (2) foot contour intervals and/or;
f. preliminary architectural and engineering drawings to show the nature of residential and open space or recreational facilities proposed.

E. Action by Municipal (Permitting) Board -

1. The Permitting Board will review and rule on the application for a cluster residential development expeditiously as practical and in no case later than 90 days after all information required for the application is received.

2. The Boards will consider -

a. need for development and suitability of site;
b. impact on the neighborhood, circulation system, and municipality as a whole;
c. feasibility and practicality of providing and maintaining common areas, including costs to prospective homeowners;
d. need for complete disclosure to prospective buyers of future costs and responsibilities in connection with common areas;
e. need to require performance bond if nature of development warrants; and
f. other factors which affect the viability of the proposal and the general welfare of the municipality.

3. The Permitting Board may request preliminary meetings with the applicant to provide

additional information or explain the proposal.

4. The Permitting Board may hold an informational meeting in addition to a required public hearing to receive local opinion and reaction and shall make information concerning the proposal available to the public before such meeting.

SECTION 603: (RESERVED)

SECTION 604: MULTIPLE DWELLINGS

A. Purpose - Attached multiple dwellings, in districts where allowed shall be subject to Special Use Permits and where three (3) or more units are proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.

B. Conditions - The following shall be considered where appropriate for inclusion.

1. Special Use Permit Conditions -
   a. Safe ingress and egress.
   b. Roadway ownership and design. Ensure roadways and fire lanes are adequate for year-round fire equipment movement.
   c. Parking in accordance with the supplemental section and additionally, auxiliary parking.
   d. Storage facilities such that adequate indoor storage is available. (See supplemental sections.)
   e. Utilities to include sewer, water, telephone, electric, cable TV, etc. (See Supplemental Section 616)
   f. Common property ownership and the creation of an owner's association.
   g. Sign size, location, lighting, etc. (See supplemental section on signs.)
   h. Recreational uses, active and passive.
   i. Buffers, natural and man-made as necessary.
   j. Clustering of development as specified in the area requirements.
   k. Other reasonable and appropriate conditions as deemed necessary by the Permitting Board. (See supplemental section on development conditions.)

2. Site Plan Review Conditions - See site plan review section.

SECTION 605: SHOPPING CENTER

A. Purpose - Commercial shopping centers or malls in districts where allowed shall be subject to Special Use Permits and where 5,000 or more square feet of floor space is being proposed, site plan review requirements shall also apply. Each development proposal shall be evaluated on its own merits with reasonable conditions attached.

B. Conditions - The following shall be considered for inclusion, where appropriate -

1. Special Use Permit Conditions -
    a. Safe ingress and egress.
    b. Alleys, fire lanes, and all other means of fire equipment movement shall be adequate for year-round movement.
    c. Dry hydrants shall be required where year-round access to pond, stream, or other source of water for fighting fires is not available.
    d. Sufficient parking in accordance with the supplemental section on parking.
    e. Loading and unloading spaces in accordance with the supplemental section on loading.
    f. Signs shall be in conformance with the supplemental section on signs.
    g. Buffers, either natural or man-made, shall be required where a conflict of uses needs to be reduced to acceptable levels.
    h. Trash should be handled in accordance with the supplemental section on trash.
    i. Other reasonable and appropriate conditions as deemed necessary by the permitting board. See supplemental section on development conditions.

2. Site Plan Review Conditions - See Site Plan Review section.

SECTION 606: HOME OCCUPATIONS

A. Purpose - To preserve the residential character of neighborhoods, Home Occupations shall be controlled to various degrees dependent upon the density of development of a neighborhood and the planned use of the area as designated by the Zoning District.

B. Applicability –

Distance in Feet from Home Occupation to Adjacent Owners Parcel

District Name	Distance In Feet	Most Limited	Limited	Moderately Limited	Least Limited
R1, R2					
	Less than 20	x			
	20-49		x		
	50+			x	
AR					
	Less than 50		x		
	50-149			x	
	150+				x
A1					
	Less than 50		x		
	50-149			x	
	150+				x

C. Conditions -

Category of Home Occupation

Condition	Most Limited	Limited	Moderately Limited	Least Limited
Floor Area - Maximum (% of Living Space)	10%	15%	20%	25%
Use of Accessory Bldg.				
Existing Building Only	No	No	Yes	Yes
New Building	No	No	No	Yes
Use of Land Outside of Structure (% lot)	0%	0%	0%	1%
Use of Non-household Equipment	No	No	Yes	Yes
On Premise Sale of Goods to Client	No	Yes	Yes	Yes
On Premise Service to Client	No	Yes	Yes	Yes
Max. # Clients at One Time	0	1	3	No Limit
Number of Employees (Non-family)	0	1	2	3
Outside Display of Goods	No	No	Yes	Yes
Signs Allowed	No	Yes	Yes	Yes
Location	N/A	On Dwelling	On Dwelling	Anywhere
Size (Square Feet)	N/A	5	15	25
Number	N/A	1	1	2
Hours of Operation May Be Specified	Yes	Yes	Yes	Yes
Parking Required (Sufficient for Peak Demand)	None	Yes	Yes	Yes
Minimum Spaces Required	0	1	2	3
Effects on Character of Neighbor-				
hood (Nuisances, etc.)	None	Minimal	Minimal	Some
Permit Required	None	Special Use	Special Use	Special Use

D. Preexisting Home Occupations - Home occupations legally existing at the time of enactment of this Law shall not generally be required to comply with the above conditions. However, where there is clear evidence that a nuisance is present due to an increased level of activity or a substantial change in the nature of the home occupation, then the use shall be subject to a Special Use Permit proceedings and any of the above conditions may be imposed on the use if reasonably possible. Compliance shall take place within the period specified by the Permitting Board but shall be no greater than 6 months.

SECTION 607: HOUSEHOLD SALES

In order to preserve the character of neighborhoods, garage and other similar type of noncommercial sales (lawn sales, household sales, etc.) shall be subject to the following conditions:

A. Frequency - Sales shall be limited to three (3) periods of three (3) days each per year per property owner.

B. Signs - Refer to supplemental sign section.

C. Fees - No fees shall be charged for household sales and permits are not required.

SECTION 608: ROADSIDE STAND (SEASONAL)

A. Purpose - In order to minimize traffic safety problems associated with retail sales at roadside stands, the following regulations shall apply.

B. Definition - For the purposes of this Law, roadside stands shall consist of two (2) types, general roadside stand and limited roadside stand.

l. General Roadside Stand - Produce sold but not necessarily grown on premises where stand is located.

2. Limited Roadside Stand - All produce grown on the premises (lots) where the stand is located and are sold only by the owner(s) of said premises. Also, the stand may only be located at the sales location during the produce sales season.

C. Minimum Conditions:

	Limited Standards	General Standards
1. Type standard construction	Removable	Permanent
2. Year around operation possible	No	Yes
3. Some produce from off premise	No	Yes
4. Employees other than owner and relatives	No	Yes
5. Type permit	None	Special Use

6. Requires safe entry and exit with good line of sight	Yes	Yes
7. Sufficient off-street parking to cover peak periods	Yes	Yes
8. Signs allowed in accordance with sign section	Yes	Yes
9. Maximum sign size	16 Sq. Feet	100 Sq. Feet
10. Hours of operation specified	No	Yes
11. Section 601 Conditions can be imposed	No	Yes

D. Preexisting Roadside Stands - All stands utilized in the 24-month period prior to the effective date of this Law shall be exempt from all regulations found in this section. However, any expansion or alterations shall be subject to regulations of this section.

SECTION 609: DRIVE-IN BUSINESS

A. Purpose - Traffic safety shall be the primary purpose in designing drive-in businesses.

B. Definition - Drive-in establishments shall include those businesses designed to either wholly or partially provide services to customers while in their automobiles parked on the premises.

C. Conditions - Drive-in establishments shall be allowed in districts where they are listed and the following conditions shall be considered prior to granting the permit:

1. Supplemental section on General Conditions; and/or

2. Traffic safety;
   a. Provisions for traffic to "back up" off of public streets shall be provided.
   b. Safety entry and exit shall be provided with only 1 entry and exit point.
   c. Proper parking, which allows convenience and safety, shall be provided.
   d. Pedestrian safety shall be considered when constructing the facility and parking spaces.

3. Location considerations will be analyzed to insure that the character of the neighborhood will not be significantly diminished.

4. Hours of operation.

5. The need for buffers, especially when situated near residential structures.

SECTION 610: PONDS

A. Purpose - In order to minimize traffic safety problems associated with ponds inappropriately

located near roadway and to reduce the probability of creating an attractive nuisance in densely populated areas, the following conditions shall apply.

B. Conditions -

1. Traffic Safety -

a. Setback - All ponds constructed shall be set back a minimum of 50 feet from the right-of-way of any roadway.

b. Location - New ponds shall be located in such a manner so as to minimize the likelihood of accidental vehicular access (e.g., avoid locating at the end of a dead end or "T" roadway).

c. Area Requirements - All area requirements (except front yard) for the district in which the pond is proposed shall be met in locating the pond.

2. Water Safety – In Zoning Districts Residential (R1), or Lakeside Residential (R2) in areas where there are one (1) or more neighboring housing units within 100 feet of the proposed site for the pond, one of the following shall be accomplished:

a. Fence - As a minimum a four (4) foot high security fence shall completely surround the pond, or

b. Slope - The pond shall be designed such that the slope from the shore 10 feet towards the center of the pond shall be a maximum of 25% (three (3) feet of drop per 12 feet of run).

SECTION 611: LAKESHORE REGULATIONS

The following regulation shall apply to parcels located adjacent to Findley Lake. In cases of conflict with other regulations, the most stringent shall apply.

A. Setbacks - No principal structures intended for inhabitation shall be permitted within 50 feet of the shoreline based on high water levels. Refer to general provisions section on established front yards.

B. Accessory Buildings - Accessory Building not utilized for inhabitation shall be allowed "By Right" when set back 50 feet or more from the shoreline based on high water levels. Accessory buildings less than 50 feet from the shoreline shall be allowed by Special Use Permit with consideration given to the following:

1. Visibility from adjacent parcels.

2. Structure is sufficiently anchored to prevent movement due to wind, high waters, etc.

3. Structure does not extend beyond the natural high-water shoreline.

4. Other reasonable conditions deemed necessary.

C. Break Walls - Any modifications of a shoreline shall be in accordance with Corps of

Engineers regulations and New York State Department of Environmental Conservation.

D. Fences - Any fence established within 50 feet of the shoreline (based on high water level) shall be by Special Use Permit only. No fence shall extend out into the lake. Consideration shall be given to the supplemental section on fences; and the following:

1. visibility from adjacent parcels,

2. height of fence,

3. type of fence, and

4. other reasonable conditions deemed necessary.

5. pre-existing fences over four (4) feet in height shall be subject to a Special Use Permit review to determine if there is a nuisance associated with the fence. If a nuisance exists, it shall be corrected within a reasonable time period as determined by the Permitting Board.

E. TV Dish Antennas - In addition to complying with the supplemental regulations on TV dish antennas, any TV dish antenna proposed to be located on a parcel of land contiguous to a lake must not be located between the lake and the primary structure. This requirement shall apply to primary and contiguous secondary vacant lots.

F. Docks – All docks shall require a building permit. Docks shall not extend into the lake-bed more than 25 feet from the normal high-water mark and may be placed up to and along a line created by extending the property boundary line into the water provided that the dock does not interfere with the free and direct access to the water of a neighboring property owner.

G. Findley Lake Watershed Foundation - In addition to the regulations in this section, Findley Lake Watershed Foundation regulations with respect to water level and water level change dates as well as all Town of Mina ordinances shall apply.

SECTION 612: PARKING

A. Purpose - Off-street parking space(s) with a proper and safe access shall be provided within a structure or in the open to serve adequately the uses on each lot within the district. Any application for a building permit for a new or enlarged building structure or change in use shall include with it a plot plan drawn to scale and fully dimensioned, showing any parking in compliance with the regulations of this Law. However, in existing Business Districts, parking shall only be required to be provided for new development where it is reasonably possible.

B. Size Requirements - A required off-street parking space shall be an area of not less than 162 square feet, not less than nine (9) feet wide by 19 feet long, exclusive of access drives or aisles, ramps, columns, or office and work areas. Aisles between vehicular parking rows shall not be less than12 feet in width when serving automobiles parked at a 45-degree angle in one (1)

direction not less than 20 feet in width when serving automobiles parked perpendicular to the aisles and accommodating two (2) way traffic.

C. Street Access - Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic.

D. Location - No parking space nor portion thereof established on the same zoning lot with a building shall be located within a required front yard and no parking spaces nor portion thereof established on a lot without a building shall be located closer to any street line than the front yard setback requirements of this Law in the same manner as a building or structure. The aforementioned required setbacks shall not be applicable to Commercial District, nor to residential driveways which may be used for parking. For nonresidential off-street parking, the Municipal Board may, upon request by the applicant, allow certain parking spaces off the applicant's property but within 500 feet of said property to be included as part of the required spaces.

E. Material Composition - All open off-street parking space and access areas, except those that are accessory to single-family dwellings and duplexes, shall be surfaced with some all-weather low dust materials such as stone, gravel, or macadam.

F. Number of Spaces - The following parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each use which, after the date when this Law becomes effective, is erected, enlarged, or altered for use for any of the following reasons:

Uses	Minimum of one (1) Space Per
One-Family Residence & Mobile Home	Dwelling Unit
Two Family Residence	Dwelling Unit
Multi-Family Residence	Dwelling Unit
Church	5 Fixed Seats
Home for Aged	3 Residents
Elementary School	20 Students
High School & College	12 Students
Library	1,000 Sq. Feet
Places of Assembly inc., Convention & Dance Halls	200 Sq. Feet
Club, Lodge (Without Sleeping Accommodations)	Each 5 capacity of hall
Places Providing Sleeping Accommodations, including Hotels, Motels, & Tourist Homes	Sleeping Unit
Mortuaries or Funeral Parlors	1/8 Viewing Room plus 1 for Every Employee

Offices, Banks	100 Sq. Ft Floor Area
Food Market	200 Sq. Ft Floor Area
Eating & Drinking Establishments	4 Seats or one (1) for each 200 Sq Ft area which is more
Bowling Alley	Alley
Other Commercial	300 Sq. Ft Sales Area
Industrial	Employee (Max. Work Shift)
Other Uses not Listed Above	500 Sq. Ft Floor Area

SECTION 613: LOADING AND UNLOADING

A. Purpose - Off-street loading and/or unloading spaces for non-farm commercial vehicles while loading and/or unloading shall be provided for new uses where it is deemed that such facilities are necessary to serve the use or uses on the lot. At least one (1) off street loading and/or unloading space shall be provided for all commercial establishments in excess of 7,500 square feet of floor area.

B. Conditions:

1. Size - Each loading and/or unloading space shall be at least 14 feet wide, 60 feet long and shall have at least a 15-foot vertical clearance; shall have a 60-foot maneuvering area. Refer to Variance Section where this requirement cannot be met.

2. Use of Parking Spaces - Generally parking space shall not be used for loading and/or unloading purposes except during hours when business operations are suspended or if pedestrian and vehicle traffic will not be obstructed. However, the Permitting Board may allow the use of parking spaces when it is determined that the effects will be minimal.

3. Design - Loading and/or unloading facilities shall be designed so that trucks need not back in or out, or park in any public right-of-way. No truck shall be allowed to stand in a traveled roadway or pedestrian walkway or in any way block the effective flow of persons or vehicles. The loading and/or unloading area shall have an all-weather surface to provide safe and convenient access during all seasons.

C. Preexisting Uses - Any commercial use existing as of the effective date of this Law shall not be subject to this section. However, any existing use which is changed to another more intensive commercial use shall be evaluated at a public hearing to determine if portions of this section shall apply.

SECTION 614: SIGNS

A. Purpose – Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Section is to regulate all signs within the Town of Mina to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare.

B. Permit Required – Signs shall be allowed only by issuance of a Town of Mina sign permit as stipulated in this section. No person shall erect, alter, enlarge or relocate any sign without first obtaining a permit from the Town of Mina Code Enforcement Office. Within six (6) months following the effective date of this local law, a permit shall also be required for any sign in existence as of the effective date of this local law. No permit shall be required for the general repair or maintenance of any permitted sign or for signs that are determined to be exempt.

C. General Sign Standards – The following general standards shall be adhered to for all signs:

- Every permitted sign must be constructed of durable materials and maintained in a safe, legal, and undeteriorated condition at all times.
- Signs that advertise products or services no longer produced nor in business shall be removed within thirty (30) days after cessation of an active business or discontinuance of a product or service.
- Sign construction and maintenance – All signs, other than those defined as temporary/portable signs, shall be securely attached to a building or a structurally sound support, and their display surface shall be kept neatly painted or finished and in good repair at all times.
- No sign shall be placed on a public right-of-way, project into a public right-of-way, or be a hazard to traffic or pedestrians, obstruct any door, window, ventilating system or fire escape, or cause any other hazard to public safety.
- Externally illuminated signs, including building identification signs, shall only use shielded light fixtures.
- In accordance with New York State Law, Sections 52, 86 and 88 of the Highway Law and New York State Rules and Regulations (17 NYCRR Part 150), Town of Mina approval shall in no way eliminate the need for a permit from the New York State Department of Transportation (NYSDOT) for signs visible from a New York State certified primary highway system and that fall under the Sign Control Program.
- All signs will be professional in appearance and in harmony with its zoning district.

D. Exempt Signs – The following signs shall be exempt from the provisions of this section unless those signs are designated as prohibited:

- Signs mandated by statute, law or governmental regulation.

- Public Signs, Notices or Emblems such as directional, street, traffic or gateway signs installed or authorized by governmental agencies.
- Personal Expression Signs – of any sign type provided that they do not exceed three (3) square feet in area per side, are non-commercial in nature, and are not illuminated.
- "Private Drive" signs – One sign per driveway entrance, not to exceed two square feet in area.
- "No Trespassing" signs posted in accordance with state law.
- Legal notices.
- Memorial signs, public monument or historical identification signs erected by the Town of Mina.
- Temporary/portable signs that are displayed for no more than 30 days in a calendar year, provided that they do not advertise an off-premise business, service, or product and do not exceed three (3) square feet in area per side, and are not illuminated.

E. Prohibited Signs – No signs may be installed or maintained along and visible from a street, highway, or navigable body of water in the Town of Mina per the following:

- Signs that are located, extend into, or are placed across a public right-of-way unless written permission is received from the Mina Town Board before applying for a permit.
- Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, or attempt or appear to attempt to direct the movement of traffic.
- Indecent, pornographic, or defamatory signs that malign or belittle, any of the following, but not limited to: a person, product, institution, practice or belief and does not exceed the common limitations or boundaries to freedom of speech such as libel, slander, obscenity, pornography, sedition, incitement, etc.
- Non-licensed vehicles, including motorized and non-motorized water vessels, that are not actively used for transportation and are parked or moored for use as signs.
- Signs painted, pasted or similarly posted directly on the surface of any wall, fence or standard facing the side of any adjoining lot located in Residential Zoning Districts (R1 and R2).
- Mechanical movement signs, including revolving, flashing, intermittent or moving lights or signs with any moving or animated parts, display a changing illuminated message board, animation, or signs that scroll or flash text or graphics except traffic control signs.
- Pennant strings and streamers unless for a special public event and not for commercial use.
- Inflatable or kinetic devices or balloon signs, with the exception of inflatable devices used in temporary, non-commercial situations.

- Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, signals or pedestrian traffic.
- Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
- Signs incorporating beacon or festoon lighting.
- Roof mounted signs.
- Signs that advertise a business, a service, or a product in residential zoning districts R1 and R2 with the exception of a permitted home occupation.
- Signs attached to a public light standard, utility pole, or tree.
- Signs in Residential Zoning Districts R1 and R2, except for:
- Signs listed as exempt from the requirements of this Section,
- Signs associated with a home occupation, provided that such signs apply for and receive an approved permit and meet the requirements of this Section, or
- Signs associated with the sale of a home, business, or property, provided that the signs do not exceed three (3) square feet in area per side and are not illuminated.
- Signs that extend an advertising message over more than one (1) sign placed along a street or highway.
- Internally illuminated signs in residential zoning districts R1 and R2 and business districts B1, B3 and B4.

F. Specific Sign Regulations –

- Traffic and directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the subject lot.
- Freestanding Signs – All freestanding signs, whether ground, monument or pole/pylon, shall comply with the following standards:

  • Only one freestanding sign, which may be double-faced, shall be permitted for the primary frontage of a property on a public street. Two freestanding signs shall be allowed on street frontage when the property is a corner lot and the property is accessed from two different streets.

  • The following matrix displays minimum distance from the road or adjacent property rights–of–way, maximum height and maximum area requirements of freestanding signs for specific zoning districts. Freestanding signs are prohibited in residential zoning districts (R1 and R2) unless associated with an approved permit received for an on-premises home occupation/home business sign.

Zoning District	Minimum Distance (#1 below) from road right-of-way or adjacent property line (linear feet)	Maximum Height (#2 below) (feet)	Maximum Area (#3 below) (square feet)
R1, R2 (Permitted Home Occupation)	Road/Highway (15)	Ground (5) Monument (5) Pole/Pylon (5)	Ground (12) Monument (12) Pole/Pylon (12)
B1, B2, B3, B4, A, AR	Road/Highway (15) Adjacent Property: Nonresidential Use (50) Residential Use (450)	Ground (10) Monument (5) Pole/Pylon (20)	Ground (32) Monument (32) Pole/Pylon (48)

• Only one freestanding sign, which may be double-faced, shall be permitted for the primary frontage of a property on a public street. Two freestanding signs shall be allowed on street frontage when the property is a corner lot and the property is accessed from two different streets.

• Minimum distance from the road right–of–way or from an adjacent property line shall be measured horizontally from the point on the sign or mounting structure closest to the road right–of–way or property line.

• Maximum height shall mean the tallest point on the sign or structure and shall be measured from ground elevation immediately below the sign. A freestanding sign shall not restrict the visibility of vehicles entering or leaving any intersection or driveway, Town, County or State Highway, or private road.

• Maximum area shall mean the entire area, including negative spaces, within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of the sign.

- Building Signs – Signs attached to a building shall comply with the following standards:

  • The maximum sign area for B1, B2, B3, B4, A and AR, in square feet, shall not exceed 10% of the building face area. The maximum sign area for R1 and Rs shall not exceed four (4) square feet. Multiple signs are permitted, provided that total sign area does not exceed the maximum described in this subsection.

  • Signs shall not project above the highest point along the face of the building.

  • Signs shall not extend more than three (3) feet from a building wall and shall have a maximum area of 15 square feet. Maximum area shall mean the entire area, including

negative spaces, within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of the sign.

• Signs projecting from buildings shall be placed so that their lowest point shall be at least eight (8) feet above ground level.

• Projecting signs exceeding fifty (50) pounds in weight shall not be attached to or supported by framed buildings or the wooden framework of a building. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting signs be hung or secured to any other sign.

• One sign, not exceeding six square feet in area, may be hung under a roof overhang perpendicular to each storefront or from a building.

• Traditional awning signs are prohibited in R1 and R2 but shall be allowed in B1, B2, B3, B4, A and AR subject to the following:

  • They shall not extend beyond a point two (2) feet inside the curb line.

  • The lowest part shall not be less than eight feet above grade.

  • Awnings shall be constructed of cloth or metal; however, all frames and supports shall be of metal. Every awning shall be securely attached to and supported by the building.

  • Canopies shall be constructed of cloth, metal hood, or other approved materials. The framework of all canopies shall be approved by the Code Enforcement Office.

  • No advertising shall be placed on any awning or canopy, except the name of the owner and the business, conducted within the premises, and such advertising may be painted or otherwise permanently placed in a space not exceeding eight inches in height on the front and side portions thereof.

- Off-Premise Signs – Businesses operating with the Town of Mina shall be allowed to place a maximum of four (4) off-premise directional signs and one (1) advertising sign. Businesses that operate outside the Town of Mina shall be allowed to place a maximum of one (1) off-premise advertising sign.

  • Off-premise advertising signs shall only be allowed in B2, A, and AR Zoning Districts.

  • No off-premise advertising sign can be any closer than fifty (50) feet from another sign or a business use property line or 450 feet from a residential use property line.

  • For off-premise advertising signs, each exposed face or side of a sign shall be considered a separate sign.

  • For off-premise advertising signs, only one (1) business name shall be permitted to be affixed to each sign.

  • For off-premise directional signs, the sign may not exceed four (4) square feet and may only indicate the name, logo, and direction of the business.

- For off-premise signs, the structure shall consist of a metal or wooden frame capable of securely and safely displaying the sign.

- Billboards – Billboards shall only be allowed in B2, A, and AR Zoning Districts.
  - Billboards must be in compliance with New York State Department of Transportation Highway Sign Program, the Federal Highway Beautification Act and the Federal Scenic Byway Program.
  - A maximum of 300 square feet for each sign. Two (2) billboards may be permitted on the same site location facing the same direction provided that they are immediately adjacent to each other and their total combined advertising area does not exceed the maximum allowable area for a single sign.
  - A maximum height of thirty (30) feet as measured from grade level to the top of the sign or any part of its structure.
  - Billboards must be a minimum of 450 feet from any residential dwelling unit's lot line.
  - Billboards must be located at least 200 feet from any other billboard location.

G. Application for Permit –

- All signs in the Town of Mina, except those listed in the exempt signs section, shall require a sign permit that is issued by the Code Enforcement Office and approved by the Town of Mina Planning Board.

- Prior to the issuance of any sign permit, as cited above, for the erection, alteration, or enlargement of a sign, application for such sign permit shall be made to the Code Enforcement Office, together with a map or plan of such sign showing the following information:

  - The design of the sign proposed to be erected, altered, or enlarged.
  - A photograph of the property showing the exact location of the placement of the proposed sign.
  - A plan drawn to scale, as well as description of the sign, sign structure and placement shall be included with the application for a permit.
  - A written statement showing the name of the owner or of the person in control of the building or premises where such sign is to be located and the right or authority of the applicant to obtain a permit.
  - The contact information of the applicant and the owner of the building, structure, or land upon which the sign is to be erected.
  - The written consent of the owner of the building, structure, or land upon which the sign is to be erected, in the event that the applicant is not the owner thereof.
  - Every permitted sign shall bear the permit number, permanently and visibly displayed. Failure to do so shall constitute cause for revocation of the permit.

- The term of such permit shall extend through the useful life of the sign unless otherwise indicated in this law. A new permit shall be required if:
- Changes to the design, copy, structure, size or supporting structure is no longer consistent with the original application.
- The name of the business or type of business is no longer consistent with the original application.
- The original permit is found to be in violation under the provision of this or any other section.
- The permit fee, as determined by the Mina Town Board, is required to be submitted with the application.

H. Enforcement –

- If the Code Enforcement Office shall find that any sign regulated in this law is not used, is not in compliance with this or any other law, is abandoned, unsafe or not secure, or is a nuisance or menace to the public, the Code Enforcement Office shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days of the date of notice. If the sign is not repaired or removed within said time period, the Code Enforcement Office shall revoke the permit issued for such sign, and may remove the sign and may assess the property owner for all costs incurred for such service.
- The Code Enforcement Office may, without giving notice, may remove or order the immediate removal of any temporary/portable sign, exempt or non-exempt, in violation of this code.
- The Code Enforcement Office may, without giving notice, order the immediate removal of any sign that presents an immediate danger to the public because of its unsafe condition. The Code Enforcement Office shall revoke the permit issued for such sign, and may remove the sign and may assess the property owner for all costs incurred for such service.
- Fees and fines shall be imposed in accordance with a schedule established by the Mina Town Board.

SECTION 615: FENCES/WALLS

A. Purpose - For the purpose of protecting properties adjacent to fences and walls from indiscriminate placement, unsightliness, related health and safety problems, etc., the following rules and standards shall apply:

B. Definition - Fences shall, for the purpose of this law, include hedges and walls and is further defined in Section 202.

C. Regulations - Fences and walls shall be allowed by permit in any district and shall conform

to the regulations which follow:

1. Exempt Fencing - Fencing used for agricultural purposes on farms (see definition) shall be exempt from all regulations except for maintenance requirements detailed below. Additionally, non-boundary fencing located more than 25 feet from any property line shall be exempt.

2. Permits - Fences shall be allowed up to 4 feet in height by "No Permit". Fences above 4 feet in height shall require a Special Use Permit and consideration will be given to visibility from adjacent properties, light and air movement, etc.

3. Setback from Road - Fences shall not be located within legal highway rights-of-way.

4. Proximity to Neighboring Properties - All fences, walls, and/or hedges shall be located no closer than 2 feet from adjacent property lines. This rule can be waived if agreed to in writing by adjacent property owners.

5. Fire Hazard - Any fence considered to be flammable shall be prohibited. Also, any fence in a potentially hazardous location shall be not allowed.

6. Finished Sides - The finished sides of all fences must face adjacent properties. This rule can be waived if agreed to in writing by adjacent property owners.

7. Materials - Only durable materials generally used and accepted by the industry shall be used for fences.

8. Maintenance - All fences shall be maintained structurally and visually.

9. Lakeshore Fence - See supplemental section on Lakeshore Regulations.

10. Corner setbacks - Fences, walls, and/or hedges shall not be located so as to cut off or reduce visibility at intersections. (See Section 506 on Visibility in Article V).

SECTION 616: TV DISH ANTENNAS

A. Purpose - The purpose of this section is to protect the aesthetic values of the community and the health and safety of its citizens. This section recognizes that the most visible parts of our environment are the public streets and the abutting front yards, and that the appearance of these areas largely sets the character and quality of our environment. Large TV dish antennas are intrusive and incompatible elements when installed in front yards and seriously impair the aesthetic qualities of residential streets and properties. Further, dish antennas in highly visible and accessible locations are an attractive nuisance for small children who might attempt to climb and play on them, and a tempting target for vandals; particularly during dark hours. Therefore, it is the intent and purpose of this section to require that TV dish antennas (over 4 feet in diameter) be located inconspicuously.

B. Conditions -

1. Location of Large TV Dish Antennas over four (4) feet in diameter - Primary structure area standards (front, side, and rear yards) shall be met. Large dish antennas shall not be located in a front yard and they shall be as inconspicuously located in relation to adjacent structures as is reasonably possible.

2. Advertising - Advertising located on the dish shall be limited to identification lettering of the business that sold the dish to the landowner.

3. Lakeshore Lots - See supplemental Section 611 on lakeshore regulations.

SECTION 617: SOLAR SYSTEMS

Refer to separate Town of Mina law on Solar Systems.

SECTION 618: GRAVEL OPERATIONS

A. Purpose - Gravel pits not regulated by the NYSDEC shall be regulated by this section, the purpose being to limit the nuisances associated with gravel pits and insure that adjacent residential neighborhoods are protected. See the definition of gravel pit, small.

B. Conditions - In districts where small gravel pits are allowed, the following conditions shall be considered:

1. Equipment Location - The placement of power activated sorting machinery, blasting, stockpiling, etc., shall only be as close to residential structures on adjacent parcels as is necessary. In determining the minimum distance, the following will be considered:
   a. type of machinery and potential nuisances associated with it;
   b. density of development in vicinity;
   c. prevailing winds;
   d. size of operation or number of trips per day; and
   e. attitudes of adjacent property owners.

2. Fencing - Fences may be required for public safety as determined by the Permitting Board. Consideration will be given to the topography, type of operation, and equipment being used, size of the lot, population density, and any other reasonable characteristic.

3. Restoration - All gravel pits shall be restored to a safe and an aesthetically pleasing state within two (2) months after termination of the operation. Termination shall be considered to have taken place when no gravel and sand has been extracted for a one (1)-year period and there is no intention of reactivation of the site. A Special Use Permit shall be required to keep a site in an active status after no reasonable amount of activity has taken place for five (5) years.

SECTION 619: GAS COMPRESSORS

A. Purpose - Gas transmission compressors are capable of producing unacceptable environmental intrusion, especially where residential uses are prevalent. In order to avoid unreasonable use of property resulting in substantially reduced use-value of adjacent inhabited or non-inhabited properties, this section shall regulate the location and installation of all gas compressors not under the jurisdiction of the NYS Public Service Commission. Generally, the section is intended to preserve and protect the general welfare, health, and safety of the public while still promoting the transmission of natural gas in a reasonable environmentally acceptable manner.

B. Administration -

1. Permit Requirements - In districts where gas compressors are permitted, a Special Use Permit shall be required for the placement of a new gas compressor.

2. Preexisting Gas Compressors - All gas compressors existing or being constructed at the time of enactment shall be subject to the following conditions as listed below: C2c, Maintenance; C2d, Barriers; and C3, Identification Signs. These conditions shall be considered at a public hearing held a minimum of 30 days after the owner of the compressor station is notified in writing. All owners of parcels as well as renters within 2,000 feet of the proposed/existing gas compressor shall be notified in writing of the public hearing. Compliance shall take place within two (2) months of receipt of a written decision by the Permitting Board. A longer compliance period may be granted by the Permitting Board if the cost of the alterations is significantly high.

C. Conditions - All gas compressors shall be located and designed such that the nuisances associated with the use shall be minimized. It shall be unlawful for any person or firm to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injuries, or endangers comfort, repose, health, peace or safety to others. The following specific conditions shall be met:

1. Location - The site shall be appropriately located with consideration given to predominant wind direction, topography, location of dwelling units, and any other reasonable conditions as deemed necessary by the Permitting Board.

2. Noise Levels -

a. Easement - All new gas compressors covered by this section must be located such that lands subject to a 40 decibels or higher noise level produced by a new compressor shall be covered by a noise easement clearly delineating the maximum noise level allowed at any inhabited dwelling unit or proposed site of a dwelling unit. Preexisting leases shall not negate the requirement for a noise easement as described above.

b. Certification of Noise Level - Prior to being granted a permit for the

placement of a gas compressor, the owner of the proposed compressor shall be responsible for verifying the compressor and quieting devices (silencer, low speed fan, barriers such as walls or berms, etc.) as proposed will meet the specified decibel level requirements. A certified noise consultant must certify in writing that the requirements will be met. Additionally, after placement of the compressor is completed along with the specified quieting devices the same certified noise consultant must verify that the 40 decibels requirements are not exceeded. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.

c. Maintenance - The compressor and quieting devices must be properly operated and maintained such that the noise level will not rise above the specified permissible levels. If it becomes apparent to the Permitting Board that the noise levels are not in compliance, the Board may require the owner of the compressor to do corrective maintenance and again, at the owner's expense, have the compressor noise level verified by a certified noise consultant. This certification must be accomplished within 30 days or the compressor shall be only operational during daylight hours until it is brought into compliance.

d. Barriers - Where it is deemed necessary, either a natural or man-made acoustical barrier may be required for the purpose of minimizing the nuisances associated with a gas compressor. In extreme cases, where no alternative is available, a fully enclosed acoustically designed structure may be required.

3. Identification Sign - Each gas compressor shall be identified with a conspicuously placed sign identifying the compressor, its location and the name of the person/company responsible for the unit in case of emergency. Additionally, a 24-hour emergency telephone number should be included.

4. Other - Any other reasonable conditions as deemed necessary by the Permitting Board.

D. State Environmental Quality Review Law - All permit requests for gas compressors shall be subject to an environmental review, in accordance with state law. No zoning permit shall be granted until this environmental review has been accomplished by the municipality.

SECTION 620: VEHICLE DISMANTLING, SCRAP AND JUNK YARDS

A. Purpose - This Section exists in order to ensure that dismantling and junk yards are designed safely with least amount of impact on the surrounding neighborhood.

B. Conditions - Prior to the granting of a Special Use Permit, assurances will be received that the following conditions, will be met:

1. Fences –

a. Yards shall be completely surrounded with a fence for screening and security purposes of at least 8 feet in height. However, where the Permitting Board determines that the character of the neighborhood does not require aesthetic screening or security fencing, this 8' fence requirement can be waived to any degree for the side and rear yards.

b. There shall be located a gate in the fence which shall be kept locked at all times except when the vehicle dismantling or scrap yard is in operation.

c. The fence shall be located a minimum of 50 feet from adjacent public highways.

d. All storage, dismantling, and work on the vehicles or scrap shall take place within the fenced area.

e. The type of materials used shall be generally accepted by the industry and commonly used as fencing material. Fences shall be permanent and substantial.

f. Fences shall obscure or screen, adequately, the contents of the yard.

g. Fences shall be well-maintained and aesthetically pleasing.

2. Location Considerations –

a. Yards shall only be allowed in the Agricultural (A1) Zoning District.

b. Yards shall be allowed where there will be a minimum negative effect on the character of existing neighborhoods.

c. No yard shall be permitted within 500 feet of a church, school, public building, or other place of public assembly.

d. Yards shall not be permitted to be located upon areas where an eight (8) foot fence will not reasonably screen the contents from adjacent highways or properties.

3. Off-street Parking –

a. Sufficient off-street parking shall be provided for customers.

4. Fire Safety -

a. The fire department shall be notified prior to the granting of a Special Use Permit for a yard and be given 30 days within which to make recommendations.

b. Inside, adjacent to the contiguous with the fence, a strip of land at least 10 feet wide shall be kept clear of all dry grass or other growth or combustible material so as to provide a fire lane around the whole area.

c. There shall be maintained at least one (1) fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and visible.

d. All vehicles and scrap and junk shall be disassembled by means other than burning. It shall be arranged in neat rows so as to permit easy, clear passage through the area.

5. Visual Considerations -

a. There shall be no stacking of vehicles, scrap or junk above eight (8) feet in height from the ground. However, vehicles and scrap which have been crushed may be loaded on to the bed of a truck where they will be removed from the premises within a reasonable time period.

b. An appropriate buffer shall be established between adjacent properties.

6. Minimum Lot Size –

a. Adequate acreage shall be available to handle present and future needs of proposed yards.

7. Other Considerations –

a. Suitable sanitary facilities shall be provided in accordance with State Health Laws.

b. Inspection of yards shall be allowed at any reasonable time to ensure compliance with this and other laws.

c. Reasonable hours of operation may be specified.

d. Other reasonable conditions may be imposed as is deemed necessary.

C. Pre-existing Yards - Yards in existence prior to June 2001 shall be subject to the following: B1a, Fence; B1b, Gates; B1c, with the exception that the minimum distance is 25 feet and not 50 feet; B1d, on location; and B5a, Visual Considerations, above. Compliance shall take place within a six (6) month period of time. In addition, any expansion or enlargement of any preexisting yards shall be subject to all of the regulations of this Law when they can be reasonably enforced as determined by the Municipal Board.

SECTION 621: HEAVY VEHICLES

A. Purpose - This section has as its main purpose the preservation of densely developed neighborhoods and particularly the elimination of noise from diesel engines and air conditioning units caused by large commercial truck parking. Visual intrusion into residential neighborhoods is also a primary concern.

B. Regulations in districts where permitted - Heavy vehicles shall comply with the following regulations:

1. Location - Heavy vehicles shall be allowed to park in district under the following conditions:

a. The vehicle is not parked on a road or in a public road right-of-way.

b. The vehicle is located a minimum of 150 feet to the closest dwelling unit on adjacent parcels.

2. Location Waivers - In an emergency (e.g., truck breakdown) or for normal deliveries, the location requirements in B1, above, shall be waived for a maximum of 24 hours.

3. Night Operations - Diesels/compressors shall only be allowed to operate after dark if a nuisance is not created with nearby residences due to the noise.

SECTION 622: LARGE GROUP GATHERINGS

A. Purpose - In order to promote safe and healthy gatherings of large groups of people, as defined in the definition section, certain conditions shall be complied with as defined below.

B. Conditions - Prior to the granting of a Special Use Permit, the following will be taken into consideration:

1. traffic safety, parking, access;
2. noise;
3. health and sanitation;
4. character of neighborhood development density;
5. beverages to be served;
6. security and traffic control;
7. cleanup and restoration of land; and
8. other appropriate considerations.

C. Sponsor Responsibility - The sponsor of any large group gathering shall be responsible for compliance with any conditions which are specifically imposed as well as the overall conduct of the gathering.

D. Exemptions - Nonprofit and local civic group sponsored gatherings shall be exempt from permit fees.

SECTION 623: MOBILE HOME STANDARDS

A. Purpose - This section has as its main purpose the preservation of neighborhoods by insuring that mobile homes are placed properly with minimal aesthetic and safety standards implemented.

B. Conditions - In districts where mobile homes are allowed by Special Use Permit, all of the conditions listed below shall be considered prior to the granting of the zoning permit. However, in those districts where mobile homes are allowed "by right," a zoning permit will only be granted after the first three (3) conditions listed below (floor space, parking, and skirting) have been met.

1. Minimum Floor Space - The original "advertised" floor space for a mobile home, excluding add-ons shall be a minimum of 800 square feet.

2. Parking - Off-street parking spaces in accordance with the supplemental section on parking.

3. Skirting - Attractive, fire-resistant skirting shall be installed within six (6) months of when the mobile home is placed on the lot.

4. Location - Mobile homes shall only be allowed when they will not have a substantial negative effect on the existing character of a neighborhood.

5. Landscaping - Landscaping appropriate to the neighborhood shall be considered.

6. Additions - All additions shall be in accordance with the New York State Uniform Code and shall be compatible with the construction of the mobile home.

7. Storage - Miscellaneous garage and recreational items traditionally stored undercover shall not be stored outdoors. Appropriate storage shall be supplied.

8. HUD Requirements - All mobile homes (new and used) shall comply with Federal HUD construction requirements prior to being allowed to be placed on a lot.

9. Every permitted mobile home must be constructed of durable materials and kept in good condition and repair. Also, any mobile home which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or lessee of the property on which it is located.

10. Other Considerations - Any other reasonable conditions as deemed necessary by the permitting board shall be considered for inclusion. See supplemental section on general development conditions for a list of possible conditions to include.

SECTION 624: MOBILE HOME PARKS

A. Purpose - This section provides the various conditions which will ensure that a quality park will be designed which provides a safe, healthy and appealing environment for mobile homes, Special Use Permit required.

B. Conditions - Mobile home parks shall comply with the following standards:

1. Area and Setback Requirements –

a. Size - Parks shall consist of a minimum of five (5) acres and shall be designed for a maximum of five (5) units per acre overall.

b. Buffer - An appropriate vegetation or open space buffer shall be located around the perimeter of the park. Type and size of the buffer shall be determined by the density and type of adjacent uses and the need for separating the uses. As a minimum, a 25-foot buffer (open space or vegetation) shall be required with the Permitting Board determining the need for a greater buffer.

c. Setback - All mobile homes and other development shall be located a minimum of 100 feet from the edge of any public road. Mobile homes shall be setback a minimum of 20 feet from the edge of the park's private road.

d. Lot - Each mobile home shall be located on a lot which is a minimum of 5,000 square feet, and a minimum of 50 feet in width. The width requirement can be waived for corner lots.

e. Side Yard - Mobile homes to include enclosed additions shall be spaced a minimum of 25 feet from each other.

f. Floor Space - The minimum floor space allowed for a mobile home placed in a park shall be in accordance with area requirements for the district in which the park is located. Add-ons shall not be used in calculating the size.

2. Streets and Walkways -

a. Entrance and exits to the park shall be safety designed.

b. Private roads shall be a minimum of 16 feet wide and shall as a minimum be carpet coated, graveled, or paved, and be approved by the fire chief for use by emergency vehicles.

c. Private roadways shall be maintained in such a manner so as to permit safe travel year-round (e.g., free of snow and ruts.)

d. Walkways from the street to door shall be required in addition to a patio for each mobile home.

3. Parking -

a. Off street parking shall be provided with a minimum of 400 square feet for each mobile home with gravel, carpet coating, or paving being used.

b. Sufficient auxiliary parking shall be provided for trucks, boats, travel trailers, etc.

4. Recreation –

a. Open space and recreational areas shall be set aside and improved at central locations at a rate of 700 square feet per mobile home. They shall be maintained in a manner conducive to recreational use.

5. Skirting -

a. Mobile homes shall be skirted with an attractive fire-resistant material within 30 days from the time of setup.

6. Outdoor Storage - Due to the limited lot sizes and close proximity of mobile homes no outdoor storage of tools, materials, equipment, junk, or any other items, other than registered vehicles, or patio-related items shall be allowed. Where storage sheds are necessary to comply with this requirement, they shall be located in rear yards and out-of-sight to the greatest degree possible, substantially anchored, and well-maintained.

7. Drainage - The park shall be located on a well drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.

8. Location - Mobile home parks shall not be located in developed residential areas where their presence will result in a detrimental effect on the character of the neighborhood due to significant traffic increases for the existing residential streets.

9. Park Design - It is recommended that the design of the park not be barracks-like in nature and not be designed on the gridiron pattern with identical rectangular spaces. The angling of spaces and the clustering of mobile homes around cul-de-sacs could be considered. Should this latter type of design be hampered by the minimum area requirement, the Permitting Board shall have the authority to alter those requirements by up to 10%.

10. Lighting & Utilities - All driveways and walkways within the park shall be lighted at night with electric lamps of such candle power and so situated as may be directed by the Planning Board. It is recommended that consideration in each instance be given to

the construction of all utilities underground. It shall be required that all lines between the meter and lot be underground.

11. Accessory Retail or Service Uses - Accessory uses such as recreational facilities, convenience stores, laundromats, and mobile home sales/service, customarily associated with mobile home parks shall be permitted. However, the land utilized in this manner should not account for more than 5% of the total area of the park. Finally, no commercial character shall be visible from outside the park and such services shall only be allowed when the number of sites is sufficient to support these services.

C. Bond - At the discretion of the Permitting Board, the developer may be required to obtain an appropriate bond to insure compliance with conditions attached to the Special Use Permit/Site Plan Review.

SECTION 625: TEMPORARY DWELLING UNITS (RECREATIONAL VEHICLE)

A. Purpose - The primary purpose of this section is to limit the use of travel trailers and other temporary dwelling units to uses for which they are intended, namely, seasonal/recreational use. Ultimately, the protection of neighborhoods is promoted with respect to health and general quality. Commercial travel trailer parks are not subject to regulation under this section.

B. Inhabitation Time - Travel trailers, motor homes, and other similar uses may be inhabited by non-renters on a temporary basis in accordance with the following chart. No permit or fee is required unless the number of inhabitation days desired is greater than that specified, in which case a Special Use Permit must be requested.

District	Maximum Number of Days Inhabited Per Time Period
R1, R2	two (2) weeks per three (3) months
A1, AR, B2	four (4) weeks per three (3) months

C. Conditions -

1. Inhabitation - To be inhabited in Agricultural (A1) Zoning District, the travel trailer need not be located on a lot which contains an inhabited dwelling. For all other districts, the lot must have an inhabited dwelling. It is intended that travel trailers be generally inhabited by visitors/guests and not be residents of the principal dwelling unit.

2. Storage - A travel trailer may be stored (uninhabited) on any lot.

3. Setbacks - Front, side, and rear yard setbacks shall be met in the placement of the travel trailer.

4. Utilities - Permanent utility systems, used exclusively for temporary dwellings in residential or commercial districts, shall not be constructed.

5. Nuisances - Accessory dwellings may not be utilized in such a manner so as to cause a nuisance.

6. Field Offices - Contractors may use temporary dwellings for "field offices" after obtaining a permit. Additionally, temporary dwelling units may be utilized by owner/builders during the construction of a structure.

7. Maintenance - All travel trailers shall be maintained suitable for highway use.

SECTION 626: TEMPORARY MOBILE HOMES

A. Purpose - The control of mobile homes in districts primarily where they are normally not allowed is the primary goal of this section.

B. In Conjunction with Construction (Inhabited) -

1. Administration - A temporary Special Use Permit may be applied for in conjunction with the construction of a dwelling unit.

2. Conditions - The following conditions may be attached to the permit:

a. A time schedule for commencement and completion of the dwelling unit. As a minimum, construction on the unit shall begin within one (1) year from the date when the mobile home is placed temporarily on the lot. Additionally, the mobile home shall be removed within two (2) years from the date it was first placed on the lot, at which time the dwelling unit shall be livable.

b. The placement of the mobile home on the lot shall be in accordance with area standards unless the Municipal Board determines that such conforming placement would not be practical, in which case the conditions will be specified.

c. Due to the temporary nature of the permit, the mobile home need not be skirted.

C. Not Inhabited -

1. Administration - A mobile home may be stored uninhabited within a district which allows mobile homes by right or by Special Use Permit only after a temporary Special Use Permit has been granted.

2. Conditions to be considered include: time limitations and placement location.

SECTION 627: COMMERCIAL CAMPGROUNDS

A. Purpose - The purpose of this section is to protect existing neighborhoods from intense

development associated with commercial campgrounds. Consideration will be given to aesthetics, buffers, safe access, and other reasonable conditions. Commercial campgrounds are only permitted in the Agricultural Zoning District (A1) and Shadyside Business District (B4).

B. Conditions --Commercial campgrounds shall comply with the following standards:

1. Limited Use –

a. Camping or recreational vehicles are not designed for residential purposes according to standards and specifications for manufactured housing or conventional construction under the Uniform Building Code which have been established to protect public health, safety and welfare. Therefore, camping or recreational vehicles shall not be used for temporary housing purposes more than 30 days in any 12-month period.

b. It shall be unlawful for any person to use a recreational vehicle for human habitation unless:

i. it is located in a campground and abides by all requirements or

ii. it is located on the property owner's land and is inhabited for less than 30 days in a 12-month period.

2. Area & Setbacks -

a. All lots (pads) shall be a minimum of 75 feet from any public highway.

b. A 25-foot-wide buffer zone of appropriate vegetation shall be provided around the circumference of the park where adjacent property use is of such a nature that there could be conflicts. No travel trailers or other structures shall be located in the buffer area.

c. Minimum lot sizes shall be 2,500 square feet for a vacation camp and 1,500 square feet for overnight camps.

3. Streets & Walkways -

a. Access to the park must be designed to assure safe and convenient movement of traffic into and out of the park with a minimum disruption of traffic on adjacent public roads. This shall include a minimum clear view of 150 feet while pulling out onto the adjacent public roadways.

b. Walkways shall be provided to service buildings.

c. All park roadways shall be a minimum of 50 feet from any property line except for the entry and exit roads.

d. Park roads shall be constructed or treated in such a manner so as to minimize the creation of dust or mud.

4. Parking - Off-street parking, loading, and maneuvering space shall be provided.

5. Accessory Uses - Accessory uses such as snack bars, recreational facilities, showers, laundromats, etc., customarily associated with commercial campgrounds shall be permitted. However, the land utilized in this manner should not account for more than 10% of the total area of the campground and the services shall be directed towards the occupants of the campground.

6. Location - Commercial campgrounds shall not be located so as to cause heavy traffic to be directed through residential areas not accustomed to heavy traffic.

7. Lake Dockage - All docks shall begin on the shoreline no less than 200 feet from all property lines abutting the shorelines.

8. Campground Operation -

a. Short-term Temporary – Operation of campgrounds is regulated to assure that living units are only short-term temporary camping units and that campers stay only a short period of time. The maximum length of occupancy is 30 days in rental campgrounds and 180 days as seasonal occupancy in any 12-month period.

b. Registration – Campgrounds must register all campers and all campers must register to occupy campsites. Registration information that must be provided by each camper is: name of the camper, number of persons in the camper's group, the camper's home address, the license number and State of registration of the automobile/tow vehicle or motor home and the towed camping unit, and the model name and make of the camping unit. Registration must indicate length of visit by the dates of arrival and departure. The registration log must be made available for inspection by the Zoning Code Enforcement Officer.

c. Privacy - The campground tract must be sufficiently forested or wooded to provide some privacy, shade and amenity for campers and to obscure the view into the campground from adjoining properties, especially from nearby residential areas.

d. Supervision - The park owner shall be responsible for having supervisory personnel on premises around the clock during the camping season for the purpose of policing the premises within the limits prescribed to him by law.

e. Nuisances - The park owner shall prevent any undue proliferation of smoke, dust, or any pollution of the air or water by the campers or campsites. Quiet

hours shall be established by the owner as necessary.

f. Sewage/Toilet Facilities – One sewage dump station must be provided for each 50 campsites. Bath and toilet facilities intended for use by dependent campsites must be located in permanent buildings with a maximum of 50 campsites per building.

g. Trash Receptacles – Trash receptacles provided throughout the campground and at campsites must be designed to be resistant to tipping by wind and animals, with tightly fitted lids.

SECTION 628: FUEL TANKS

A. Purpose - The purpose of this section is to promote the safety of residents in residential districts from fire and explosion resulting from gasoline/volatile liquid tanks. As a secondary purpose, the maintenance of aesthetic values in residential neighborhoods is also promoted.

B Conditions -

1. In districts where fuel tanks (gasoline and volatile liquids) are allowed "By Right" (permit required) the following conditions shall be followed:

a. Lot Size - a minimum lot of one (1) acre shall be required.

b. Uniform Code - All requirements of the Uniform Code shall be met.

c. Setbacks - District setback requirements shall be met.

2. In districts where fuel tanks are allowed with no permits, the following conditions shall be followed:

a. Uniform Code - All requirements of the Uniform Code shall be met.

b. Setbacks - District setback requirements shall be met.

SECTION 629: AIRCRAFT LANDING STRIP

A. Purpose - In order to protect residents from the creation of unsafe conditions or nuisances, the following conditions shall be considered prior to the granting of any permit for an aircraft landing strip.

B. Conditions -

1. Location - Potential airstrips should be located such that they are a minimum of 300 feet from any dwelling and also not more than 10 dwellings are within 500 feet of any portion of the actual runway.

2. Posted Signs - Airstrips shall be posted with signs of sufficient quantity to alert any person entering the area that aircraft may be present.

3. No dwellings shall be in the immediate clear area of the ends of the airstrip.

4. All commercial development proposed to be located on the airstrip property must be allowed in that district.

5. Referral to State - Prior to acting on any aircraft landing strip permit request, the Municipal Board shall, by resolution, request the New York State Department of Transportation Commissioner to review the proposed airstrip and make a recommendation in accordance with Section 249 of General Business Law.

C. Permit Requirements - All requests for permits shall include a description of the type and quantity of aircraft using the facilities, frequency of flights, a map drawn to scale showing the airstrip and prevailing winds as well as dwellings in the neighborhood and proposed commercial development.

SECTION 630: TOPSOIL/EXCAVATION

A. Purpose - During the construction of a foundation, or any other extensive excavating project, a person, firm, corporation, etc., shall not strip, excavate, or otherwise remove soil/gravel unless the following conditions are met:

B. Conditions –

1. Location – Excavation shall be a minimum of 50 feet from any street or boundary line unless the permitting board determines no nuisance or harm will result from excavation closer than the 50 feet.

2. Topsoil – Topsoil is replenished or left with sufficient amounts to support future development needs.

3. Steep Slopes - The creation of steep slopes shall be limited to the greatest extent possible.

4. Groundwater Runoff - Runoff will not be caused to flow into neighboring properties, to pool, or cause erosion. A storm water drainage plan for both the construction period and the long term should be considered when slope and soil types dictate. A minimum amount of siltation should be allowed to leave the site.

5. Time Requirement - All of the above conditions shall be met within one (1) year from the time the project started. However, the Municipal Board shall have the power to grant extensions or shorten the time frame for just cause after receiving a written request which includes the reasons for the request.

C. Excavation -

1. Permit Requirements - Prior to excavation taking place, the applicant must apply for a permit and said use must be allowed in the district where the excavation is being proposed. A sketch map must be submitted with detailed information provided on property lines, location of area to be excavated and existing building locations. Where a New York State Department of Environmental Conservation permit is required, a copy of the approved permit shall be submitted prior to receiving a Zoning Permit.

SECTION 631: DAY CARE CENTER

A. Purpose - The purpose of this section is to provide guidelines for Day Care Centers in order to ensure the safety and welfare of those being cared for while at the same time providing protection to existing neighborhoods.

B. Conditions - The following conditions shall be considered by the Permitting Board for all Day Care Centers requiring a Special Use Permit:

1. Lot size
2. Physical plant
3. Load and unload areas
4. Outside recreation
5. Signs
6. Fire safety
7. Educational services to be provided
8. Meals
9. Adjacent uses
10. Buffers
11. Other conditions

C. Preexisting Conditions - Day Care Centers existing at the time of passage of this section shall only be subject to review by hearing under this section if the board responsible for administering this section becomes aware of obvious non-compliance with conditions of this section.

SECTION 632: RECREATIONAL VEHICLE/TRAILER STORAGE

A. Purpose - To encourage aesthetically pleasing residential neighborhoods, this section allows for the reasonable control of recreational vehicles.

B. Conditions - The following conditions shall be met:

1. Number - A maximum of three (3) recreational vehicles, trailers or other similar vehicles may be stored outside on each parcel or series of contiguous parcels under single ownership.

2. Location - All recreational vehicles/trailers, etc., shall be stored in rear yards whenever it is possible and shall not be stored in a front yard. Nor shall they be allowed to become a nuisance. All area requirements of the district in which the vehicle is stored shall be met. Area Variances shall be requested where these rules cannot be met.

3. Habitation –

a. Camping or recreational vehicles are not designed for residential purposes according to standards and specifications for manufactured housing or conventional construction under the Uniform Building Code which have been established to protect public health, safety and welfare. Therefore, camping or recreational vehicles shall not be used for temporary housing purposes more than 30 days in any 12-month period.

b. It shall be unlawful for any person to use a recreational vehicle for human habitation unless:

i. it is located in a campground and abides by all requirements or

ii. it is located on the property owner's land and is inhabited for less than 30 days in a 12-month period.

C. Preexisting Vehicles - All recreational vehicles existing at the time of enactment of this law shall be subject to regulations of this section six (6) months from date of notification in writing.

SECTION 633: STORAGE STRUCTURES (Permanent/Moveable)

A. Purpose - All storage structures are regulated to ensure that they are properly located so as to protect the rights associated with neighboring properties with respect to visibility, light and air movement, fire safety and aesthetics.

B. Administration - All storage structures shall, as a minimum, require a Permit By Right while storage sheds over 150 square feet which are located in a Residential District shall require a Special Use Permit. Multiple storage sheds shall be aggregately considered to determine if the 150 square foot requirement is surpassed.

C. Conditions -

1. Area Requirements - The accessory area requirements for each district shall be met.

2. Lakeshore Regulations - Refer to the supplemental section on Lakeshore Regulations for additional requirements for any storage shed which is proposed to be located on a parcel adjacent to a lake.

3. Vacant Lots - In Residential District a storage structure may be placed on a vacant lot if it meets appropriate yard requirements and if it is accessory to a primary use located within 200 feet. For all other districts, storage structures need not be accessory to a residential unit.

4. Truck Storage - Truck, semi-trailer or other similar units are not permitted for storage. See definition, STORAGE STRUCTURE.

SECTION 634: SEASONAL RECREATION CAMPS

A. Purpose - This section is created for the purpose of preserving rural character and providing protection for existing uses.

B. Conditions - The following conditions shall apply:

1. Lot Size - A minimum lot size of between two (2) and 10 acres shall be required, depending on soils, character of neighborhood, development, density, etc.

2. Structure Location - A minimum setback of 200 feet shall be required.

3. Construction - The type, size and method of construction shall be considered. If a mobile home is to be used, it must meet floor space requirement of the district. Truck bodies shall not be used for a dwelling unit.

4. Buffer Zones - Existing natural buffers should be retained to the greatest degree possible and new buffers should be considered where it is apparent that they are necessary.

5. Year-round Conversion - The conversion of seasonal camps to year-round housing or any other allowed uses shall be allowed only by Special Use Permit.

6. Access to Public Roads - Seasonal camps must have access to public roads or a 50 foot public right-of-way shall be required.

7. Other requirements - Other reasonable conditions may be required as deemed necessary.

C. Preexisting Parcels - This section shall only apply to parcels of land which are purchased after June 2001.

SECTION 635: TRASH STORAGE

A. Purpose - It is the intent of this section to minimize safety, health, and aesthetically related problems by controlling the storage of trash in accordance with the needs of each district.

B. Conditions for Temporary Storage

1. Quantity - Trash may be temporarily stored or collected if it does not exceed the following limits. More than the maximum shall require a Special Use Permit.

Districts	Maximum Cubic Feet
A1, AR	500
B1, B2, B3, B4	500
R1, R2	0

2. Only trash originating from the parcel on which it is placed shall be allowed.

3. Location - Trash must be stored in one (1) contiguous location. All accumulations of trash shall be out of sight of highways and adjacent properties to the greatest degree possible. Additionally, new accumulations of trash shall be placed a minimum of 200 feet from any parcel boundary or public roadways if the parcel size permits.

4. Buffer - Trash shall be located so as to be not visible from adjacent properties and roadways or artificial barriers (e.g., fences, shrubs, etc.) shall be used to screen trash.

5. Disposal - Trash shall be stored only as long as necessary and shall be disposed of in a timely manner, not to exceed 60 days.

6. Preexisting - These conditions shall apply to all trash existing at the time of enactment of this Law.

C. Metal Dumpsters - All dumpsters located on a site for 30 days or more shall comply with the following regulations:

1. Location - Dumpsters shall be located on private property at a location approved by the Zoning Code Enforcement Officer.

2. Buffer - A suitable buffer may be required.

3. Covers - All dumpsters shall have tops which shall be utilized.

5. Preexisting - Dumpsters existing at the time of enactment of this Law shall comply with dumpster regulations specified by the Permitting Board within 6 months from notification. Compliance requests may be appealed.

SECTION 636: KENNELS

A. Purpose - In order to promote the general welfare of the township, new kennels shall be allowed only by Special Use Permit. The application shall include a diagram drawn to scale which displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals, and any other information deemed appropriate.

B. Definitions - Any premises on which five (5) or more dogs or cats over six (6) months old are housed, groomed, boarded, trained, bred or sold for monetary gain.

C. Conditions to be considered when hearing a request for a kennel Special Use Permit:

1. closeness to adjacent properties;
2. maximum number of animals to be maintained;
3. effect on character of neighborhood; and
4. existing or proposed natural or man-made buffers.

D. Preexisting Kennels - The Kennels in existence prior to June 2001 shall not be subject to regulations under this section generally. However, if an existing kennel becomes a nuisance, any of the above conditions can be imposed after public hearing.

SECTION 637: INDUSTRIAL PERFORMANCE STANDARDS

A. Purpose - It is the intent to maintain a quality environment that will lead to the development and maintenance of a well-planned industrial area which will be attractive to sophisticated industrial establishments and will enhance the general welfare of the residents and assure both users and employees thereof of a safe and stable working area. This district would need to be specified by a request for Special Use Permit, and approved by all permitting bodies.

B. The Standards of Performance are:

1. Noise. It shall be unlawful for any person to permit the emission of measurable noise, as measured at the edge of the manufacturing district to exceed seventy decibels during the periods between 6:00 A.M. and 10:00 P.M. or sixty decibels during the periods between 10:00 P.M. and 6:00 A.M. The sound level may exceed these established sound levels for a period not to exceed six (6) minutes during any sixty (60) minutes by not more than seven (7) decibels. Noises shall be muffled so as not to become unreasonably offensive due to intermittence, beat frequency, high frequency or other means.

2. Odor - It shall be unlawful for any person to permit the emission of any odor that is unreasonably offensive.

3. Dust and Dirt - It shall be unlawful for any person to permit or cause the escape of such quantities of soot, cinders or fly ash as to exceed 0.3 grains per cubic foot of the flue gases when measured at the top of the stack. Other kinds of dust, dirt and other particulate matter shall not be in excess of 3.0 grains per cubic foot of air as measured at the top of the stack and corrected to standard conditions.

4. Parking and Driveways - There shall be no off-site parking of motor vehicles. Each land user subject to this Article VI must provide sufficient, suitable, on-site parking space to prevent any necessity for off-site parking. Drive and traffic access systems are

allowed in all yard areas. However, when any yard sides on land that allows residential development, the drives or traffic access facilities must be placed as far from the exterior line as practical. No parking shall take place in any required yard area.

5. Vibration - It shall be unlawful for any person to permit or cause, as a result of normal operations, a vibration which creates a displacement of plus or minus 0.003 of one inch as measured at the edge of the manufacturing district.

6. Noxious gases - It shall be unlawful for any person to permit the escape of such quantities of noxious acids, fumes or gases in such manner and concentration as to endanger the health, comfort or safety of any person or to cause injury or damage to property, business or vegetation, or which causes any excessive soiling at any point beyond the property line.

7. Glare - It shall be unlawful for any person to carry on a process such that a direct or sky-reflected glare, whether from floodlights or from high temperature process such as combustion or welding or other such process, is unreasonably offensive when visible outside the manufacturing district. No lighting of signs or buildings shall be allowed unless it is of such low intensity or brilliance that it does not cause glare or impair the vision of the driver of any motor vehicle.

8. Fire and safety hazards - All buildings, operations, storage, waste disposal, etc., shall be in accordance with applicable provisions of the latest edition of the New York State Uniform Fire Prevention and Building Codes. All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices.

9. Open Storage - It shall be unlawful for any person to permit the open storage of more than incidental quantities of any materials derived from the given industrial operation without screening, such as a fence, hedge or other barrier, at least seven (7) feet high, that obscures storage to persons passing in a normal manner from a public way or from any property line facing a public right of way. The following is the list of materials requiring screening:

a. New materials
b. Component parts
c. Work in progress
d. Finished products
e. Scrap or waste material

The location of said screening shall be subject to the front, side and rear yard restrictions provided, however, natural barrier screening, decorative planting, etc., shall not be subject to these restrictions.

10. Landscaping - A planted visual barrier may be required to be maintained in yard areas that abut land upon which residential structures exist or are permitted at the time

of the special use permit application except when natural or physical man-made barriers exist. This planting barrier or visual screen shall have a width of no less than three (3) feet. It shall be of such plant materials that within a reasonable period of time (five years) the vegetation barrier will provide a high degree of separation and privacy on a year around basis.

11. District Lighting - All lighting shall be completely shielded from traffic on any public right-of-way and from occupied structures located outside the manufacturing district, if within a distance of 1500 feet.

SECTION 638: BED AND BREAKFAST

A. Purpose – The purpose of this section is to provide regulations for the operation of a Bed and Breakfast (B&B) that is a conversion of an existing dwelling and has not made any adverse change in Business Districts (B1 and B2) and in Non-Business Districts (R1, R2, AR, and A) within the Town of Mina. A Bed and Breakfast establishment is not allowed in Business Districts (B3 and B4).

The intent is to:

- provide the opportunity for homeowners to supplement their income so as to enhance their quality of life.
- maintain and preserve our neighborhoods and our property values. The B&B dwelling and property must be in concert with the character of the neighborhood and district and must maintain the appearance of a single-family residential home. Therefore, mobile homes, accessory buildings, recreational vehicles or travel trailers cannot serve as B&Bs.
- Improve our community's way of life and economy, while maintaining public health and safety, and enhancing the historical character and family-oriented nature of our Town.

B. Standards for Owners of a Bed and Breakfast

1. Business Districts (B1 and B2)
    i. A maximum capacity of five (5) Bed and Breakfast bedrooms is allowed. The occupancy of the Bed and Breakfast may not be in excess of 10 occupants at one time.
    ii. Must obtain and display a Certificate of Occupancy and/or a Certificate of Compliance.
    iii. Must provide adequate "off street" parking for all occupants; a minimum of one parking space is required for each bedroom in the Bed and Breakfast.
    iv. Must comply with Chautauqua County Health regulations. Water and septic systems must be certified.
    v. Must comply with all other Town of Mina Zoning Code regulations.
    vi. Must comply with all Local, County, State and Federal laws.
    vii. Must provide proof of liability insurance.
    viii. Must provide adequate trash containers and disposal to support multiple

occupants.

ix. Only one building per property/parcel may be utilized as a Bed and Breakfast.
x. Must complete an "Application for Operation for a Bed and Breakfast".
xi. Must obtain a B&B Permit from the Town of Mina.
xii. Bed and Breakfast properties cannot be advertised without a permit and the current permit number must be displayed in all advertising.
xiii. Must provide a local emergency contact for the property. The emergency contact must be available to physically respond to problems at the property within 15 minutes of notification – 24 hours a day and 7 days a week.
xiv. Permit is not transferable if property is sold, nor transferable to another unit, including another unit on the property owner's site.

2. Non-Business Districts (R1, R2, AR and A)
   i. A maximum capacity of five (5) Bed and Breakfast bedrooms is allowed. The occupancy of the Bed and Breakfast may not be in excess of 10 occupants at one time.
   ii. Must obtain and display a Certificate of Occupancy and/or a Certificate of Compliance.
   iii. Must provide adequate "off street" parking for all occupants; a minimum of one parking space is required for each bedroom in the Bed and Breakfast.
   iv. No external modifications of the structure shall be allowed without the consent of permitting boards in conjunction with the creation of a Bed and Breakfast. All internal modifications shall be accomplished in accordance with the New York State Uniform Building Code.
   v. A Bed and Breakfast must be the owners' primary or secondary domicile.
   vi. A Bed and Breakfast shall only be established in Residential Districts that are listed as a permitted use.
   vii. Must comply with Chautauqua County Health regulations. Water and septic systems must be certified.
   viii. Must comply with all other Town of Mina Zoning Code regulations.
   ix. Must comply with all Local, County, State and Federal laws.
   x. Must provide proof of liability insurance.
   xi. Must provide adequate trash containers and disposal to support multiple occupants.
   xii. Only one building per property/parcel may be utilized as a Bed and Breakfast.
   xiii. Must complete an "Application for Operation for a Bed and Breakfast".
   xiv. Must obtain a Permit from the Town of Mina Zoning.
   xv. Bed and Breakfast properties cannot be advertised without a permit and the current permit number must be displayed in all advertising.
   xvi. Must provide a local emergency contact for the property. The emergency contact must be available to physically respond to problems at the property within 15 minutes of notification – 24 hours a day and 7 days a week.
   xvii. Permit is not transferable if property is sold, nor transferable to another unit, including another unit on the property owner's site.

C. Application Procedure for Operating a Bed and Breakfast

1. Obtain the Application Form from the Town of Mina Code Enforcement Office.
2. Application must be completed by the owner of the property.
3. Attach all required documents to the application:
    i. Certificate of Occupancy and/or Certificate of Compliance issued by the Town of Mina Code Enforcement Office.
    ii. Certificate of Insurance.
    iii. Approval from the Chautauqua County Health Department for water and septic.
    iv. Parking plan drawing.
4. Applications with incomplete information will be rejected.
5. Submit the completed application and related documents to the Town of Mina Code Enforcement Office.
6. Pay the required application fee.
7. Owner's signature on the application will serve as an affidavit that they will instruct all tenants regarding rental property safety and use:
    i. Findley Lake boating rules and water safety must be posted on the premises.
    ii. No illegal activity is permitted.
    iii. Tenants must respect neighboring properties and not encroach on property boundaries.
    iv. Tenants must adhere to noise abatement laws.
    v. Tenants cannot cause public disturbance or nuisance.
    vi. Number of tenants cannot exceed maximum occupancy.
8. Permits may be revoked at any time for non-compliance, nuisance, or complaints.

SECTION 639: PROFESSIONAL OFFICES

Professional offices may be allowed by permit in accordance with the following specific conditions:

A. Parking - Adequate off-street parking must be provided in order to handle peak parking. Adequate space for expansion of parking and/or the maneuvering of vehicles must be provided.

B. Traffic Safety - The ingress/egress system must be designed so as to minimize potential traffic safety problems.

C. Signs – Only one (1) sign for the purpose of advertising the business shall be allowed on the premises and it shall be in accordance with the sign section.

D. Buffer - A proper buffer zone shall be provided to protect adjacent properties if deemed necessary.

E. Hours - The hours and days of operation may be included as a condition for the granting of the Special Use Permit.

F. Lot Size - The overall size of the property must be such that it is capable of supporting the

professional office operations and any related activity while at the same time maintaining appropriate open space.

G. Neighborhood - The general character of the neighborhood must not be substantially changed by the presence of professional offices nor shall there be a resultant devaluation of adjoining properties.

SECTION 640: TEMPORARY RETAIL OUTLET

A. Purpose - Temporary Retail Outlets provide needed products at convenient locations. Assuring that these temporary businesses are conducted safely and in an aesthetically acceptable manner are the primary purposes of this section.

B. Conditions - Prior to being granted a Zoning Permit, the Enforcement Officer shall insure that the following conditions are met:

1. Signs - All sign requirements of the supplemental section on signs shall be complied with.

2. Location - Permission in writing from the owner of the property on which the Temporary Retail Outlet is to be located shall be provided prior to being granted a Zoning Permit.

3. Safety - Safe entry and exit to and from the site must be assured along with sufficient off-street parking.

4. Cleanup - At no time during the operation shall any junk or debris be allowed to accumulate. At the conclusion of a selling period the site shall be restored to its original state. Displaying of retail goods shall be accomplished in a neat and orderly fashion.

5. Hours - The dates and hours of operation shall be clearly defined.

6. Sale Items - The type of retail goods to be sold shall be specified along with the quantity.

C. Administration - In districts where Temporary Retail Outlets are specified as being allowed, the Enforcement Officer shall grant a "by right" Zoning Permit after all conditions in Part B, above, have been met. Said permit shall cover as a maximum one (1) year period only.

SECTION 641: RESTAURANTS (DINE-IN/TAKE OUT)

A. Purpose - Restaurants are regulated in order to promote safe, appealing establishments with minimal nuisances present. All applicants shall require a Special Use Permit.

B. Permanent Conditions - The following conditions must be met as required by the Permitting Board in order to receive the Special Use Permit.

1. Parking - See supplemental section on parking to determine the number of off-street parking spaces required. The location and layout of the parking spaces may be specified in the permit.

2. Traffic Safety - The entrance and exit location and size shall be safely designed with minimal obstructions. Pedestrian safety shall also be considered.

3. Nuisances - Noises from electric motors, compressors, etc., or glare from lighting shall be minimal.

4. Signs - All sign regulations specified in supplemental section shall be complied with.

5. Decks - Any deck, patio, porch or similar area utilized by customers shall be approved and in accordance with all area requirements.

6. Trash - All trash shall be located inconspicuously and in well-maintained containers that minimize the chance for spillage, unhealthy or unsightly conditions.

7. Buffers - As is required by the Permitting Board, appropriate buffers may be required which shield adjacent properties from any adverse conditions associated with the restaurant (e.g., parking lots, lighting, etc.).

8. Entertainment - The applicant shall specify the type of entertainment to be utilized, location in building, maximum frequency and hours of entertainment. No nuisance shall be permitted; and if it becomes an issue, the zoning code enforcement official will investigate and a public hearing may be held, if necessary, with the possibility of modifying the permit.

9. Other - Any other condition as deemed reasonable and necessary may be required by the Permitting Board.

SECTION 642: RECREATIONAL AND VEHICLE SALES

A. Purpose - For the purpose of promoting safe and aesthetically pleasing sales lots, the following conditions are proposed:

B. Conditions -

1. Lot Size - Land area must be sufficient to handle units, ingress and egress, and off-street parking.

2. Location - All units being offered for sale shall be set back a minimum of 25 feet from the street edge and neatly arranged in an organized manner. Units not offered for sale shall be located behind the main building setback line and, if necessary, it may be required that they be fenced in so as not to be visible.

3. Signs - All signs and advertising devices must comply with the supplemental sign section.

4. Traffic Safety - Ingress and egress must be safely located.

SECTION 643: SHOOTING RANGES (COMMERCIAL)

A. Purpose - In order to promote safety and the general welfare of the public and to maintain the quality of neighborhoods, the following regulations are to be enforced for all commercial ranges. New ranges shall be allowed only in accordance with the following conditions. Special Use Permit required.

B. Conditions - The operation of a commercial range, such as a shooting club, shall be subject to the following conditions:

1. Safety Considerations - All ranges shall be so located and directed so as to present the safest situation possible with respect to the existing neighborhood. Appropriate signage shall be posted to warn people of the existence of a shooting range.

2. Time of Day - Ranges shall only be utilized for target practice for the period specified in the permit.

3. Character of Neighborhood - The density, types of structures, etc., shall be considered.

4. Other - Any other condition as deemed reasonable and necessary may be required by the Permitting Board.

SECTION 644: VEHICLE REPAIR/AUTO BODY REPAIR SHOP

A. Purpose - In order to preserve the character of neighborhoods and promote safe and aesthetically pleasing repair shops, all such shops shall be reviewed in accordance with the conditions which follow:

B. Conditions - The following conditions shall be met:

1. Storage of Vehicles Awaiting Repairs

a. one (1) to three (3) vehicles stored outside awaiting repairs shall be kept in one contiguous location and neatly arranged.

b. Where four (4) to 10 vehicles are temporarily stored outdoors they shall be screened by an appropriate fence which makes it impossible to view the vehicles from adjacent roads or properties.

c. The temporary storage of over 10 vehicles outdoors shall be prohibited.

2. Hours of Operation - The hours of operation shall be derived so as to limit the noise during traditional non-business hours.

3. Area Requirements - The lot on which the shop is to be located shall be a minimum of l to 1l/2 times the minimum lot size for the appropriate district (other use category).

4. Buffers - Where deemed necessary, appropriate buffers shall be required.

5. Trash - The supplemental section on trash shall apply.

6. Other Conditions - Conditions listed in supplemental section on "General Conditions" may be required where deemed appropriate.

C. Preexisting Uses

1.Preexisting Uses - Where it is determined at a public hearing held by the Municipal Board that a nuisance exists with a preexisting use, then all conditions under (B) can be required to be enforced within a reasonable time period.

SECTION 645: MOTOR VEHICLE SERVICE STATIONS

A. Purpose - Gas stations as defined in the definition section, are regulated in this section to promote safe and properly located stations which are visually attractive.

B. Conditions - The following conditions shall be considered:

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

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

3. Storage of Vehicles Awaiting Repairs -

a. one (1) to three (3) vehicles stored outside awaiting repairs shall be kept in one contiguous location and neatly arranged.

b. Where four (4) to 10 vehicles are temporarily stored outdoors, they shall be screened by an appropriate fence which makes it impossible to view the vehicles from adjacent roads or properties.

c. The temporary storage of over 10 vehicles outdoors shall be prohibited.

d. All parts shall be enclosed within a screened/fence area or stored inside of a building.

6. Abandoned Tanks and Pumps - All abandoned tanks and pumps shall be secured in accordance with the NYS Uniform Fire and Building Code.

SECTION 646: SWIMMING POOLS (PRIVATE)

A. Purpose - The primary purpose of this section is to promote the safe installation and maintenance of private swimming pools.

B. Conditions - Private swimming pools shall be required to meet the following conditions:

1. Permits - It shall be unlawful to construct, erect, install, modify, alter, demolish or change any swimming pool or to permit any such acts, without first obtaining a Zoning Permit and then only as an accessory to a dwelling for the private use of the owners or occupants of such dwelling and their families and guests.

2. Fences - Every permanent private swimming pool, and every portable private swimming pool less than four (4) feet high, now existing or hereafter constructed, installed, established, or maintained, the wall or supporting structure of which is not at least four (4) feet above ground level, shall be enclosed with a fence of durable construction of a type approved by the Building Inspector of not less than 4 feet in height or by a wall or a building or structure. A fence of similar construction and height erected on the lot lines, which, with additional fencing of any open areas completely encloses the pool area, shall be deemed a sufficient enclosure for the purpose of this section. All pools (in ground and above ground) shall be provided with one (1) or more substantial, self-closing and self-latching gates or doors of at least the height of the fence, and said enclosure and gates or doors thereof shall be so designed and constructed as to reasonably prevent any person from gaining access beneath, through or over the same. Every gate or door of such fence shall be kept securely locked at all times when the pool is not in use.

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

4. Drainage - It shall be insured that provisions for the drainage of such pools are adequate and will not interfere with any water supply system, or existing sanitary facilities.

5. Noise - Such pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to

interfere with the peace, comfort, and repose of the occupant of any adjoining property.

6. Setback Requirements - Pool shall be installed in accordance with the area requirements of the appropriate district.

SECTION 647: TOWERS

A. Purpose - All towers shall be regulated for the purpose of assuring safe installations which are properly located. Special Use Permit required.

B. The following conditions shall be considered for inclusion in the permit:

1. Location - Towers shall be removed from surrounding residential structures sufficiently so as to not cause a nuisance, due to noise, appearance or other factors.

2. Buffer - The placement or retention of buffers shall be required where they would improve the compatibility of the use with surrounding areas.

3. Attractive Nuisance - The base of towers shall be sufficiently protected from entry either by tower design or by protective fences, etc. Where guy wires are utilized, the anchor points shall be sufficiently protected to minimize the possibility of hitting the guy wires with recreational vehicles. Additionally, a sign shall be conspicuously placed near the base of a tower and it shall generally state that danger exists and that no access is permitted.

4. Other Regulations - All Town, County, State and Federal regulations governing towers shall apply.

C. Preexisting Towers - All towers utilizing guy wires which exist at the time of enactment of this section shall be brought into compliance with part B3 within 6 months from date of written notification.

D. If tower is not in use for a period of one (1) year it shall be removed from the property.

SECTION 648: JUNK VEHICLES, MACHINERY and EQUIPMENT

A. Purpose - It is the intent of this section to minimize safety, health and aesthetic related problems by limiting, according to district and lot size, the storage outdoors of junk vehicles.

B. Number of Vehicles - The maximum number of junk vehicles that may be stored outdoors shall be as follows:

Districts	Maximum Number
R1, R2	0
B1, B2, B3, B4	0
A1, AR	1

C. Location of Vehicles - Junk vehicles shall be stored out-of-sight as viewed from adjacent properties and roadways to the greatest degree possible. Additionally, junk vehicles shall be placed a minimum of 50 feet from property lines of adjacent land owners and roadways.

D. Restoration of Vehicle Outdoors - Sustained progress in restoring or repairing a vehicle to operational condition shall be allowed under the following conditions and said vehicle shall not constitute a junk vehicle:

1. A maximum of one (1) vehicle per two (2) acres of land shall be allowed for restoration with a maximum of three (3) allowed.

2. The entire restoration shall take a reasonable time to accomplish.

3. Such vehicles shall be located so as to create the least nuisance possible.

4. Noise associated with the restoration shall be limited to reasonable hours.

5. Restoration shall be for personal use and not for profit.

E. Notice to Remove – A junk vehicle not within the law shall be removed by the property owner on whose property the junk vehicle is located within four days of the notification by the Code Enforcement Officer. Notification by certified mail or personal service to the reputed owner of said vehicle, if known or any property owner upon which said vehicle is located shall be sufficient.

F. Enforcement:

1. The owner or owners of the premises upon which the junk vehicle is located, the owner of the junk vehicle, any person having possession or custody of a junk vehicle or any other person, firm, corporation or other entity which allows, permits or causes the keeping of a junk vehicle in violation of this law shall be punishable as provided by this law.

2. A violation of this law is an offense punishable by a fine as established by the municipal board. Each day that a violation continues after fourteen (14) days from service of the notification to remove the vehicle, shall constitute a separate offense and shall be punishable as herein provided.

3. In the event of the failure to remove a junk vehicle after the fourteen (14) day notification to remove, the Code Enforcement Officer is authorized to initiate the assistance of the police having jurisdiction to cause the removal of said vehicle or vehicles and all costs thereof, including storage, shall be at the sole expense of the property owner and/or owner of the junk vehicle. Said vehicle or vehicles, if unclaimed after four (4) days, shall be deemed abandoned and may be sold or otherwise disposed of in accordance with Section 1224 of the Vehicle and Traffic Law of the State of New

York or other applicable provisions of law.

4. If the junk vehicle is kept on property owned by another, then the property owner shall not be liable for any penalties, unless said property owner was aware or consented or permitted or caused the keeping of the junk vehicle on said owner's property or prevented or obstructed the removal of such vehicles.

SECTION 649: ANIMALS, POULTRY, AND BIRDS

A. Purpose - This section has as its main purpose the protection of residential neighborhoods from certain nuisances such as noise and odor associated with the keeping of animals. This section only applies to those "urbanized" districts in which “agricultural land use" as defined in this Law, is not a permitted use.

B. Conditions - Farm animals, pigeons, and other animals shall be regulated in districts where "agricultural land use" is not a permitted use under the following conditions.

1. Commercial Operations Prohibited - Animals, poultry, and birds shall not be raised for profit or as a commercial venture. They shall only be allowed when kept for recreational use or for home consumption of its products.

2. Nuisances - Farm animals which create a nuisance due to odor, noise, etc., shall be prohibited.

3. Fences - Farm type animals shall be fenced so as not to be able to come within 50 feet of adjacent residential structures nor within 10 feet of any boundary line.

4. Horses & Cows - Horses and/or cows shall be allowed for noncommercial use where over five (5) contiguous acres of pasture are present. The maximum number of horses or cows allowed shall be based on the acres of pasture available with one (1) acre being required per horse or cow.

5. Poultry or Birds - The keeping of birds or poultry (domestic or wild) shall be prohibited in Zoning Districts Residential (R1), Lakeside Residential (R2) and Business (B1). No yards, coops, lofts, etc., shall be erected or maintained. This provision shall not include small cage birds such as canaries or parakeets maintained as pets within a residential structure.

SECTION 650: TOXIC WASTE/FLAMMABLE LIQUIDS

A. Purpose - For the purpose of protecting present and future generations from the potentially harmful health and safety effects of toxic and flammable materials, in addition to all applicable State and Federal regulations the following regulations shall apply to new Industries/Business:

B. Conditions -

1. Toxic Waste - It shall be unlawful to maintain, store, bury or in any other way keep solid or liquid wastes which are considered to be toxic or hazardous. However, toxic wastes, which are the results of a locally operated manufacturing process, shall be permitted to be temporarily stored for a reasonable period of time pending proper disposal.

2. Flammable Liquids - It shall be unlawful to maintain flammable liquids used in commercial operations within 200 feet of any inhabited dwelling unit. The storage of any flammable liquid must be in accordance with state and local regulations. Farm operations shall not be subject to this regulation.

SECTION 651: UNSAFE BUILDINGS

A. Unsafe Structures or Buildings - All buildings or structures which are structurally unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, fire damage, or abandonment are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or demolition in accordance with the procedure of this section.

B. Examination of Unsafe Buildings - The Enforcement Officer, shall examine every building reported as unsafe or damaged and shall make a written record of such examination. This record will be submitted to the County Health Department when it appears that State Health Laws may be in violation.

C. Notification of Owners - Whenever the Enforcement Officer shall find any building, or structure, or portion thereof, to be an unsafe building as defined in this section, he shall give to the owner, agent, or person in control or such building or structure, written notice stating the defects thereof. This notice shall require the owner, within a stated time, either to complete specified repairs or improvements, or to demolish and remove the building or structure or portion thereof. The time allowed shall be reasonably set in accordance with the amount of work or time involved for correcting the problem and the degree of the hazard.
The owner may appeal to the Zoning Board of Appeals for more time than granted by the Zoning Code Enforcement Officer.

D. Prohibition of Occupancy - If the Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected, and approved by the Enforcement officer. The Enforcement Officer shall cause to be posted at each entrance to such building a notice: THIS BUILDING UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE ENFORCEMENT OFFICER. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person,

firm or corporation, or their agents, or other servants to remove such notice without written permission of the Enforcement Officer, or for any person to enter the building except for the purpose of making the required repairs or of demolition of the same.

D. Noncompliance - In case the owner, agents or person in control cannot be found within a reasonable time, or if such owner, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate, or demolish such building or structure or portion thereof, the Town Board shall be advised of all the facts in the case and shall institute appropriate action in the courts to compel compliance.

SECTION 652: SEXUALLY ORIENTED BUSINESSES

A. Purpose - This section regulates sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the Town of Mina, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor the effect of this section to condone or legitimize the distribution of obscene materials.

B. Findings - Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Town Board and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc. 475 US 41 (1986) Young v. American Mini-theaters 426 Us. 50 (1976) F.W. IPBS, Inc. v. City of Dallas 493 US. 215 (1990), Barnes v. Glen Theater, Inc. 501 US. 560 (1991), City of Erie v. Rap's A.M. 120 Supreme Court 1381 (2000),* and all studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis/St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; and St. Croix County, Wisconsin, the Town board finds:

1. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operation of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

2. Certain employees of sexually oriented businesses defined in this section as adult theaters and adult cabarets engage in higher incidents of certain types of illicit sexual behavior than employees of other establishments do.

3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

4. Offering and providing such space encourages such activities, which creates unhealthy conditions.

5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

6. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

7. That here in Chautauqua County we have, in recent years had an HIV-AIDS outbreak, which has caused the County to become very aware of the inherent problems.

8. The development and proliferation of adult entertainment facilities without regulations as to siting, concentration and location may result in the deterioration of residential neighborhoods and business districts. In addition, if these types of businesses are located near schools, churches and/or other youth and family related facilities, they may adversely affect the public welfare and morals of minors and others residing in the Town of Mina.

9. The findings noted herein raise substantial government concerns.

10. Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns.

C. Location - The following provisions shall apply to the location of adult entertainment facilities: a) adult entertainment facilities shall be permitted only in the Town of Mina Business District (B1) upon approval of a Special Use permit; b) no adult entertainment facility shall be permitted within 1000 feet of any lot with a residential use; c) no adult entertainment facilities shall be permitted within 1000 feet of any:

1. School
2. Religious institution
3. Public Park or public recreation facility
4. Hospital or medical facility
5. Day Care-Family Center
6. Public Lodging
7. Lake or Recreational area

D. Additional Sign Requirements - The following provisions shall apply to signs erected or maintained in connection with adult entertainment facilities: a) no off-site signs shall be permitted.

E. Public Display of Certain Matter Prohibited - Materials offered for sale from "adult new-

racks" shall not be displayed or exhibited in any manner which exposes to the public view any picture or illustration depicting any "specified sexual activity" or any "specified anatomical area". Materials offered for sale or viewing at any adult entertainment facility shall not be displayed or exhibited in a manner which exposes any depiction of "specified sexual activity" or "specified sexual activity" to the view of persons outside the building or off the premises on which such store or theater or use is located.

F. Restrictions Cumulative in Nature - the restrictions set forth in this section are in addition to any other applicable provision of the Zoning Law of the Town of Mina. In the event of any conflict between any such provisions, the more restrictive provisions shall be applied.

G. Severability - Each section and provision of this section are hereby declared to be independent divisions and subdivisions and not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this section or the application thereof to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently or such section or provision known to be invalid.

SECTION 653: WIND ENERGY SYSTEMS

A. Wind Measurement Towers

1. Wind Site Assessment - The Town Board acknowledges that prior to construction of a Wind Energy Conversion System (WECS), a wind Site assessment may be conducted to determine the wind speeds and the feasibility of using particular Sites. Installation of Wind Measurement Towers, also known as anemometer (Met) towers, shall require a Special Use Permit.

2. Applications for Wind Measurement Towers – An application for a Wind Measurement Tower shall include:

a. Name, address, and telephone number of the applicant and, if different, of the property owner(s).

b. If the applicant is represented by an agent, the application shall include the name, address, and telephone number of the agent as well as an original signature of the applicant authorizing the representation.

c. Address of each proposed tower Site, including Tax Map section, block and lot number.

d. Site plan

e. Decommissioning Plan, based on the criteria in this Article for Wind Energy Conversion Systems, including a security bond or cash for removal.

3. Standards for Wind Measurement Towers.

a. The distance between a Wind Measurement Tower and the property line shall be at least the total height of the tower. Sites can include more than one piece of property and the requirement shall apply to the combined properties.

b. Special Use Permits for Wind Measurement Towers may be issued by the Town Board for a period of up to two years. Permits may be renewed if the facility is in compliance with the conditions of the Special Use Permit.

B. Wind Energy Conversion Systems

1. Purpose and Intent – The purpose of this section is to provide standards for small wind energy conversion systems designed for on-site home, farm and small commercial use, and that are primarily used to reduce on-site consumption of utility power. The intent of this section is to permit the development of small wind energy systems and to protect the public health, safety, and community welfare.

2. Permitted Areas – Small Wind energy systems may be permitted in the Zoning Districts Agricultural Residential (AR), Agriculture (A1) and Business (B1) upon issuance of a Special Use Permit.

3. Applications - Application for Small WECS special use permits shall include:

a. Name and address of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.

b. If the applicant will be represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.

c. Address of each proposed tower site, including tax map section, block and lot number.

d. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or the distributor of the system.

e. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.

f. Sufficient information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.

g. Written evidence that the electric utility service provider that serves the proposed Site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

h. A visual analysis of the Small WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.

4. Development Standards - All small wind energy systems shall comply with the following standards. Additionally, such systems shall also comply with all the requirements established by other sections of this law that are not in conflict with the requirements contained in this section.

a. A system shall be located on a lot a minimum of one acre in size.

b. Only one small wind energy system tower per parcel(s) shall be allowed. If there are multiple applicants, their joint lots shall be treated as one parcel for purposes of this law.

c. Small Wind energy systems may be used primarily to reduce the on-site consumption of electricity.

d. Tower heights may be allowed as follows:

i. 65 feet or less on parcels between one and five acres.

ii. 120 feet or less on parcels of five or more acres.

iii. The allowed height shall be reduced if necessary to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding Installations close to airports.

e. The maximum turbine power output is limited to 100kw.

f. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

g. The system shall be designed and located in such a manner to minimize

adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system:

i. Shall not project above the top of ridgelines.

ii. If visible from public viewing areas, shall use natural landforms and existing vegetation for screening.

iii. Shall be screened to the maximum extent feasible by natural vegetation or other means to minimize potentially significant adverse visual impacts on neighboring residential areas.

h. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.

i. All on-site electrical wires associated with the system shall be installed under ground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines. This standard may be modified by the decision-maker if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts, or similar factors.

j. The system shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.

k. At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo, or advertising shall be placed or painted on the tower, rotor, generator, or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

l. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:

i. Tower-climbing apparatus located no closer than 12 feet from the ground.

ii. A locked anti-climb device installed on the tower.

iii. A locked, protective fence at least six feet in height that encloses the tower.

m. Anchor points for any guy wires for a system tower shall be located within

the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet high or sheathed in bright orange or yellow covering from three to eight feet above the ground.

n. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be re-graded and re-vegetated to the pre-existing natural condition after completion of installation.

o. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

p. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the Uniform Building Code and National Electric Code.

q. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.

5. Standards. A Small Wind Energy System shall comply with the following standards.

a. Setback requirements. A Small WECS shall not be located closer to a property line than one and a half times the total height of the facility.

b. Noise. Except during short-term events including utility outages and severe wind storms, a Small WECS shall be designed, installed and operated so that noise generated by the system shall not exceed the 50 decibels (dBA), as measured at the closest neighboring inhabited dwelling.

6. Abandonment of Use.

a. Small WECS which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the Town.

b. All Small WECS shall be maintained in good condition and in accordance with all requirements of this section.

SECTION 654: WOOD-BURNING AND COAL-BURNING FURNACES - OUTDOOR

A. Purpose – It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor wood-burning and coal-burning furnaces, create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this law it is the intention of the Municipal Board of the Town of Mina to establish and impose restrictions upon the operation of outdoor wood-burning and coal-burning furnaces within the limits of the Town of Mina for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants.

B. Construction and operations - The construction and operation of outdoor wood-burning and coal-burning furnaces are only permitted in the Agricultural Zoning District (A1).

C. Nonconforming uses; no-burn period; fuel; equipment requirements.

1. Except as hereinafter provided, the lawful use of any outdoor wood-burning and coal-burning furnaces existing at the time of the adoption of this law may be continued.

2. All existing outdoor wood-burning and coal-burning furnaces must be in strict compliance with the manufacturer's specifications pertaining to installation, operation and maintenance. In the event of a conflict, the regulations promulgated hereunder shall apply, unless the manufacturer's instructions are stricter than the regulations promulgated hereunder, in which case the manufacturer's instructions shall apply.

3. Fuel shall only be natural untreated wood or fuels specifically permitted by the manufacturer. Notwithstanding the foregoing, the following fuels are strictly prohibited:

a. The burning of processed wood products and other non-wood products.
b. Kerosene.
c. Garbage
d. Painted wood and/or treated wood.
e. Plastic.
f. Any other item not specifically allowed by the manufacturer or this provision.

4. The minimum chimney height on all existing outdoor wood-burning and coal-burning furnaces shall be a minimum of 15 feet above the outdoor furnace.

5. All existing outdoor wood-burning furnaces and coal-burning must be equipped with a properly functioning spark arrestor.

6. No outdoor wood-burning and coal-burning furnaces existing at the time of the adoption of this law shall thereafter be extended or enlarged.

7. Any existing outdoor wood-burning and coal-burning furnace which is unused, abandoned or discontinued for a period of twelve consecutive months shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.

a. If the property owner fails to remove the outdoor wood-burning or coal-burning furnace by the end of said twelve (12) consecutive month period, the Town of Mina Code Enforcement Officer shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor wood-burning furnace is located. Such notice shall provide that said owner shall remove the outdoor wood-burning or coal-burning furnace within 15 days of the date the notice is postmarked.

b. Should the outdoor wood-burning or coal-burning furnace not be removed within the time specified, the Code Enforcement Officer shall take appropriate steps to effect its removal.

b. The costs incurred by the Town to effect said removal (including any attorneys fees incurred by the Town to effect the removal), shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property within 30 days from the date costs are presented to the owner.

SECTION 655: SHORT-TERM RENTALS

A. Purpose – The purpose of this section is to provide regulations for the operation of Short-Term Rental (STR) properties which are single family dwellings in Business Districts (B1 and B2) and in Non-Business Districts (R1, R2, AR, and A) within the Town of Mina. Short-Term Rental properties are not allowed in Business Districts (B3 and B4).

The intent is to:

- provide the opportunity for homeowners to supplement their income so as to enhance their quality of life.
- maintain and preserve our neighborhoods and our property values. The STR property must be in concert with the character of the neighborhood and district and must maintain the appearance of a single-family residential home. Therefore, mobile homes, accessory buildings, recreational vehicles or travel trailers cannot serve as STRs.
- Improve our community's way of life and economy, while maintaining public health and safety, and enhancing the historical character and family-oriented nature of our Town.

B. Standards for Owners of Short-Term Rentals

1. Business Districts (B1 and B2)

i. The occupancy period for a Short-Term Rental property is a maximum of 30 consecutive days.
ii. A maximum capacity of five (5) Short-Term Rental bedrooms is allowed. The occupancy of the STR may not be in excess of 10 occupants at one time.
iii. Must obtain and display a Certificate of Occupancy and/or a Certificate of Compliance.
iv. No external modifications of the structure shall be allowed without the consent of permitting boards in conjunction with the creation of a Short-Term Rental. All internal modifications shall be accomplished in accordance with the New York State Uniform Building Code.
v. Must provide adequate "off street" parking for all occupants; a minimum of one parking space is required for each bedroom in the STR.
vi. Must comply with Chautauqua County Health regulations. Water and septic systems must be certified.
vii. Must comply with all other Town of Mina Zoning Code regulations.
viii. Must comply with all Local, County, State and Federal laws.
ix. Must provide proof of liability insurance.
x. Must provide adequate trash containers and disposal to support multiple occupants.
xi. Only one building per property/parcel may be utilized as a Short-Term Rental unit.
xii. Must complete an "Application for Operation of a Short-Term Rental Property".
xiii. Must obtain a Permit from the Town of Mina.
xiv. Short-Term Rental properties cannot be advertised without a permit and the current permit number must be displayed in all advertising.
xv. Must provide a local emergency contact for the property. The emergency contact must be available to physically respond to problems at the property within 15 minutes of notification – 24 hours a day and 7 days a week.
xvi. Permit is not transferable if property is sold, nor transferable to another unit, including another unit on the property owner's site.

2. Non-Business Districts (R1, R2, AR and A)
   i. The occupancy period for a Short-Term Rental property is a maximum of 30 consecutive days.
   ii. A maximum capacity of five (5) Short-Term Rental bedrooms is allowed. The occupancy of the Short-Term Rental may not be in excess of 10 occupants at one time.
   iii. Must obtain and display a Certificate of Occupancy and/or a Certificate of Compliance.
   iv. Must provide adequate "off street" parking for all occupants; a minimum of one parking space is required for each bedroom in the Short-Term Rental.
   v. No external modifications of the structure shall be allowed without the consent of permitting boards in conjunction with the creation of a Short-Term Rental. All internal modifications shall be accomplished in accordance with the New York State Uniform Building Code.

vi. A Short-Term Rental must be the owners' primary or secondary domicile.
vii. Homeowner must live in the dwelling for a least 31 days each calendar year. The calendar year is the same as the permit duration.
viii. Must comply with Chautauqua County Health regulations. Water and septic systems must be certified.
ix. Must comply with all other Town of Mina Zoning Code regulations.
x. Must comply with all Local, County, State and Federal laws.
xi. Must provide proof of liability insurance.
xii. Must provide adequate trash containers and disposal to support multiple occupants.
xiii. Only one building per property/parcel may be utilized as a Short-Term Rental.
xiv. Must complete an "Application for Operation for a Short-Term Rental".
xv. Must obtain a Permit from the Town of Mina.
xvi. Short-Term Rental properties cannot be advertised without a permit and the current permit number must be displayed in all advertising.
xvii. Must provide a local emergency contact for the property. The emergency contact must be available to physically respond to problems at the property within 15 minutes of notification – 24 hours a day and 7 days a week.
xviii. Permit is not transferable if property is sold, nor transferable to another unit, including another unit on the property owner's site.

C. Application Procedure for Operating a Short-term Rental
1. Obtain the Application Form from the Town of Mina Code Enforcement Office.
2. Application must be completed by the owner of the property.
3. Attach all required documents to the application:
    i. Certificate of Occupancy and/or Certificate of Compliance issued by the Town of Mina Code Enforcement Office.
    ii. Certificate of Insurance.
    iii. Approval from the Chautauqua County Health Department for water and septic.
    iv. Parking plan drawing.
4. Applications with incomplete information will be rejected.
5. Submit the completed application and related documents to the Town of Mina Code Enforcement Office.
6. Pay the required application fee.
7. Owner's signature on the application will serve as an affidavit that they will instruct all tenants regarding rental property safety and use:
    v. Findley Lake boating rules and water safety must be posted on the premises.
    vi. No illegal activity is permitted.
    vii. Tenants must respect neighboring properties and not encroach on property boundaries.
    viii. Tenants must adhere to noise abatement laws.
    ix. Tenants cannot cause public disturbance or nuisance.
    x. Number of tenants cannot exceed maximum occupancy.
8. Permits may be revoked at any time for non-compliance, nuisance, or complaints.

SECTION 656: CANNABIS-RELATED BUSINESSES

A. Purpose – This section regulates the allowable locations in the Town of Mina for cannabis-related businesses that are licensed by the New York State Cannabis Control Board under the Office of Cannabis Management.

B. Conditions – Each business must secure an adult-use license from New York State in order to operate a cannabis-related business in the Town of Mina. Under the New York State Marijuana Regulation and Taxation Act, towns, cities and villages were given the ability to opt out of allowing retail dispensaries and on-site consumption sites by adopting a local law before December 31, 2021. By local law, the Mina Town Board opted out of Cannabis Adult-Use On-Site Consumption but did not opt out of allowing Cannabis Adult-Use Retail Dispensaries.

SECTION 657 – ELECTRIC VEHICLE LEVEL 3 COMMERCIAL FAST CHARGERS/COMMERCIAL ELECTRIC VEHICLE CHARGING STATIONS

A. Purpose – This section regulates the allowable locations and permitting process in the Town of Mina for electric vehicle level 3 commercial fast chargers/commercial electric vehicle charging stations. The goal is to create a streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations.

B. Installation Requirements –
   a. All electric vehicle charging station equipment shall meet the requirements of the New York Electrical Code, the National Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturing Association, and accredited testing laboratories, such as Underwriters Laboratories, and rules of the Public Utilities Commission.
   b. Installation of electric vehicle charging stations and associated wiring, bonding disconnecting means and overcurrent protective devices shall meet the requirements of all applicable provisions of the New York Electrical Code.
   c. Installation of electric vehicle charging stations shall be incorporated into the load calculation of all new or existing electrical services and shall meet the requirements of the New York Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
   d. Anchorage of either base-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the New York Building or Residential Code as applicable per the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.
   e. Prior to the granting of certificate of compliance, an electrical inspection shall be conducted by a licensed electrical inspector and reviewed and approved by the Town of Mina Code Enforcement office.

C. Conditions – Prior to submitting an application for processing, the applicant shall verify that the installation of electric vehicle charging station(s) will not have adverse impact to the public health and safety and/or building occupants. Such verification shall be in writing and shall include all necessary maps, diagrams, technical drawings/specifications and any other documents necessary to provide the following information:
    a. A letter from the utility company servicing the proposed charging station site certifying that the electrical system capacity and loads are sufficient, or will be upgraded to be sufficient, to accommodate the charging station(s) prior to the installation thereof,
    b. Electrical system wiring, bonding and overcurrent protection,
    c. Building infrastructure affected by charging station equipment and associated conduits,
    d. Areas of charging station equipment and vehicle parking,
    e. Any additional information that the Building Inspector/Code Enforcement Office may reasonably require, including but not limited to, a letter from a certified electrical engineer as to the safety of all proposed construction.

D. Permitting Process – A checklist of all requirements for compliance shall be in accordance with the recommendations contained in the most current version of the "Electric Vehicle Charging Permitting Guidebook" as published by the New York State Energy Research and Development Agency (NYSERDA). At minimum, the adopted checklist shall require the applicant to submit:
    a. A completed permit application.
    b. The permit application fee.
    c. A proposed site plan (for projects located in nonresidential zoning districts, or for commercial use).
    d. An accurate survey or depiction showing the proposed placement of the charging station(s).
    e. For charging station(s) proposed to be located inside a structure, a floor plan showing the proposed location of the equipment.
    f. Manufacturers specifications, including the UL listing.
    g. Single-line wiring diagram, including the following:
        i. Conductor types and sizes.
        ii. Size of the over current device (circuit breaker) supplying the EVCS.
        iii. Conduit size, type and location.
        iv. The manufacturer and model of the charging station(s).
        v. The size of the main electric panel, distribution panels (subpanels) and disconnects.
        vi. Type (level) of charging station(s).
    h. Electrical load calculation, including the size of existing electrical panel, existing load on the panel and proposed load/circuits from the electric vehicle charging system.

i. Verification that the existing main service panel and all panels in the electrical system used for the charging station(s) are safe and free of electrical hazards.
j. Verification of compliance with NYS Building Code, Chapter 4, Section 406.2.7, or an updated or amended version of the same. Verification of compliance with NFPA 70-531, Article 625, or any updated or amended version of the same.
k. Verification of compliance with all state or federal regulations applicable.

ARTICLE VII
ADMINISTRATION BY CODE ENFORCEMENT OFFICE

SECTION 701: ENFORCEMENT

This Law shall be enforced by the Code Enforcement Officer who shall be appointed annually by the municipality. No building permit shall be issued by him/her except where there is to be compliance with all provisions of this Law.

SECTION 702: DUTIES

It shall be the duty of the Code Enforcement Officer in connection with this Law to do the following:

A. Permits - Issue building/zoning permits or refuse to issue the same and give the reasons for such refusal to the applicant in writing.

B. Records - Keep a record of all applications for permits and record of all permits issued with a notation of all special conditions involved.

C. Fees - Receive all required fees and deposit them with the Municipal Clerk at least monthly.

D. Coordination - Keep the Municipal Board, the Zoning Board of Appeals, and Planning Board informed and advised of all matters, other than routine matters in connection with this Law.

E. Reports - Submit such reports as may be deemed necessary by the Municipal Board.

F. Assist Applicants - Whenever possible, advise and assist persons applying for building permits with the preparation of their applications.

G. Violations - Assist in securing warrants and prosecution of violators of the provisions of this Law.

H. Notices - Serve or cause to be served all notices that may be required to be serve in connection with this Law.

I. Fire Inspection - Notify Fire Code Inspector of all permits issued.

J. Building Code Inspector - Notify Building Code Inspector of all permits issued.

K. Amendment Recommendations - Make recommendations for keeping the Zoning Law and accompanying map up-to-date.

L. Inspections - Inspect new construction or changes of use during and/or after constructions or change in use to insure conformity with the provisions of this Law and other applicable laws.

SECTION 703: ZONING PERMITS

A. Permit Required - No building, structure, accessory uses, or lot shall be erected, added to, structurally enlarged, or changed to another use until a zoning permit has been issued to the property owner by the Zoning Code Enforcement Officer. Excluded, however, from these permit requirements are:

1. interior modifications unless additional dwelling units or different types of uses are created, and

2. home repairs or improvements not involving additions or enlargements of floor space.

3. refer to Article IV, District Regulations, for other exclusions.

B. Permit Contents - The application for a permit shall be made on a form obtained from the Code Enforcement Officer. The form shall, as a minimum, contain the following:

1. Applicant information - name, address, etc.;

2. Property identification - street address and Section/Block/Lot;

3. Project description including purpose - proposed use;

4. Construction type - height, family units, lot dimensions, setbacks, accessory buildings, etc.;

5. Other information - copy of Health Department Permit, off-street parking, location of wetlands, floodplains, need for curb cut;

6. Signature of applicant; and

7. Plot plan drawn to approximate scale showing the lot size, setback, highways existing and proposed structures, and any other pertinent features as determined by the Zoning Code Enforcement Officer.

C. Commercial Permit Requirements - All applications for permits for commercial buildings

must contain information detailing drainage and landscaping plans, off-street parking, off street loading, and any other data the Permitting Board deems necessary.

D. Flood Permits - A development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

E. Validity – All conditions of the zoning permit must be completed within one year. For construction projects, within 1 year from the date that the building permit is granted, the exterior of the structure shall be completed, backfilling and rough grading will be accomplished, and no new building materials will be stored outside. Structures not completed within the time period specified by the zoning permit shall be in violation of this zoning law and shall be subject to Section 1201, Violations and Section 1202, Penalties. Upon expiration of the one-year zoning permit period, a one-year extension may be requested. Only one zoning permit extension of one year shall be allowed and this limitation shall apply to all projects for which the previous permits and extensions were granted and have since expired. However, the basis for granting or denying this zoning permit extension shall be the actual sustained construction progress that previously occurred and/or evidence of good faith intent to complete the structure- e.g., a dated/signed contract between property owner and insured contractor dealing with the completion of the exterior of the structure with a completion date indicated. The zoning officer shall determine if extensions shall be granted. If an extension is denied, the applicant may apply for variance from the Zoning Board of Appeals.

F. Notification of Adjacent Property Owners - Attempts shall be made to notify in writing property owners of land adjacent to parcels of land involved in requests for zoning permits, special use permits, variances, or amendments. The notification shall be a copy of any public notice advertising the meeting or hearing. Failure of such adjacent property owners to receive such notice, however, shall not be a basis for invalidating such a building permit; nor of contesting the actions of the Enforcement Officer, Board of Appeals, Planning Board, or the Municipal Board in regard to the issuance or withholding of such permit.

G. Decisions -

1. All decisions by the Code Enforcement Officer to grant or deny a zoning permit shall be made in writing within 20 days from the time that the completed zoning permit form is submitted along with full payment of the required fee.

2. The decision form shall, as a minimum, include a project description, location information, reference to section of the Zoning Law which would not be complied with and a description of alternatives open to applicants who are turned down.

SECTION 704: SCHEDULE OF FEES

Each application for a permit of certification is to be accompanied by a check or money order in the amount of the appropriate fee as listed in the Fee Schedule established and maintained by the Town of Mina Municipal Board.

ARTICLE VIII
NONCONFORMING USES

SECTION 801: CONTINUATION

The lawful use of any building or land existing at the time of the enactment of this Law may be continued although such use does not conform with the provisions of this Law. However, all legally preexisting uses which do not conform with specific provisions of this Law shall not be required to comply with these provisions unless it is specifically stated within this Law that they must comply within a certain reasonable time period.

SECTION 802: ALTERATION OF STRUCTURES

A. Unsafe Structures - Nonconforming buildings damaged by fire, wind, and other catastrophic causes as well as structures declared to be unsafe due to general dilapidation may be restored or rebuilt for the nonconforming use it was used for last. Unsafe structures cannot be restored or rebuilt if it would result in a use which is more nonconforming than the structure was prior to becoming unsafe. When the unsafe condition was caused by fire, wind, or any catastrophic causes, the permit must be applied for within 6 months from the date of the fire, etc. Otherwise, the building permit need not be granted, as decided by the Municipal Board.

B. Alterations of Structures - A nonconforming structure may be added to or altered during its life to an extent of up to 50% of the market value of the building, as long as the alterations do not cause the structure to be more nonconforming. If the alterations are made to bring the building into conformity with all provisions of this Law, then the 50% rule does not apply. Alterations above 50% shall be allowed if all conditions of this Law are met.

SECTION 803: PRIOR APPROVED CONSTRUCTION

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

SECTION 804: CESSATION

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this Law.

SECTION 805: DISPLACEMENT

No nonconforming use shall be extended or enlarged to displace a conforming use on the property or adjacent property.

SECTION 806: DISTRICT CHANGES

Whenever the boundaries of a district or zone shall be changed so as to transfer an area from one district or zone to another district or zone of a different classification, the provisions of this article shall also apply to any uses made nonconforming as a result of the change.

SECTION 807: NONCONFORMING YARD CHANGES

A permitted use which is not in conformance with yard requirements (e.g.; setbacks, etc.) may be removed and replaced with another structure (same use) which is the same or more in compliance with the yard requirements without going through area variance procedures. The Enforcement Officer shall determine the applicability of this section to specific cases. Additionally, where an existing structure does not comply with setback requirements, additions to the structure may be made where the setbacks will not be further violated. Generally, this shall apply to the filling in of irregularly shaped structures.

SECTION 808: USE CHANGES

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

B. A legal nonconforming use may be changed to another nonconforming use which is of such a character so as to be equal or less of a nuisance and more in conformance with the zoning law requirements. The Zoning Board of Appeals shall make all determinations as to what new nonconforming uses would be allowable through the normal use variance procedures (see section on variances).

ARTICLE IX
ZONING BOARD OF APPEALS

SECTION 901: CREATION

A Zoning Board of Appeals is hereby created. Said Board shall be appointed and function in accordance with the enabling Law. Said Board shall consist of five (5) regular members and up to two (2) alternates may be appointed to serve in the absence of regular members.

SECTION 902: GENERAL PROCEDURES (DUTIES)

A. Duties - The Zoning Board of Appeals shall act in strict accordance with procedures specified by Law and by this Zoning Law. The major duties of the Board shall be to hear and

decide on variance requests as well as to interpret the meaning of the Zoning Law as requested. Additionally, they shall hear requests for selected Special Use Permits when a Variance (Use or Area) is also required.

B. Format for Requests - All requests shall be in writing on forms prescribed by the Zoning Board of Appeals. Specific provisions of the Zoning Law shall be referred to and as a minimum, the following information shall be provided by the person requesting the variance/interpretation:

1. Property identification;
2. Project description;
3. Drawing of sufficient detail to provide needed information sufficient to decide on the request;
4. Reasons for permit denial;
5. Proof of unnecessary hardship or practical difficulties; and
6. Hearing information.

C. Referral to Town Board - On an optional basis, the Zoning Board of Appeals may request in writing a recommendation by the Town Board.

D. Hearings - All hearing procedures shall be in accordance with appropriate laws with respect to notices, timeliness, etc.

E. Decisions - Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings. A copy of documentation of these findings shall be maintained in the Town of Mina Clerk's office. Decisions shall be made in a timely manner in accordance with state law. As per state law, a majority of the membership are needed to pass or reject any request.

F. Time Requirements - All appeals to the Zoning Board of Appeals for interpretations or variances shall be submitted to the Zoning Board of Appeals within 30 days of the date of denial of the application.

SECTION 903: INTERPRETATION

The Zoning Board of Appeals shall have the power to interpret the meaning of this Zoning whenever called upon by the Municipal Board, Zoning Officer, or an aggrieved party. This shall include the power to reverse any order, requirement, decision, or determination of an administrative official or Board. This interpretive power shall include the determination of district boundary lines.

SECTION 904: USE AND AREA VARIANCES

A. Reasons for Variances - The Zoning Board of Appeals has the authority to vary or modify the strict letter of the Zoning Law where a literal interpretation would cause practical difficulties (Area Variances) or unnecessary hardships (Use Variance).

B. Applicability & Limitations -

1. The Zoning Board of Appeals can decide appeals from a person who feels aggrieved by a decision of the Enforcement Officer.

2. The Zoning Board of Appeals has absolutely no power to amend the Zoning Law and must exercise great care to ensure that its rulings do not, in effect, amend the Zoning Law.

C. Basis for Granting Area Variances -

l. Area Variances provide relief of a dimensional nature, (e.g., lot shape or grade) and must be based on practical difficulty. The burden of proof is on the applicant and if relief is warranted, it should be the minimum necessary.

2. 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. In making such determination, the Board shall also consider:

a. whether an undesirable change will be produces in the character of the neighborhood or a detriment to nearby properties would be created by the granting of the area variance;

b. whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;

c. whether the requested area variance is substantial;

d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

e. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

f. whether the validity of the area variance shall be the same as Section 703E.

D. Basis for Granting Use Variances -

l. Use Variances provide relief to an applicant who is denied through application of the Zoning Law by the Municipal Board the right to use land or structures in a certain manner since the use is not listed as an allowable use in the Zoning Law. In order to be granted the Use Variance the applicant must prove that "Unnecessary Hardship" exists and this is accomplished by showing all of the following:

a. The applicant can not realize a reasonable return for a permitted use under the zoning regulations, provided that lack of a 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.

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

E. In granting any variance, be it a use variance or area variance the Zoning Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable and are in compliance with the intent of the Zoning Law. The decisions must be written in the form of a resolution and must state in detail the reasons for granting or denying the variance and the conditions imposed.

F. Temporary Variances - The Zoning Board of Appeals may issue, for uses which are of a temporary nature, a Variance. Said Variance shall clearly state the conditions of the Variance to include when it shall terminate, the possibility of renewal, and other conditions deemed necessary.

SECTION 905: SPECIAL USE PERMITS

A. Applicability - The Zoning Board of Appeals shall be responsible for all Special Use Permits/Site Plans which are not under the jurisdiction of the Municipal Board (See Section 1101 B1).

B. Basis for Granting Special Use/Site Plan Permits -

1. Applicability - The Zoning Board of Appeals shall hear all requests for Special Use Permits for all projects not under the jurisdiction of the municipal board.

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

3. Standards - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of

adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.

4. Conditions-

a. In the granting of Special Use Permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.

b. The supplemental section of this Law entitled, General Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested and this section is not all-inclusive.

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

d. Procedures - The Permitting Board shall act in strict accordance with procedure specified by law and by the Zoning Law with regard to public hearings, notices, publications, etc.

e. Expiration - A Special Use Permit shall be deemed to authorize only 1 particular use and shall expire if the special use shall cease for more than 1 year for any reason.

f. Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

C. Referral to Town Board -

1. Prior to action on Special Use Permits, the Zoning Board of Appeals shall advise the Town Board of the proposed actions.

2. The Town Board shall have 30 days in which to review the proposed action and return their recommendation to the Zoning Board of Appeals.

SECTION 906: MANDATORY REFERRAL (GENERAL MUNICIPAL LAW 239 l & m)

A. Applicability - In accordance with General Municipal Law 239 l & m, before issuing a Special Use Permit or granting a variance affecting any real property lying within a distance of 500 feet of the boundary of this Municipality or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway, or from the

existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

B. Response Time - Within 30 days after receipt of a full statement of such referred matter, the Chautauqua County Planning Board to which referral is made, or an authorized agent of said agency shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of 30 days, the Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproved the proposal, or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendation except by a vote of a majority plus 1 of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Report of Action - Within seven (7) days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modifications, or disapproval.

ARTICLE X
MUNICIPAL PLANNING BOARD

SECTION 1001: CREATION

The Municipal Board shall appoint a Planning Board consisting of five (5) members as prescribed by Law.

SECTION 1002: DUTIES

The Planning Board shall have the following duties with respect to the Zoning Law:

A. Recommendations

1. Mandatory Recommendations - The Planning Board shall submit recommendations to the appropriate Board on all applications for:

a. all Special Use Permits under the jurisdiction of the municipal board;

b. any Special Use Permits which the Zoning Board of Appeals refer to the Planning Board; and

c. zoning amendments.

2. Optional Recommendations –

a. The Planning Board shall submit reports within 30 days after referral on any "optional" matter referred to it.

b. The Planning Board shall review and approve sign permits.

B. Review of Zoning Law - To review the Zoning Law at least every five (5) years and make written recommendations for amendments, should they be necessary.

SECTION 1003: MANDATORY REFERRAL

Under General Municipal Law 239 l & m, certain Special Use Permits and amendments must be referred to the County Planning Board prior to local decisions being made. See Article IX, Zoning Board of Appeals, for procedures to be followed (section on mandatory referrals).

ARTICLE XI
MUNICIPAL BOARD

SECTION 1101: DUTIES, AMENDMENTS & SPECIAL USE/SITE PLAN

The Municipal Board shall have the following duties with respect to this Zoning Law.

A. Amendments -

1. The Municipal Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Law after public notice and hearing.

2. The Municipal Board by resolution adopted at a scheduled meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with applicable Law.

B. Special Use Permit/Site Plan Review -

1. Applicability - The Municipal Board shall hear all requests for Special Use Permits/Site Plan Reviews for any project impacting the infrastructure (roads, utilities) as well as all commercial/industrial projects with 15,000 sq. ft. of floor space or more. Requests for mobile home parks shall also be reviewed by the Municipal Board.

2. Special Use Permit Provisions -

a. General Provisions - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements

of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

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

c. Conditions –

i. In the granting of Special Use Permits, Permitting Board shall attach such conditions and safeguards as it deems appropriate under this Law.

ii. The supplemental section of this Law entitled, General Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all-inclusive.

iii. A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit, and plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, and any other pertinent information that the Permitting Board deems necessary.

d. Procedures - The Permitting Board shall act in strict accordance with procedure specified by Law and by the Zoning Law with regard to public hearings, notices, publications, etc.

e. Expiration - A Special Use Permit shall be deemed to authorize only 1 particular use and shall expire if the special use shall cease for more than 1 year.

f. Existing Violations - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

3. Site Plan Review Requirements –

a. Purpose - Site plan review has the purpose of specifying for all involved parties what the intended design, arrangement, and uses of the land shall consist of so as to optimize the physical, social, and economic effects on the community for specified types of development.

b. Administration –

i. Permits - The Permitting Board shall be responsible for a site plan review of all commercial development with over 5,000 square feet of floor space or residential development involving more than five (5) dwelling units. In these instances, the Permitting Board shall also be responsible for administering the Special Use Permit requirements, with both processes taking place simultaneously.
ii. Expiration - A Site Plan Review shall be deemed to authorize only one (1) particular use and shall expire if the use shall cease for more than one (1) year.

iii. Hearings - An attempt shall be made to integrate, where appropriate, the Site Plan Review requirements into the required Special Use Permit Hearing, thus eliminating the need for two (2) hearings.

iv. Referral - The Permitting Board shall, within seven (7) days of receipt of the complete application, submit to the Planning Board a request for an opinion on any proposed project. The Permitting Board shall wait l4 days for a response prior to acting on the matter.

v. Decision Requirements - Within 45 days of receipt of the complete application, the Permitting Board shall render a decision to the Zoning Officer. If no decision is made within the 45-day period, the site plan shall be considered approved. The applicant shall be notified in writing of its decision with the reasons for the decision specified.

c. Information Required - Sketches drawn to approximate scale will be prepared by the applicant, where feasible, to display the following information:

i. Administration, Legal and Other Miscellaneous Information -
(a) project title and date;
(b) name, address and telephone number of applicant, owner (if different), contractor, architect, and other major involved parties;
(c) construction schedule to include phasing and the completion date;
(d) performance bond to include amount, public improvements covered and bond approval;
(e) location width and purpose of all easements, public land holdings, leases, covenants, deed restrictions or any other unique land restriction; and
(f) record of all applications for permits from the Federal, State, or County governments to include approval status.

ii. Existing Man-made Features to be shown -

(a) boundary lines of project site as well as adjacent properties; and

(b) ownership pattern of all adjacent parcels.

(c) Existing structures on project site and adjacent property to include location, dimensions, height, and use. Decks and accessory structures should also be shown as well as historic structures.

(d) Roadways to include public roads, private roads, or driveways on the site, on and off-street parking, load/unload zones, access and egress, pedestrian pathways, or sidewalks. Width and elevations should be included.

(e) Utilities shall be identified to include location and size of water, sewer, drainage pipes, telephone, electric, gas, and TV cable. Additionally, any solar systems should be identified.

(f) Miscellaneous features to include: fences, signs, outside lighting, public address systems, storage areas, and retaining walls shall be shown.

(g) Fire lanes and fire hydrants, if any exist, should be displayed.

(h) Recreational areas both on the site and adjacent should be displayed to include public and private facilities. Decks, pools, tennis courts, etc., should be included.

(i) Trash or garbage collection areas shall be identified.

(j) Services such as banks, schools, retail, or service districts should be identified.

(k) Zoning district boundaries shall be identified.

(l) Other information deemed necessary by Permitting Board.

iii. Existing Natural Features to be shown -

(a) Topographic features with a minimum interval of 10 feet but preferably two (2) feet. Areas of steep slope should be delineated.

(b) Geographic features such as depth to bedrock and load bearing capacity for large development proposals.

(c) Hydro-geological features including drainage and runoff patterns, flood hazard areas, wetlands, depth to ground water and drainage capacity of soil.

(d) Landscaping and vegetative cover including wooded areas, significant isolated trees, ground cover, shrubs, and other similar features. Buffers should be identified.

(e) Watercourses to include lakes, streams, or ponds.

(f) Archaeologically significant areas.

(g) Significant views of landscapes should be identified.

(h) Other information deemed necessary by Permitting Board.

iv. New Proposal Features -

(a) Referring to the existing man-made and natural features above, provide a description/sketch of any changes that are being proposed.
(b) Include construction materials proposed for use.
(c) Provide design features.
(d) List the positive and negative effects for each existing feature listed above (e.g., traffic to be generated and the effects it will have on specific roadways).

SECTION 1102: REFERRAL TO MUNICIPAL PLANNING BOARD

A. Prior to action on Zoning Amendments, Special Use Permits / Site Plan Review Permits, the Municipal Board shall advise the Planning Board of the proposed action.

B. The Planning Board shall have 30 days in which to review the proposed action and return their recommendation to the Municipal Board. After the 30 days has expired, the Municipal Board may act without receipt of a recommendation from the Planning Board.

SECTION 1103: MANDATORY REFERRAL

General Municipal Law 239 l & m, must be followed when amending a Zoning Law. The Mandatory Referral section found in the Zoning Board of Appeals Article should be consulted for the procedure to be followed.

ARTICLE XII
VIOLATIONS & PENALTIES

SECTION 1201: VIOLATIONS

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate. However, the Municipal Board shall be responsible for insuring compliance with this Law when it is brought to their attention that a violation may exist, even though no formal complaint is filed.

Violations of this Law may be prosecuted by the Town Attorney or other counsel designated by the Town Board.

SECTION 1202: PENALTIES

For every offense or violation of any provision of this code, the person violating the same or committing the offense shall be subject to a fine of not more than $350 or a period of imprisonment not to exceed 15 days, or both such fine and imprisonment. Such fine may be increased to the extent

permitted by law at the time of violation or commission.

ARTICLE XIII
LEGALITY

SECTION 1301: CONFLICTS

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

SECTION 1302: SEPARABILITY

The invalidity of any provisions of this Law shall not invalidate any other part thereof.

SECTION 1303: REPEALER

Any previously adopted Zoning Law, Subdivision Law or other regulations of the municipality, together with all changes and amendments thereto, are hereby repealed and declared to be of no effect.

SECTION 1304: EFFECTIVE DATE

This Local Law shall take effect 10 days after filing with New York State.

APPENDIX B

LAND USE ZONING DISTRICT MATRIX

Adopted June 12, 2025

LEGEND:
(PR) By Right (Permit Required - No Hearing)
(SU) Special Use Permit (Permit and Hearing Required)
(NP) No Permit (No Permit Required - Abide by Rules)
(----) Use Not Allowed

Please Note: This matrix is a supplement to the Zoning Law and is intended to be used as a guide. The Zoning Law is to be followed if there is a discrepancy between the Zoning Law and the matrix.

A.	RESIDENTIAL	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	Dwelling Unit - Single family - Detached								
	(Prefabricated, Modular)	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**
2	Dwelling Unit - Single family - Detached (Conventional)	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**
3	Mobile Home Dwelling - Detached (Double Wide) -								
	Sec 623	**SU**	**PR**	**SU**	**PR**	**---**	**PR**	**---**	**---**
4	Mobile Home Dwelling - Detached (Single Wide) -								
	Sec 623	**SU**	**SU**	**SU**	**SU**	**---**	**SU**	**---**	**---**
5	Duplex Dwelling (2 Units) - Attached	**SU**	**PR**	**SU**	**PR**	**---**	**SU**	**---**	**---**
6	Accessory/Efficiency Apartment/Residential Conversion	**SU**	**SU**	**SU**	**PR**	**SU**	**PR**	**SU**	**SU**
7	Multiple Dwellings (3 - 5 Units) - Attached - Sec 604	**SU**	**SU**	**SU**	**SU**	**---**	**SU**	**---**	**---**
8	Multiple Dwellings (6+ Units) - Attached - Sec 604	**SU**	**SU**	**SU**	**SU**	**---**	**SU**	**---**	**---**
9	Senior Housing (3+ Units)	**---**	**SU**	**---**	**SU**	**---**	**SU**	**---**	**---**
10	Apartment Above Commercial Storefront	**PR**	**PR**	**---**	**PR**	**PR**	**PR**	**---**	**---**
11	Mobile Home Park	**---**	**SU**	**---**	**SU**	**---**	**---**	**---**	**---**
12	Bed and Breakfast / Boarding Home - Sec 638	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**---**	**---**
13	Nursing Home / Convalescent Home	**---**	**SU**	**---**	**SU**	**---**	**SU**	**---**	**---**
14	Cluster Residential Development - Sec 602	**SU**	**SU**	**---**	**SU**	**---**	**SU**	**---**	**---**
15	Dormitory	**---**	**SU**	**---**	**SU**	**---**	**---**	**---**	**---**
16	Group Home	**---**	**SU**	**---**	**SU**	**---**	**---**	**---**	**---**
17	Temporary Dwelling Unit (Mobile Home) - Sec 626	**SU**	**SU**	**SU**	**SU**	**---**	**SU**	**---**	**---**
18	Short-Term Rentals - Sec 655	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**SU**	**---**

B.	AGRICULTURAL & AGRI-BUSINESS	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	Agriculture	---	NP	---	NP	---	NP	NP	NP
2	Agricultural Building	SU	PR	---	PR	---	---	---	---
3	Agriculture, Limited	PR	NP	---	NP	---	NP	---	---
4	Agricultural Processor	---	SU	---	SU	---	---	---	---
5	General Agricultural Business	---	NP	---	NP	---	NP	---	---
6	Cooperative	---	SU	---	SU	SU	SU	---	---
7	Cultivator	---	SU	---	SU	---	SU	---	---
8	Delivery	---	SU	---	SU	SU	SU	SU	---
9	Distributor	---	SU	---	SU	---	SU	---	---
10	General Agricultural Business	---	NP	---	NP	---	NP	---	---
11	Farm	---	NP	---	NP	---	---	---	---
12	Microbusiness	---	SU	---	SU	SU	SU	SU	---
13	Sawmill	---	---	---	PR	---	SU	---	---
14	Winery	---	PR	---	NP	---	NP	---	---
	a. Boutique	---	PR	---	NP	NP	NP	---	---
	b. Small	---	PR	---	NP	SU	NP	---	---
	c. Medium	---	PR	---	NP	---	SU	---	---
	d. Large	---	PR	---	NP	---	SU	---	---
15	Horticulture, Private	NP	NP	NP	NP	---	NP	---	---
16	Nursery/Greenhouse	---	SU	---	SU	---	SU	---	---
17	Roadside Stand - General - Sec 608	SU	NP	SU	NP	---	NP	NP	---
18	Roadside Stand - Limited - Sec 608	SU	NP	SU	NP	---	NP	NP	---
19	Farmers Market	---	NP	---	NP	NP	NP	NP	---

C.	BUSINESS - RETAIL	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	Retail Business,General	---	SU	---	PR	SU	NP	SU	---
2	Household Sale - Sec 607	NP	NP	NP	NP	NP	NP	---	---
3	Vendor, Temporary	---	PR	---	PR	PR	PR	---	---
4	Drug Store	---	SU	---	PR	SU	NP	---	---
5	Large Box Retail / Outlet Mall - Sec 605	---	SU	---	SU	---	NP	---	---
6	Grocery Store / Minimart / Convenience Store	---	SU	---	SU	SU	NP	SU	SU
7	Monument Sales	---	SU	---	PR	SU	NP	---	---
8	Liquor Store	---	SU	---	SU	SU	NP	---	---
9	Mobile Home / Trailer Sales	---	SU	---	SU	---	NP	---	---
10	Rental Store	---	SU	---	SU	SU	NP	---	SU
11	Gas Station - Sec 645	---	SU	---	SU	---	NP	---	---
12	Auto sales / Used Car Lot - Sec 642	---	SU	---	PR	---	NP	---	---
13	Feed and Seed Shop	---	SU	---	PR	---	NP	---	---
14	Furniture / Home Furnishings	---	SU	---	PR	SU	NP	---	---
15	Hardware / Glass / Paint Store / Rental Store	---	SU	---	PR	---	NP	---	---
16	Auction Business	---	SU	---	SU	SU	NP	---	---
17	Artisan Store/Workshop	SU	SU	SU	SU	SU	NP	---	---
18	Cannabis Adult-Use Retail Dispensary	---	---	---	---	---	SU	---	---

D.	BUSINESS - SERVICE	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	General Service Shop	---	SU	---	PR	---	PR	---	---
2	Professional / Office Building	---	PR	---	PR	SU	PR	---	---
3	Financial Institution	---	PR	---	PR	SU	PR	---	---
4	Funeral Home	---	SU	---	PR	---	PR	---	---
5	Laundromat / Dry Cleaning Shop	---	PR	---	PR	---	PR	---	---
6	Barber / Beauty Shop / Tanning Salon	SU	PR	SU	PR	SU	PR	---	---
7	Bar	---	SU	---	SU	SU	SU	---	---
8	Truck Terminal / Truck Plaza	---	SU	---	SU	---	SU	---	---
9	Drive-in Business - Sec 609	---	SU	---	SU	---	SU	SU	---
10	Hotel / Motel	---	SU	---	SU	---	SU	---	---
11	Vehicle Repair Shop / Towing Service - Sec 644	---	SU	---	SU	---	PR	---	---
12	Building Contractor	SU	SU	SU	SU	---	SU	---	---
13	Kennel Business - Sec 636	SU	SU	SU	SU	---	PR	---	---
14	Animal Shelter	---	SU	---	SU	---	PR	---	---
15	Animal Hospital / Veterinary Clinic	---	SU	---	PR	---	PR	---	---
16	Car Wash	---	SU	---	PR	---	PR	---	---
17	Commercial Storage	---	SU	---	SU	---	SU	---	---
18	Adult Entertainment	---	SU	---	SU	---	SU	---	---
19	Brew Pub / Micro-brewery	---	SU	---	PR	SU	PR	---	---
20	Printing and Related Business	---	SU	---	PR	---	PR	---	---
21	Massage Establishment/Spa	---	SU	---	SU	SU	SU	---	---

D.	BUSINESS - SERVICE (CONTINUED)	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
22	Video Rental Store	---	SU	---	NP	---	NP	---	---
23	Health Club	---	SU	---	PR	---	NP	---	---
24	Health Care Facility	---	SU	---	NP	SU	NP	---	---
25	Self Storage - Sec 613	---	SU	---	PR	---	PR	---	---
26	Gas Compressor	---	---	---	SU	---	SU	---	---
27	Marinas / Tackle Shop	---	---	---	---	SU	NP	---	---
28	Boutique	---	---	---	---	SU	SU	---	---
29	Insurance Agency	---	---	---	---	SU	SU	---	---
30	Real Estate Business	---	---	---	---	SU	SU	---	---
31	Restaurant (Dine-in/Take Out)	---	SU	---	SU	SU	SU	SU	---
32	Cannabis Adult-Use On-Site Consumption	---	---	---	---	---	---	---	---
33	Delivery	---	SU	---	SU	SU	SU	SU	---
E.	**WHOLESALE**								
1	General Wholesale	---	SU	---	SU	SU	SU	---	---
2	Fuel Storage / Distribution - Sec 650	---	---	---	SU	---	SU	---	---
3	Commercial Distribution Center	---	---	---	SU	---	SU	---	---
4	Commercial Warehouse	---	---	---	SU	SU	SU	---	---
F.	**OTHER BUSINESS**								
1	Home Occupation - General - Sec 606	PR	PR	PR	PR	PR	PR	PR	PR
G.	**INDUSTRY**								
1	General Industry	---	SU	---	SU	---	SU	---	---
2	Gravel Pit / Quarry / Sand Pit - Sec 618	---	SU	---	SU	---	SU	---	---
3	Vehicle Dismantling / Junk / Scrap yard - Sec 620	---	---	---	SU	---	---	---	---

H.	ESSENTIAL SERVICES	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	Public Utilities	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**---**	**---**
2	Public Utilities, Quasi	**PR**	**PR**	**PR**	**PR**	**---**	**PR**	**---**	**---**
3	Water Tower	**---**	**---**	**---**	**---**	**---**	**---**	**---**	**---**
I.	**PUBLIC AND QUASI-PUBLIC USES**								
1	School / College - Public / Private	**SU**	**SU**	**SU**	**SU**	**---**	**SU**	**---**	**---**
2	Airport	**---**	**---**	**---**	**SU**	**---**	**---**	**---**	**---**
3	Daycare Limited (Less than 5 individuals)- Sec 631	**PR**	**PR**	**PR**	**PR**	**SU**	**PR**	**---**	**---**
4	Daycare Center (5 or more individuals) - Sec 631	**SU**	**SU**	**SU**	**SU**	**SU**	**SU**	**---**	**---**
5	Library	**---**	**SU**	**---**	**SU**	**SU**	**SU**	**---**	**---**
6	Museum	**---**	**SU**	**---**	**SU**	**SU**	**SU**	**---**	**---**
7	Historical Society	**---**	**SU**	**---**	**SU**	**SU**	**SU**	**---**	**---**
8	Church / Rectory	**SU**	**SU**	**SU**	**SU**	**SU**	**SU**	**---**	**---**
9	Fraternal Organization / Lodge / Civic Club / Union	**---**	**SU**	**---**	**PR**	**---**	**SU**	**---**	**---**
10	Large Group Gathering	**PR**	**PR**	**PR**	**PR**	**PR**	**PR**	**---**	**---**
11	Cemetery / Mausoleum	**---**	**SU**	**---**	**SU**	**---**	**SU**	**---**	**---**
12	Post Office (Public or Private)	**---**	**SU**	**---**	**PR**	**SU**	**PR**	**---**	**---**
13	Ambulance Service	**---**	**SU**	**---**	**PR**	**---**	**PR**	**---**	**---**
14	Radio / TV Broadcasting Station	**---**	**SU**	**---**	**PR**	**---**	**PR**	**---**	**---**
15	Fire Hall / Fire Station	**---**	**SU**	**---**	**PR**	**SU**	**PR**	**---**	**---**
16	Animal Cemetery	**---**	**SU**	**---**	**SU**	**---**	**SU**	**---**	**---**
17	Church, Storefront	**---**	**SU**	**---**	**PR**	**---**	**PR**	**---**	**---**

J.	RECREATION & ENTERTAINMENT	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	Public Park / Playground	PR	PR	PR	PR	SU	PR	---	---
2	Golf Course (Public / Private)	SU	SU	---	SU	---	SU	---	---
3	Tennis court - Private	SU	SU	SU	SU	---	SU	---	---
4	Tennis court - Public	SU	SU	SU	SU	SU	SU	---	SU
5	Commercial Recreation	---	SU	---	SU	---	SU	---	SU
6	Amusement Park / Theme Park / Zoo	---	SU	---	SU	---	SU	---	---
7	Boathouse / Dock / Pier	PR	PR	PR	PR	SU	---	---	SU
8	Swimming Pool - Sec 646	PR	PR	PR	PR	SU	---	---	---
9	Swimming Pool (Public) - Sec 646	---	SU	---	SU	---	SU	---	SU
10	Cabins - Commercial	SU	SU	---	SU	---	SU	---	SU
11	Ski Area	---	SU	---	SU	---	SU	---	---
12	Recreational Camp (Public/Private)	---	PR	---	PR	---	PR	---	---
13	Campground - Commercial - Sec 627	---	SU	---	SU	---	SU	---	SU
14	Theater	---	SU	---	SU	---	PR	---	---
15	Carnival / Circus - Temporary	---	SU	---	SU	SU	SU	---	---
16	Rifle / Skeet / Gun / Archery Range	---	SU	---	SU	---	SU	---	---
17	Arcade	---	SU	---	SU	SU	PR	---	---
18	Arts / Civic / Community / Convention Center	---	SU	---	SU	NP	PR	---	---
19	Stadium / Ice Rink / Skateboard Park	---	SU	---	SU	SU	PR	---	---
20	Recreational Area/Outdoor Courts	---	SU	---	SU	SU	SU	---	---

K.	CONSERVATION	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
1	Wildlife Habitat / Preserve	---	SU	---	NP	---	SU	---	---
2	Forestry / Lumbering / Logging / Reforestation	NP	NP	---	NP	---	NP	---	---
3	Game Farm / Hatchery	---	SU	---	NP	---	SU	---	---
4	Wind Energy Conversion System - Sec 653	---	SU	---	SU	---	SU	---	---
5	Solar Structure - Sec 617 - Refer to Separate Law	SU	SU	SU	SU	SU	SU	---	---
6	Pond - Sec 610	SU	SU	---	NP	---	NP	---	---
7	Topsoil, Removal - Sec 630	NP	NP	NP	NP	---	NP	---	---
L.	**MISCELLANEOUS**								
1	Outdoor Storage - Recreational Vehicle - Sec 632	NP	NP	NP	NP	---	NP	---	---
2	Garage, Private	PR	PR	PR	PR	SU	PR	---	---
3	Garage, Public	---	SU	---	SU	---	SU	---	---
4	Accessory Building	SU	PR	SU	PR	SU	PR	---	---
5	Parking - Commercial Lot - Sec 612	---	---	---	---	---	NP	---	---
6	Parking - Private - Sec 612	NP	NP	NP	NP	NP	NP	---	---
7	Storage Structure (150 sq. ft.or less) - Sec 633	PR	PR	PR	PR	SU	PR	---	---
8	Signs - Sec 614	SU	SU	SU	SU	SU	PR	---	---
9	Farm, Animal - Sec 649	SU	NP	---	NP	---	SU	---	---
10	Junk Cars - Private Property - Sec 648	---	NP	---	NP	---	---	---	---
11	Junk Farm Vehicles - Sec 648	---	NP	---	NP	---	---	---	---
12	Open Porch / Deck	PR	PR	PR	PR	SU	PR	---	---
13	Parking - Public	---	PR	---	PR	SU	SU	NP	---
14	Pole Building/Pole Structure	---	SU	---	PR	---	SU	---	SU

L.	MISCELLANEOUS (CONTINUED)	R1 Residential	AR Agricultural Residential	R2 Lakeside Residential	A1 Agricultural	B1 Historic Business	B2 Commercial Business	B3 Sunnyside Business	B4 Shadyside Business
15	Trash - Private Property - Sec 635	---	---	---	NP	PR	NP	---	---
16	Fences / Walls - (less than 4 ft.in height) - Sec 615	NP	NP	NP	NP	NP	NP	SU	SU
17	Fences / Walls - (4 ft.in height and greater) - Sec 615	SU	SU	SU	SU	SU	SU	SU	SU
18	Heavy Vehicle Parking - Sec 621	---	---	---	NP	---	NP	---	---
19	TV Dish Antenna (Less than 4' diameter) - Sec 616	PR	PR	PR	PR	---	PR	---	---
20	TV Dish Antenna (Over 4' diameter) - Sec 616	SU	SU	SU	SU	---	SU	---	---
21	Temporary Dwelling Unit (Recreational Vehicle) - S.625	NP	NP	NP	NP	---	NP	---	SU
22	TV / Radio Tower - Commercial - Sec 647	---	SU	---	SU	---	SU	---	---
23	Demolition	PR	PR	PR	PR	PR	PR	PR	PR
24	Heating Fuel Tank	PR	PR	PR	PR	---	PR	---	---
25	Gasoline / Volatile Fuel Tank - Sec 628 & 650	SU	SU	SU	NP	---	NP	---	---
26	Toxic Waste Storage - Sec 650	---	---	---	SU	---	SU	---	---
27	Wood-Burning/Coal-Burning Furnaces - Outdoor	---	SU	---	SU	---	SU	---	---
28	Load/Unload Facility - Sec 613	---	SU	---	SU	SU	SU	---	---
29	Electric Vehicle Level 1 Chargers	NP	NP	NP	NP	NP	NP	NP	NP
30	Electric Vehicle Level 2 Chargers	NP	NP	NP	NP	NP	NP	NP	NP
31	Electric Vehicle Level 3 Non-Commercial Fast Chargers	NP	NP	NP	NP	NP	NP	NP	NP
32	Electric Vehicle Level 3 Commercial Fast Chargers	---	---	---	SU	SU	SU	SU	SU