

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Almond, New York

FILED
STATE RECORDS

SEP 27 2024

Local Law No. 3 of the year 20²⁴

DEPARTMENT OF STATE

A local law Zoning Law of the Town of Almond, New York
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Almond New York

as follows:

Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2024 of
the ~~(County)(City)(Town)(Village)~~ of Almond New York was duly passed by the
Town Board on September 17 2024, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective
Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____, on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 2024, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____, on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____
20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____, on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____
20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there
be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is
vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

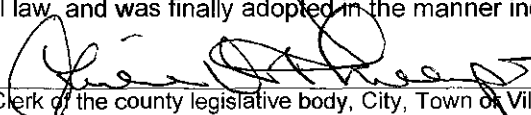
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 9/24/2024

(Seal)

**TOWN OF ALMOND
ZONING ORDINANCE
PUBLIC HEARING DRAFT
SEPTEMBER 2024**

Town of Almond
1 Marvin Lane
PO Box K
Almond, NY 14804
Website: www.almondny.com
Phone: 607-276-6665

Local Law #3 of 2024

This Law was Approved on September 17, 2024

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Article I: Purpose and Enactment

101.0 Title

This ordinance shall be known and cited as the "Zoning Law of the Town of Almond, New York." For convenience, it is referred to throughout this ordinance as the "zoning law" or "zoning code."

101.1 Short Title

This Ordinance shall be known and may be cited by short title of "Almond Town Zoning Ordinance."

101.2 Effective Date

The provisions of this zoning law become effective on XX/XX/2024, except as otherwise expressly stated.

101.3 Authority

This zoning law is adopted pursuant to the powers granted and limitations imposed on legislation of the State of New York.

101.4 Applicability

The regulations of this zoning law reflect the intent of the 2018 Comprehensive Plan: Town and Village of Almond, New York, and all other local plans, as approved by the Almond Town Board. The regulations outlined here apply to all development, public or private, within the corporate limits of the Town of Almond unless otherwise expressly stated in this zoning law.

102.0 Purpose and Intent

102.1 Purposes

There is hereby established a new comprehensive zoning law for the Town of Almond, which is set forth in the text, tables, illustrations and maps that constitute this ordinance, is hereby ratified effective on date of adoption. This zoning law is adopted to promote and protect the health, safety, and general welfare of the citizens of the Town of Almond and its surrounding communities. This Zoning Law is based on the 2018 Comprehensive Plan: Town and Village of Almond, New York, that was updated from an early 1970's document, and the document has been the basis for the Town and Village of Almond's decision making since the acceptance and approval from both the Town and Village of Almond Boards in 2018.

This Zoning Law is intended to implement the goals and objectives of the 2018 Town and Village of Almond, New York Comprehensive Plan, including but not limited to:

Planning Enhancements

- Preserve Almond's small-town character and quality of life.
- Maintain the appearance, scale, and function of developed areas.

Transportation

- Enhance safety and welfare for the residents of the Town of Almond.
- Promote travel within the Town of Almond on improved roadways and trail systems.

Infrastructure

- Expand residential water service.

Natural, Historical & Cultural Resources

- Enhance, preserve and promote the resources of the Town of Almond.
- Refurbish existing structures within the community and convert them into points of interests for visitors and residents and promote history, tourism and the arts.

Recreation

- Position the Town of Almond as a center for recreation in Western New York State.

Development

- Provide a better quality of life for the Town of Almond's residents and taxpayers
- Encourage new business growth, and improved housing while retaining the rural character and "hometown" feeling of the area.

Community Pride

- Enhance the townspeople's personal pride in their town by rejuvenating the area's assets.

Health and Public Safety

- Enhance the safety and welfare of the residents and visitors within the Town of Almond
- Provide faster medical/rescue services within the Town of Almond
- Enhance the municipal court system and allow for better enforcement of the Town of Almond codes, ordinances and laws.

102.2 Definition of "Existing Zoning Law", this "Local Law", and this "Law"

As used in this Local Law, the term "Existing Zoning Law" shall mean and be the Town of Almond Zoning Law adopted as approved in 2012.

As used herein, the term "Local Law" shall mean and be this Local Law No. X of 2024. As used in the articles of this Local Law, the term "this law", "this chapter", "this ordinance", "this section" and "herein" shall mean, be and refer to the existing Zoning Law as amended by this Local Law.

103.0 Minimum Requirements & Compliance with other applicable regulations

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public welfare and to carry out the zoning law's stated purpose and intent. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of the law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits or by such easements, covenants or agreements that the provisions of this ordinance shall control.

In addition to the requirements of the zoning law, all uses and development must comply with all other applicable town, state, and federal regulations. All references in the zoning law to other town, state, or

federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the Town of Almond to enforce state or federal regulations.

104.0 Conflict with Other Laws

Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive of those imposing the higher standards shall govern.

104.1 Conflict with state or federal regulations

If either the State of New York or the federal government has legislatively expressed an intent to regulate any particular activity which is also regulated under this Zoning Law, said state or federal regulation shall supersede any provisions of this Zoning Law which conflict with such state or federal regulation. The foregoing statement notwithstanding, this Zoning law is intended to be an exercise of the general powers of the Town of Almond authorized pursuant to Section 10 the New York State Municipal Home Rule Law, Article 16 of the New York State Town Law and any other enabling legislation granting such powers to the Town.

105.0 Severability

If any portion of this zoning law is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning law, and in no way affects the validity of the remainder of the zoning law.

106.0 Word Tense and Intention

The language of the zoning law must be read literally. Regulations are no more or less strict than stated. Words defined in *Article XI: Definitions* have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in *Article XI: Definitions* have the meaning given in the latest edition of Merriam-Webster Unabridged Dictionary.

For the purpose of this ordinance, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction for the words indicates otherwise. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "shall", "will", "must", and "may not" are mandatory and directory. The word "may" is permissive. The word "used" includes "designed, intended or arranged to be used." When used with numbers, "up to X," "not more than X" and "a maximum of X" all include X.

106.1 Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings: "And" indicates that all connected items or provisions apply; and "Or" indicates that the connected items or provisions may apply singularly or in combination.

106.2 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Zoning Law. In case of any difference of meaning or implication between the text of this zoning law and any heading, drawing, table, figure, or illustration, the text controls.

106.3 Current versions and citations

All references to other town, county, state, or federal regulations in this zoning law refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, zoning law requirements for compliance are no longer in effect.

106.4 Public officials and agencies

All employees, public officials, bodies, and agencies to which references are made are those of the Town of Almond unless otherwise expressly stated.

Article II: Administration

201.0 Zoning Inspector

The duty of administering and enforcing the provisions of this ordinance is hereby conferred upon the Zoning Inspector, also known as the Code Enforcement Official (CEO), who shall have such powers as are conferred upon them by this ordinance, and as reasonably may be implied. They shall be appointed by the Almond Town Board and shall receive such compensation as the Almond Town Board shall determine.

201.1 Duties of the Zoning Inspector

It shall be the duty of the Zoning Inspector to cause any new plans, buildings, or premises to be examined or inspected to determine that they are not in violation of the provisions of this ordinance, In the event that the plans, buildings, or premises are subjected to site plan review or special use permit review in accordance with the tables located in *Article VI: Districts*, the Zoning Inspector shall refer the plans, buildings, or premises to the Planning board and Town Board for review as outlined in the following sections of this ordinance:

1. Article III: Site Plan Review
2. Article IV: Special Use Permits & Special Classifications

Where the Zoning Inspector, in the course of their duties, determines that any plans, buildings, or premises are in violation of this provisions of this ordinance, they shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered, the time permitted for such action, the penalties and remedies which may be invoked by the Town, and the violator's rights of appeal; all as provided for by this ordinance.

The Zoning Inspector shall maintain a permanent record of all matters considered and all action taken. Such records shall form a part of the records of their office and shall be available for the use of the Almond Town Board and other officials of the Town of Almond.

202.0 Planning Board

The Planning Board shall consist of five (5) members. Members shall be appointed by the Town Board for terms of office lasting five (5) years. If a vacancy occurs for reasons other than expiration, the unexpired term shall be filled by an appointment by the Town Board.

202.1 Special Training Classes

According to the New York State, Planning Board and Zoning Board of Appeals members are required by state statute to obtain four hours of training per year.

202.2 Chairman of the Planning Board

The chairman of the Planning Board shall be appointed by the Town Board. Upon failure to do so, the Planning Board shall elect a chairperson from its own members by a majority vote.

202.3 Procedure Rules and Regulations

The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction after public hearing by the Planning Board and subject to the approval of the Town Board.

202.4 Employment of Experts and Staff

The Planning Board shall have the authority to employ experts or staff persons and to pay for their services and such other expenses as may be necessary, not to exceed appropriations made for such purposes by the Town Board, unless approved in advance.

202.5 Surveys, Studies, and Research

The Planning Board may perform planning work, conduct surveys, make land use studies and conduct research into business, housing and industrial issues of the Town of Almond.

202.6 Zoning Inspector Recommendations

The Planning Board shall act on all applications not within the authority of the Zoning Inspector when forwarded by the Zoning Inspector pursuant to section 201.1 *Duties of the Zoning Inspector* of this ordinance. The Almond Planning Board shall determine whether the application is in compliance with this law pursuant to review procedures outlined in this ordinance, and shall forward notice of recommendation to the Town Board for final approval.

203.0 Certificates, Permits, and Variances

203.1 Equitable Enforcement and Administration

The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this ordinance. A zoning permit shall be prerequisite to the issuance of a building permit as prescribed by the building code.

203.2 Zoning Permit

The Zoning Inspector is hereby empowered to issue a zoning permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or building as part thereof, where they shall determine that such plans are not in violation of the provisions of this ordinance.

203.3 Certificate of Occupancy

The Code Enforcement Official (CEO) is hereby empowered to issue a certificate of occupancy, which shall certify that all provisions of this ordinance have been complied with in respect to the location and use of the building, structure or premises in question.

203.4 Variances

If the proposal is not allowed by this ordinance, the only way an applicant can proceed to obtain a zoning permit is by obtaining a variance from the Zoning Board of Appeals, which must be preceded by SEQRA review. A "use variance" involves a change in the allowable use of land and an "area variance" gives relief from dimensional requirements. The procedures for submitting a request for a variance to the Zoning Board of Appeals can be followed as outlined in *Article X: Zoning Board of Appeals and Variance Procedures*. Zoning use variance and area variance request documents can be found in this ordinance or on the Town of Almond website.

204.0 Application Procedures

204.1 Procedures for a Zoning Permit

Prior to the beginning of the construction, reconstruction or alteration of any use, the applicant shall notify the zoning inspector of the intent to receive a zoning permit. Within fifteen (15) days of notification of completion, the inspector shall inspect the plans for a structure or use and issue a zoning permit or refer the application to the Planning Board for review if necessary under the regulations of this ordinance. All applications for zoning permits shall be made to the Zoning Inspector in the detail specified in this ordinance.

Where the proposed use is a single-family or two-family residential use in a *R1 - Residential* or *AG - Agricultural* district, the Zoning Inspector shall carefully consider the application and supporting documents for compliance with this ordinance and either issue or deny the Zoning Permit.

Where the proposed use is any use other than a single-family or two-family residential use in a *R1 - Residential* or *AG - Agricultural* district, the Zoning Inspector shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board and Town Board along with recommendations. The Planning Board shall determine that the proposed site planned structures will comply with the regulations set forth in *Article III: Site Plan Review*.

Where the proposed use requires a special use permit in accordance with the district tables set forth in *Article VI: Districts* of this ordinance, the Zoning inspector shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board and Town Board along with recommendations. The Planning Board shall determine that the proposed site planned structures will comply with the regulations set forth in *Article IV: Special Use Permits and Special Classifications*.

The Planning Board shall, within thirty (30) days after receipt of said material, shall provide a recommendation to the Town Board to approve or disapprove the proposed development or construction. The Town Board, within thirty (30) days after receipt of recommendation provided by the Planning Board, shall approve or disapprove the proposed development or construction. In the event of disapproval, the reasons shall be stated clearly to the Zoning Inspector in writing by the Town Board. The Zoning Inspector shall deny a zoning permit for the proposed construction until such conditions as the disapproval is based upon have been corrected and written approval of the Town Board is obtained. The absence of a reply from the Town Board within thirty (30) day period after receipt of recommendation shall constitute approval and the Zoning Inspector shall proceed based on such approval.

204.2 Procedures for a Certification of Occupancy

Following the completion of the construction, reconstruction, or alteration of any building, or where a change in the use of a structure is proposed, the applicant shall transmit by registered mail to the Zoning Inspector a letter stating that such construction has been completed or that a new use has been proposed. Within seven (7) days of the receipt of this letter, the Zoning Inspector shall make all necessary inspections of the completed structure and proposed use to determine the conformance with this ordinance. A Certificate of Occupancy shall be issued only if the Zoning Inspector finds that the construction and proposed use comply with all requirements and provisions of this ordinance.

205.0 Application Details

205.1 Forms and Submittal

Each Application for a Zoning Permit shall be made in triplicate and with accompanying site plan. Forms are located on the Town of Almond website, <http://www.almondny.org>. They are also available from the Almond Town Clerk via the email located on the Town of Almond website. The materials to be submitted with each application shall clearly show the conditions on the site at the time of the application, the features of the site which are to be incorporated into the proposed use or building, and the appearance and function for the proposed use or building. At a minimum, the application shall include the following information and plans for both "before" and "after" conditions:

1. The location, use, design, and dimensions and height of each use and building
2. The location and arrangement of vehicular access ways, and the location, size and capacity of all areas used for off-street parking, loading and unloading.
3. The location dimensions of sidewalks, walkways, and other areas established for pedestrian use.
4. The design and treatment of open areas, buffer area and screening devices maintained; including dimensions of all areas devoted to lawns, trees and other landscaping devices.
5. Provision for water supply, sewage disposal, and storm drainage.
6. Such other data and plans as the Zoning Inspector, Zoning Board of Appeals, or the Planning Board may require to properly assess the application.

205.2 Application Fees

Each application for a permit provided for by this ordinance shall be accompanied by a fee per the permit and application fees schedule adopted by the Town Board of the Town Almond.

206.0 Public Hearings

Citizens shall be given an opportunity to appear and be heard at required public hearings, subject to reasonable rules of procedure.

1. If a public hearing is tabled, deferred or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public notice must be given before the rescheduled public hearing. If the applicant requests a postponement, the applicant must pay all costs of re-notification.

206.1 Special Use Permit Public Hearings

The Town Board shall conduct a public hearing within sixty (60) days from the day an application is received by the Planning Board for a special use permit in accordance with the regulations outlined in this ordinance.

1. Public notice of said hearing shall be printed in a *newspaper of circulation in the town* at least fifteen (15) days prior to the date of the hearing. Following the public hearing and recommendation of the planning board, the town board shall decide upon the application within sixty (30) days after the hearing. The time within which the town board must render its decision may be extended by mutual consent of the applicant and the board. The decision of the town board on the application shall be filed with the town clerk within 5 business days after such decision is rendered, and a copy thereof mailed to the applicant.
2. Whenever the provisions of this ordinance and NYS Town Law require that notices be mailed, the notices must be sent by the United States Postal Service first class mail at least ten (10) days in advance of such hearing.
 - a. Addresses must be based on the latest property ownership information available from the Real Property Assessment Records. When required notices have been properly addressed and deposited in the U.S. mail, failure of a party to receive such notice will not be grounds to invalidate any action taken.
3. When the provisions of this ordinance and NYS Town Law require that posted notice be provided, at least one (1) notice sign must be posted on each public street frontage abutting the subject property in a location plainly visible to passers-by at least five (5) days in advance of such hearing. A posted notice shall be exempt from including items 206.1-4c and 206.1-4d provided a Town Office contact is listed where additional information on the matter can be obtained.

4. All required public hearing notices must:
 - a. Indicate the date, time, and place of the public hearing or date of action that is the subject of the notice;
 - b. Describe any property involved in the application by street address or by general description;
 - c. Describe the general nature, scope, and purpose of the application or proposal;
 - d. Indicate where additional information on the matter can be obtained.

206.2 Notice to Applicant and Other Agencies

At least ten (10) days before a public hearing, the Town Board shall mail notices thereof to the applicant and to the county planning board, as required by section 239-m of the general municipal law.

1. Notice shall be accompanied by a full statement of the proposed action, as defined in subdivision one of section 239-m of the general municipal law.

206.3 Compliance with State Environmental Quality Review Act

The town board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

Article III: Site Plan Review

301.0 Site Plan Review Requirements

301.1 Purpose and Intent

The intent of the site plan review process is to determine compliance with the objectives of this zoning law while also preserving and enhancing the character of the neighborhood, achieving compatibility with adjacent development, mitigating potentially negative impacts on traffic, parking, drainage and similar environmental concerns, improving the overall visual and aesthetic quality of the Town of Almond, and increasing the capability of the zoning law to adapt to a variety of unique circumstances. It is the further intent of this section to ensure the optimum overall conservation, protection, preservation, development and use of natural and man-related resources of the Town of Almond through this process.

301.2 Applicability

Site plan review shall be required in accordance with the District Use Tables set forth in *Article VI: Districts and Article 16: Section 274-A of the New York State Town Law*. No construction or site improvement work may commence until site plan approval, where required by this ordinance, has been granted. Site plan approval must be obtained prior to the issuance of a building permit or certificate of occupancy.

Site Plan Review shall not be required for the:

1. Construction of a single one- or two-family dwelling on an approved building lot meeting the dimensional requirements of this Chapter;
2. Agricultural land uses, with the exception of roadside stands for the sale of agricultural products;
3. Incidental landscaping or grading; and
4. Maintenance of existing sign structures in all districts.

Issuance of Decision

The Planning Board at a regular meeting shall review and approve, approve with modification or disapprove a site plan in connection with any matter requiring submission of a site plan.

Existing Uses and Structures

This subsection does not apply to uses and structures that are lawfully in existence as of the date this subsection is adopted. Any use that would otherwise be subject to this subsection, which has been discontinued for a period of one year or more, shall be subject to review pursuant to the terms herein defined before such use is resumed. Any use or structure shall be considered to be in existence, provided that such use or structure has started construction prior to the effective date of this subsection and is fully constructed and completed within one year after the effective date of these regulations.

Uncertain Applicability

Any person uncertain of the applicability of the provisions of this subsection to a given land use activity may apply in writing to the Zoning Inspector for a written jurisdictional determination.

301.3 Referrals

Whenever required under §§239-l and §§239-m of the NYS General Municipal Law, site plan review applications must be forwarded to the Allegany County Planning Board for review prior to final action by the Town Board.

301.4 Site Plan Review Procedure

The general procedure for site plan review consists of an optional sketch plan conference and final site plan review and approval. To apply for site plan approval, an applicant shall complete the appropriate site plan application form. The application form and materials shall be filed with the Town Office together with the site plan application fee.

Sketch plan advisory option

Prior to undertaking any new land use or activity authorized in the applicable zoning district as a permitted or special use other than specifically designated in this ordinance, a site plan approval is required. Applicants for site plan approval are encouraged to follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of site plan review.

Upon request to the Zoning Inspector, a sketch plan conference may be held between the planning board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the planning board of their proposal prior to the preparation of a detailed site plan and for the planning board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan, including if the site plan should be completed by a licensed professional. In order to accomplish these objectives, the applicant shall provide to the zoning inspector and to the Planning Board the following:

A sketch showing the locations and dimensions of existing and proposed structures, parking areas, access, signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;

A general area map showing the location of the parcel under consideration for site plan review, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant, and all adjacent properties, subdivisions, streets, rights-of-way, easements and other pertinent features;

301.5 Final Site Plan review procedures

Basic Procedures

Applicants for site plan review shall submit to the zoning inspector a complete application consistent with the requirements listed. Upon determination by the zoning inspector that such application is complete and is subject to site plan review, the application shall be placed as a review item on the next available planning board meeting.

The planning board shall review the site plan according to the following procedures and provide a decision within 30 days of receipt of the application. The decision shall be complete with supporting documentation on whether to approve, approve with modifications, or disapprove the proposed site plan.

The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The planning board shall consider applications incomplete where there

is reason to believe the application applies to only a segment of the total planned development. In such situations, the planning board shall return such application to the applicant, together with a letter stating the basis for its determination.

The planning board may refer the site plan for review and comment to local and county officials or their designated consultants and to representatives of federal, state and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the State Department of Environmental Conservation and the state or county Department of Health, whichever has jurisdiction.

In reviewing site plans it shall be the responsibility of the planning board to obtain comments or approvals in writing from any relevant town department/division before a decision on approval is made.

Environmental Assessment

The environmental assessment shall be in accordance with the State Environmental Quality Review Act (SEQRA)

Site Plan Application requirements

An application for site plan approval shall be made initially in writing to the zoning inspector and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the planning board at said sketch plan conference. A site plan is a rendering or drawing prepared to the following specifications shown in this checklist:

1. Title of drawing, name and address of applicant, and person responsible for preparation of such drawing.
2. North arrow, scale and date.
3. Boundaries of the property plotted to scale by a New York State licensed surveyor. The Town may waive this requirement and allow reuse of tax maps or other existing maps as a base map showing the property boundaries when either such preexisting information is available and current or the proposal is of modest scale.
4. Location, design, type of construction, proposed use and exterior dimensions of all existing and proposed buildings.
5. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses.
6. Location, design and type of construction of all parking and truck loading areas, showing access and egress.
7. Provision for pedestrian access.
8. Location of any proposed outdoor storage.
9. Location, design and construction materials of all existing or proposed site improvements, including streets, easements, drains, culverts, retaining walls and fences.
10. Description of the method of any new sewage disposal, and location, design and construction materials of such new facilities.
11. Description of the method of securing water, and location, design and construction materials of any new facilities.
12. Location of fire and other emergency zones.

13. Location, design and construction materials of all proposed energy distribution facilities, including electrical, gas and solar energy.
14. *Location, size and design and type of construction of all proposed signs.*
15. Location and proposed development of all open areas, including existing vegetative cover.
16. Location and design of proposed outdoor lighting.
17. Landscaping plan and planting schedule.
18. An estimated project construction schedule.
19. Identification of any permits from other governmental bodies required for the project's execution.

As a condition of final approval, the Town may require such additional information that appears necessary for a complete assessment of the project.

Site Plan Review Criteria

The planning board shall review the site plan and supporting data before approval, approval with modifications, or disapproval of such site plan, based on the following criteria:

The planning board review of a site plan shall include, but is not limited to, the following considerations:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrians from vehicular traffic and pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading areas.
4. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-detering buffer between the proposed use and adjoining uses or properties.
6. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.
7. In the case of an apartment complex or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.
8. Adequacy of stormwater management and sanitary waste disposal facilities.
9. Protection of adjacent properties from noise, glare, unsightliness or other objectionable features.
10. Adequacy of water supply facilities.
11. All buildings shall be accessible to emergency vehicles.
12. Off-street parking and loading requirements required in *Article VIII: Off-Street Parking* shall be satisfied.
13. All site improvements, where required, shall comply with the requirements of the Americans With Disabilities Act.
14. Overall impact on the neighborhood, including compatibility of design and effect on the environment.
15. Conformance with the Town of Almond Comprehensive Plan and other plans which the Town of Almond uses as a guide for appropriate development.

Changes or Additions to Site Plan Material.

The planning board may require changes or additions in relation to yards, driveways, landscaping, buffer zones, etc., to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties from reasonably identifiable adverse impacts. Should the planning board require changes or additional facilities, final approval of the site plan shall be conditional upon satisfactory compliance by applicant in making the changes or additions.

Current Site Plan for Review.

Any applicant wishing to make changes in an approved site plan shall submit a revised and current site plan to the Town Board for review and approval.

Article IV: Special Use Permits & Special Classifications

400.0 Special Use permits

400.1 Applicability

All uses and activities requiring a special use permit must be reviewed and approved in accordance with the procedures of this Article.

1. Special uses within the zoning districts are generally considered to be uses which are appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review and may require the imposition of conditions in order to assure the appropriateness of the use in a particular zoning district.
2. A special use permit shall be required in accordance with the district use tables set forth at *Article VI: Districts of this ordinance*.
3. The planning board shall hear and provide recommendations to the town board to decide all applications for special use permits.
4. Specially permitted uses require site plan review unless otherwise noted in this ordinance. An application for special use permit review and approval shall be made in tandem with the proposed project submission. These two applications shall follow one review and approval process, including a joint public hearing.

400.2 Application Filing

The property or building owner, their agent, or lessee, purchaser or tenant with permission of the owner, may file special use permit applications. Applications for a special use permit approval must be filed with the Town Office and zoning inspector. The application for a Special Use Permit shall include a description of the proposed use and all of the materials required for Site Plan Review outlined in *Article III: Site Plan Review*. Special Use Permit Application Requirements are located in *Appendix B: Special Use Permit Application*.

400.3 Application Review Support

The planning board may request for additional information from any town department or division as well as seek the opinion of any legal, engineering, design, or other professional to aid in the review of a special use permit, not to exceed appropriations made for such purposes by the Town Board, unless approved in advance.

400.4 Referrals

Whenever required under 239-l and 239-m of the General Municipal Law, the planning board must forward special use permit applications to the county planning agency for review prior to taking final action.

400.5 Public Hearing and Final Action-Planning Board

Public Hearing

Within sixty-two (62) days from the day of a complete application is received for special permit approval, the planning board must convene a public hearing on the proposed application.

Notice of required public hearings on special use applications must be provided in accordance with section *206.0 Public Hearings* of this ordinance.

Final Action

Within sixty-two (62) days following the close of the public hearing, the Town Board will issue a decision to approve, approve with conditions, or deny the proposed special use permit in accordance with the requirements under section 206.0 *Public Hearings* of this ordinance.

400.6 Review Criteria

In rendering a recommendation for decision, the planning board shall consider whether or not the proposed use:

1. Will be generally consistent with the goals of the Town Comprehensive Plan;
2. Will meet any and all relevant criteria set forth in this ordinance;
3. Will be compatible with existing uses adjacent to and near the property;
4. Will be in harmony with the general purpose of this ordinance;
5. Will not tend to depreciate the value of adjacent property;
6. Will not create a hazard to health, safety or the general welfare of the public;
7. Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents;
8. Will not be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination or other similar conditions.
9. Will not cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area or cause adverse environmental impacts such as significant erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;
10. Will not destroy or adversely impact significant historic and/or cultural resource sites;
11. Will not provide inadequate landscaping, screening or buffering between adjacent uses which are incompatible with the proposed project;
12. Will not otherwise be detrimental to the public convenience and welfare;
13. Will not be any of the prohibited uses outlined in section 401.0 *Special Classifications*; and
14. Will follow all special requirements outlined in section 401.0 *Special Classifications*.

400.7 Conditions on Special Use Permits

The town board may impose such conditions upon the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time period for which the permit is granted. Such conditions shall be expressly set forth in the motion authorizing the special use permit.

400.8 Cessation of Special Use

A special use permit shall authorize only one (1) special use and shall expire if the special use ceases operation for more than twelve (12) consecutive months for any reason.

401.0 Special Classifications

401.1 Purpose and applicability

The purpose of this article is to place requirements on specific uses that have a greater potential to adversely impact surrounding properties, but which nonetheless may be made desirable and compatible through proper control and regulation. These requirements are intended to promote not only the general health, safety, and welfare of the public but also the character of the immediate neighborhood and larger community.

The following requirements are applicable to the uses, permitted and specially permitted, listed in Article VI: Districts of this ordinance. Uses allowable by Special Use Permit must obtain town board approval via the special use permit process outlined in section 400.0 *Special Use Permits* prior to operation. Permitted uses by right do not require town board approval, provided they meet all applicable requirements set forth in this ordinance. In addition to the requirements outlined in this article, specified uses shall be in conformance with all applicable additional standards set forth in this ordinance.

402.0 Special Requirements and Prohibited Uses

402.1 Prohibited Uses

The following uses are prohibited in all districts unless otherwise specified in this ordinance:

1. Manufacture of explosives
2. Manufacture of poisonous gases

402.2 Special Requirements

The following uses and special regulations are set forth to be fulfilled in accordance with the special use permit process set forth in section 400.0 *Special Use Permits*.

Illumination

All types of illumination must be shaded or concealed so that the light will not interfere with the vision of motor vehicle operators or shine directly on another residential property in any R1 – Residential district. Illumination must not flash or simulate movement.

Temporary Structures for Construction Projects

There shall be no temporary buildings or structures in any R1 – Residential district except those incidental to permanent construction projects. Any temporary building so used must be removed within thirty (30) days after the construction project is completed.

Corner Lot Obstructions

No fence, trees or other foliage shall be maintained on a corner lot that will materially obstruct the view of a driver or a vehicle approaching the street intersection.

Access through R1 – Residential District

Access to or from any B1 – Business, I1 – Light Industrial District, or I2 – General Industrial District shall not pass through any private land of any R1 – Residential district

Building Uses

No building or premises shall be used in such a manner that the health, morals, safety or welfare of the community may be endangered.

Excessive Emissions

No use shall emit excessive and objectionable amounts of refuse, matter, dusts, fumes, noise, odor, smoke, gas, vibration, lights, glare or waste products.

Signage and Advertising

All signs and advertising signs or devices must be expressly related to the business conducted on the premises unless otherwise specifically permitted by this ordinance.

Fencing Requirements

No fence, wall or similar structure shall unduly shut out light or air, cause a nuisance, fire hazard or dangerous condition.

Junk Yard Requirements

A junk yard shall be allowed to exist only in a general industrial district if it complies with the following conditions and requirements:

1. Adequate screening shall exist to sufficiently conceal the use from the public view, in accordance with existing New York State Law.
2. The use shall not exist nearer than two hundred (200) feet from any abutting property or right-of-way line.
3. No open burning shall occur.
4. Site plan review in accordance with section 400.0 *Site Plan Review* by the planning board for compliance with the purposes and objectives of this ordinance is required.

One junk yard per principal building not exceeding one thousand (1000) square feet in an area in the AG district will be permitted without being subject to the above conditions and requirements.

Service Station Requirements

Motor vehicle service stations may be permitted in the B1 - Business district of the town provided that the following standards are observed:

1. The site plan submitted shall show the number and location of fuel tanks to be installed, the dimensions, and the capacity of each storage tank, the depth the tanks that will be placed below the ground, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.
2. The lot and yard specifications shall be as stipulated in the zoning use tables. All garages and filling station pumps, lubricating or other automobile service devices shall be located at least twenty (20) feet from any street line or highway right-of-way. All fuel, oil and other flammable substances shall be stored at least twenty (20) feet distant from any street or lot line.
3. The entire area of the site traveled by the motor vehicles shall be hard surfaced.
4. Any repair of motor vehicles shall be performed in a fully enclosed building. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
5. No motor vehicle service station shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution, or place of public assembly. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.
6. Where such service stations abut a R1 - Residential district, they shall be screened by a buffer zone no less than ten (10) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which will be adequate to prevent the transmission of headlight glare across the boundary line. Such buffer screen shall have a minimum height of six (6) feet above the finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Inspector may direct the property owner to replace said shrubs.

7. All fuel pumps shall be attendant operated.

Excavation Operations

Excavation operations, including the extraction of topsoil, sand, and gravel, may be permitted in the AG - Agricultural District and I2 – General Industrial District of the Town of Almond, provided that the following conditions and standards are observed:

1. All buildings and excavation operations shall be located or shall occur not less than fifty (50) feet from any street or property lines. Fencing or some similarly effective barrier six (6) feet in height may be required where excavations are to be a depth of four (4) feet.
2. All buildings and structures used in such operation shall be dismantled and removed within twelve (12) months following the termination of the operations; shall be made at the expense of the operator; and shall be a condition of approval of the Special Use Permit.
3. All buildings, structures, and plants used for the processing of excavated material shall be maintained so as to assure that such buildings, structures, and plants shall not become dangerously dilapidated.
4. All equipment used for the excavation of sand and gravel processing thereof shall be constructed, maintained and operated in such a manner as to eliminate, as far as is practicable, noises and vibration sand and dust conditions which are injurious or substantially impactful to all persons.
5. All land which has been excavated must be rehabilitated in accordance with standards set herein-after within one (1) year after termination of operations; at the expense of the operator and shall be a condition of the approval of the Use permit; and the owner and use thereof executes and delivers to the Town of Almond such surety either by means of bonds, insurance, or written agreement as determined necessary to rehabilitate said property.

Excavations made below a water-producing depth shall be properly sloped to the water line, with banks sodded or surfaced with soil of an equal quality to the adjacent land area topsoil; such topsoil required under this section shall be planted with trees, shrubs, legumes, or grasses upon the parts of such area where revegetation is possible.

Excavations not made to a water-producing depth must be graded or backfilled with non-noxious, non-flammable, non-combustible, non-decomposable, solid material and in a topographic character which would result in substantial general conformity to adjacent lands; such grading or backfilling shall be designed to minimize erosion and shall be surfaced with a soil equal to quality to that of adjacent land area and planted with trees, shrubs, legumes or grasses upon the parts of such areas where revegetation is possible.

Cluster Residential Developments

Single-Family Dwellings

Cluster residential developments of single-family dwellings may be permitted in any R1 - Residential District of the Town provided that the following conditions and requirements are observed:

1. The project shall encompass a minimum land area of ten (10) acres.
2. The lot area difference between the minimum lot size shown in the zoning use tables and the minimum lot size permitted in a Cluster Development shall be set aside as open space as provided for hereafter.

3. The developer shall show all unsub-divided lands as permanent open space. In no case shall such lands be less than twenty-five (25) percent of the total project area. All such lands shall be suitable in the opinion of the planning board for the intended use. Such lands shall be offered for dedication to the Town Board.
4. The requirement of this Ordinance, insofar as density, minimum lot area, minimum lot width, minimum side and rear yard areas, and maximum lot coverage are specified in the Schedule of this Ordinance. All other requirements of this Ordinance shall be adhered to.

Article V: Non-conformance

501.0 Continuance

Except as otherwise provided in this law, the lawful use of land or buildings existing at the date of the adoption of this law may be continued although such use of land or building that does not conform to the regulations specified by this law for the district in which the land or building is located, provided:

1. A non-conforming lot shall not be further reduced in size
2. Any other regulations set forth in this ordinance are followed

If the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, or if the text of this law is changed with respect to the uses permitted in a district, this section shall apply to any nonconforming uses existing at the time.

502.0 Discontinuance

502.1 Non-Active Operations

In any district whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such nonconforming uses shall not thereafter be reestablished, and all future uses shall be in conformity with the provision of this Ordinance. However, the original owner may restart. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon some or of an intent to resume active operations.

503.0 Amortizement

503.1 Expiration of Non-Conformance

Notwithstanding any other provisions of this ordinance, any automobile wrecking yard or other junk yard and any billboard, advertising structure or nonconforming sign in existence in any R1 – Residential District at the date of enactment of this ordinance shall at the expiration of three (3) years from such date become a prohibited and unlawful use and shall be discontinued. Provided, however, that lawfully existing signs accessory to any nonconforming business or industrial building shall not be subject to this subdivision.

504.0 Nonconforming Buildings

No building damaged by fire or other causes to the extent of more than seventy-five (75) percent of its true value shall be repaired or rebuilt except in conformity with the regulations of this ordinance

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the true value of the building unless the building is changed to conform to the requirements of this ordinance.

Unsafe Structures. Any structure or portion thereof declared unsafe by a proper authority, but not ordered to be demolished, may be restored to a safe condition.

Any building which is nonconforming due to insufficient yard distances or lot area shall not be considered a nonconforming use. Any alteration or structural changes may be accomplished within the existing frame of said building, but any additional shall conform to the specific setback and yard distance requirement of this Ordinance.

505.0 Nonconforming Uses

505.1 Extension of Nonconforming Use

A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such nonconforming use.

505.2 Reverting to a Nonconforming Use

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same classification upon approval of a use variance application, or to a use of more restricted classification, and when so changed to a more restricted classification such use thereafter shall not be changed to a less restricted classification.

Article VI: Districts

601.0 Zoning Map: see Appendix H.

601.1 Establishment

The location and boundaries of the zoning districts established by this zoning law are shown on a zoning map entitled *"Zoning Map" of the Town of Almond maintained by the Town Office and the Town Board*. The Town Office will be responsible for keeping the zoning map up-to-date. The official zoning map—together with all notations, references, data and other information shown on the map is adopted, incorporated by reference into this zoning law and fully made part hereof as if it is actually depicted within its pages.

601.2 Maintenance and Updates

The Town Office is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezoning). No unauthorized person may alter or modify the official zoning map. The Town Board may authorize professional persons or organizations to provide technical assistance to carry out requested changes to the zoning map. The Town Office may authorize printed copies of the official map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

601.3 District Boundaries

When the law establishing the zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists. The official zoning map must note any such relationship between a zoning boundary and other mapped feature on the zoning map when describing or depicting the zoning district boundary.

601.4 Interpretations of District Boundaries

Where any uncertainty exists about a zoning district boundary, the actual location of the district boundary will be determined by the Town Board using the following rules of interpretation:

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center line of street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. 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 the jurisdiction of the Town of Almond unless otherwise indicated.

603.0 Establishment of Districts

603.1 Types of Districts

For the purpose of promoting the public health, safety, morals and general welfare of the Town of Almond, the Town is hereby divided into the following types of districts:

District	Designation
Agricultural	AG
Residential	R1
Business	B1
Light Industrial	I1
General Industrial	I2

604.0 Regulations

604.1 Property Uses

Except as herein provided: The following provision of this ordinance set forth those property uses which are allowed in the respective districts of the Town of Almond. Any use not specifically set forth as a permitted use (whether principal, accessory, or upon issuance of a special use permit) in any zoning district shall be expressly prohibited in that district. A use specifically set forth as a permitted use in one district shall not be permitted in another district unless it is specifically set forth as permitted use in said other district.

605.0 AG – Agricultural District

605.1 Agricultural Districts Established

When this zoning law refers to Agricultural or “AG” zoning districts it is referring to the following:

District Name	Map Symbol
Agricultural District	AG

605.2 Purpose Statement

The purpose of the AG – *Agricultural District* is to implement the agricultural vision of the Comprehensive Plan and keep a positive direction for agriculture within the Town of Almond as well as have the right to farm as a centerpiece to the future growth plans for the Town of Almond. Since agriculture is the intended primary use, the impacts associated with normal, reasonable and generally accepted farming practices shall not form the basis for violations under any part of this code. Setbacks are from the Centerline of Road. Property Line is the setbacks for others.

605.3 Additional Requirements

Major subdivisions in the Agricultural District shall meet the requirement of the R1 – Residential District. A site Plan is required for all types of development in the AG district.

The following lot, area and setback requirements apply to the AG District.

- A. Minimum lot size
 - 1. AG uses: 5 acres.
 - 2. Residential uses: 2 acres
 - 3. Other uses: 10 acres
- B. Minimum lot width:
 - 1. AG uses: 600 feet.
 - 2. Residential uses: 200 feet
 - 3. Other uses: 600 feet
- C. Minimum setbacks:
 - 1. AG uses:
 - a. Front: 50 feet
 - b. Side: 50 feet
 - c. Rear: 50 feet
 - 2. Residential uses:
 - a. Front: 50 feet
 - b. Side: 50 feet
 - c. Rear: 50 feet
 - 3. Other Uses:
 - a. Front: 50 feet
 - b. Side: 300 feet
 - c. Rear: 50 feet
- D. Maximum lot coverage:
 - 1. AG uses: 30%
 - 2. Residential uses: 10%
 - 3. Other uses: 30%

Maximum building height: 35 feet.

605.4 Permitted Uses:

The following uses are permitted in an AG District:

Accessory building or use, non-residential Agricultural and General Farming (Including any customary agricultural structures or buildings, nurseries, and greenhouses) Agricultural retail Agriculture Animal Shelters Bed-and-Breakfast/Country Inns Blacksmith Boarding or Rooming House Buildings to house maintenance equipment of the park Camping Ground	Carport Christmas tree sales Commercial or Construction Sales, services, and suppliers Daycare Center Farm Brewery, Farm Winery Farm vehicles and equipment storage, service, and repair Farmers co-ops Farmers Market, Private Feed and grain (Mills, storage and sales) Firewood processing and distribution Forestry
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Game Clubs & Hunting Areas
 Garage, Private
 Golf Courses
 Home Occupations
 Junk yard not to exceed 1,000 square feet
 Kennel
 Manufactured Home
 Modular Homes (Factory Manufactured Home)
 Parking Lot, Private
 Pet Grooming
 Places of worship
 Play equipment
 Pond

Public parks, playgrounds, and related buildings
 Residential storage structures
 Satellite Dish
 Short Term Rental Housing
 Single Family Dwellings
 Swimming pool, Private
 Townhouse dwellings
 Two Family Dwelling
 Veterinary clinics or hospitals
 Veterinary practice, large animals
 Wildlife refuge
 Wood Chipping Establishment/Mulching Establishment

605.5 Special Permit Uses:

The following uses require a special use permit in an AG District:

Agricultural public events
 Agricultural resource center
 Amusement Center or Amusement Park
 Antique shops
 Apartment/Condominium Complex
 Arenas and stadiums
 Art Galleries and Museums
 Auction Houses, animal and agricultural related
 Auction houses, non-agricultural related
 Auditorium
 Bank/Financial Institution
 Banquet Center
 Bar, Tavern, Lounges
 Barber & Beauty Shop
 Business Park
 Car Wash
 Carpet and rug cleaning service
 Cemeteries & Memorial Gardens
 Civic service clubs and fraternal organizations
 Cluster Residential Development
 Cluster Townhouse dwellings
 Colleges and Universities
 Community centers or assembly halls
 Conference Centers
 Contractor Yard-Storage

Dance, Art and Music Studios
 Drive-through Services
 Fairgrounds
 Fire Stations
 Fortune telling
 Funeral Home
 Gas Station
 General merchandise stores
 Gymnasiums and health clubs
 Health services, Medical & Dental Offices, Urgent Care
 Hospitals
 Hotel, Motel, Lodging House
 Housing for the elderly
 Industrial Equipment Sales, Service, and Rental
 Industrial Park
 Laundromat
 Lawn and landscaping services
 Libraries
 Liquor stores and dispensaries
 Lumberyard
 Manufactured Home Parks
 Mining and Mining Activity
 Mixed Use
 Motor vehicle parking lot or garage

Motor vehicle recreation (ATV Parks and go-cart tracks)
 Motor vehicle repair shop (Enclosed)
 Motor vehicle Sales, service, rental, and leasing
 Multi-Family Dwelling
 Non-profit Club
 Nursery School
 Nursing homes and Assisted living facilities
 Offices
 Outdoor sales or display, not in conjunction with a permitted use
 Personal Service Establishment
 Places of worship, convents, parish houses, and other such facilities of recognized/organized religious groups
 Pool Hall
 Printing Shop
 Private clubs and lodges
 Professional services
 Public services, public utilities, and municipal uses
 Public Transportation (Station, Depot)
 Racetracks (Motor Vehicle)
 Recreational RV Ground
 Repair Shops (Not including auto repair)
 Resorts
 Restaurants

Retail Stores and Shops
 Riding stables, commercial or club
 Sawmills
 Schools
 Self-service storage facility (Enclosed)
 Shooting Range (indoor)
 Shooting Range (Outdoor)
 Shopping centers
 Skateboard Park
 Skating Rink
 Small Parts Machining Shop
 Solar Collector and Energy System
 Swimming Pool, Public
 Tattoo parlors
 Telecommunications Tower (includes 5G)
 Temporary Structures & Events
 Theaters (Indoor)
 Theaters (Outdoor/Drive-In)
 Towing business and storage facility
 Transportation and freight terminal facilities
 Warehousing and enclosed storage (non-hazardous)
 Water Parks
 Wedding venue
 Wholesale Trade
 Wind Energy Conversion System (WECS)

606.0 R1 - Residential District

606.1 Residential Districts Established

When this zoning law refers to Residential or "R1" zoning districts it is referring to the following:

District Name	Map Symbol
Residential District	R1

606.2 Purpose Statement

The purpose of the R1 – Residential District is to support the goals and policies contained in the Comprehensive Plan while providing areas within the Town for low-density residential development. The intended pattern of development in this district shall allow for the development of residential neighborhoods on smaller lot sizes, and provide for other specified uses that are compatible with the primary residential nature of the district. Setbacks are from the Centerline of Road. Property Line is the setbacks for others.

606.3 Additional Requirements

A site Plan is required for all types of development in the R1 district.

The following lot, area and setback requirements apply to the R1 District.

- A. Minimum lot size
 - 1. Residential uses: 0.5 acre
 - 2. Other uses: 1 acre
- B. Minimum lot width:
 - 1. Residential uses: 100 feet
 - 2. Other uses: 200 feet
- C. Minimum Setbacks:
 - 1. Residential uses:
 - a. Front: 50 feet
 - b. Side: 15 feet
 - c. Rear: 40 feet
 - 2. Other Use
 - a. Front: 50 feet
 - b. Side: 20 feet
 - c. Rear: 40 feet
- D. Maximum Lot Coverage: 35%. Accessory uses; 10%
- E. Maximum Building Height: 35 feet

606.4 Permitted Uses:

The following uses are permitted in an R1 District:

Fire Stations	Play equipment
Garage, Private	Public parks, playgrounds, and related buildings
Home Occupations	Public Transportation (Station, Depot)
Libraries	Satellite Dish
Manufactured Home	Schools
Modular Homes (Factory Manufactured Home)	Single Family Dwellings
Non-profit Club	Swimming Pool, Private
Nursery School	Swimming Pool, Public
Places of worship, convents, parish houses, and other such facilities of recognized/organized religious groups	Two Family Dwellings

606.5 Special Permit Uses:

The following uses require a special use permit in an R1 District:

Apartment/Condominium Complex
Bed-and-Breakfast/Country Inns
Boarding or Rooming House
Buildings to house maintenance equipment of the park
Carpet and rug cleaning service
Carport
Cluster Residential Development
Dance, Art & Music Studios
Day Care Center
Housing for the Elderly
Lawn and Landscaping Services

Mixed Use
Multi-Family Dwelling
Nursing homes and Assisted living facilities
Parking Lot, Private
Pet Grooming
Public services, public utilities, and municipal uses
Short Term Rental Housing
Solar Collector and Energy System (Tier 3 not permitted in R1)
Telecommunications Tower (includes 5G)
Townhouse dwellings

607.0 B1 – Business District**607.1 Business Districts Established**

When this zoning law refers to Business or “B1” zoning districts it is referring to the following:

District Name	Map Symbol
Business District	B1

607.2 Purpose Statement

The purpose of the B1 – Business District is to encourage business development, and to support the goals and objectives contained in the Comprehensive Plan. The B1 district aims to diversify business activity in the Town of Almond by concentrating activities in and around the Village and along major roadways. The district is established to provide areas that are appropriate for intensive commercial activities that depend upon a large volume of motor vehicle traffic and serve the daily shopping needs of the community-at-large and surrounding areas. This district encourages the application of site design and buffering techniques to mitigate the impacts of business operations and traffic on adjacent uses and the traveling public.

Setbacks are from the Centerline of Road. Property Line is the setbacks for others.

607.3 Additional Requirements

A site Plan is required for all types of development in the B1 district.

The following lot, area and setback requirements apply to the B1 District.

A. Minimum lot size:

1. B1 uses: 1 acre
2. Residential uses: 2 acres

B. Minimum lot width:

1. B1 uses 200 feet
2. Residential uses: 200 feet

C. Minimum Setbacks:

1. B1 Uses
 - a) Front: 50 feet
 - b) Side: 20 feet
 - c) Rear: 30 feet
2. Residential uses:
 - a) Front: 50 feet
 - b) Side: 50 feet
 - c) Rear: 50 feet

D. Maximum Lot Coverage:

- a) B1 uses: 35%.
- b) Accessory uses: 10%
- c) Residential uses: 10%

E. Maximum Building Height: 35 feet

607.4 Permitted Uses:

The following uses are permitted in an B1 District:

Apartment/Condominium Complex
 Agricultural Retail
 Antique Shops
 Art Galleries and Museums
 Bank/Financial Institution
 Banquet Center
 Bar, Tavern, Lounges
 Barber & Beauty Shop
 Bed-and-Breakfast/Country Inns
 Blacksmith
 Boarding or Rooming House

Bottle & Can Redemption Center
 Bowling Alley
 Brewery, winery, distillery, cideries
 Business Park
 Car Wash
 Carpet and rug cleaning service
 Christmas tree sales
 Civic service clubs and fraternal organizations
 Community centers or assembly halls
 Conference Centers
 Dance, Art & Music Studios

Day Care Center
 Drive-Through Services
 Farm Brewery, Farm Winery
 Farmers co-ops
 Fire Stations
 Fortune telling
 Garage, Private
 Garage, Public
 General Merchandise stores
 Golf Courses
 Golf driving ranges miniature golf courses
 Gymnasiums and health clubs
 Health services, Medical & Dental Offices,
 Urgent Care
 Hobby Farms
 Home Occupations
 Hospitals
 Hotel, Motel, Lodging House
 Industrial Equipment Sales, Service, and Rental
 Industrial Park
 Laundromat
 Lawn and landscaping services
 Libraries
 Liquor stores and dispensaries
 Motor vehicle repair shop (enclosed)
 Motor vehicle sales, service, rental, and leasing
 Non-profit Club
 Nursery School
 Offices
 Personal Service Establishment

Pet Grooming
 Places of worship, convents, parish houses, and
 other such facilities of recognized/organized
 religious groups
 Play equipment
 Pool Hall
 Printing Shop
 Private clubs and lodges
 Professional services
 Public parks, playgrounds, and related buildings
 Public Transportation (Station, Depot)
 Repair Shops (Not including auto repair)
 Restaurants
 Retail Stores and Shops
 Satellite Dish
 Schools
 Shooting Range (Indoor)
 Shopping centers
 Short Term Rental Housing
 Single Family Dwellings
 Skateboard Park
 Skating Rink
 Swimming Pool, Private
 Swimming Pool, Public
 Tattoo parlors
 Theaters (Indoor)
 Veterinary clinics or hospitals
 Wedding venue

607.5 Special Permit Uses:

The following uses require a special use permit in an B1 District

Amusement Center or Amusement Park
Auction houses, non-agricultural related.
Auditorium
Carport
Coin Operated Laundry Facility (Accessory)
Colleges and Universities
Fairgrounds
Feed and grain (Mills, storage and sales)
Funeral home
Gas Station

Greenhouses and nurseries, commercial
Hobby farm
Kennel
Manufactured Home
Manufactured home park
Mixed Use
Motor vehicle parking lot or garage
Motor vehicle recreation (ATV Parks and go-cart tracks)
Multi-Family Dwelling
Nursing homes and Assisted Living facilities

Parking Lot, Private
Public services, public utilities, and municipal uses
Racetracks (Motor Vehicle)
Resorts
Self-service storage facility (enclosed)
Small Parts Machining Shop
Solar Collector and Energy System

Telecommunications Tower (includes 5G)
Temporary Structures & Events
Theaters (Outdoor/Drive-In)
Townhouse dwellings
Two Family Dwelling
Water Parks
Wholesale Trade

608.0 I1 – Light Industrial District

608.1 Light Industrial Districts Established

When this zoning law refers to Light Industrial or “I1” zoning districts it is referring to the following:

District Name	Map Symbol
Light Industrial District	I1

608.2 Purpose Statement

The purpose of the Light Industrial – I1 District is to accommodate light industrial activity in a manner that supports the goals and objectives contained in the Comprehensive Plan. The I1 District is established to provide for manufacturing and industrial uses and business which are compatible with and do not detract from the surrounding districts. The I1 District is characterized by uses that conduct their operation within an enclosed building with minimal or no activity occurring outdoors and no outdoor storage of materials (including traffic, parking, glare, noise, odor, etc.) on adjacent non-industrial uses, especially established residential districts and environmentally sensitive areas. Setbacks are from the Centerline of Road. Property Line is the setbacks for others.

608.3 Additional Requirements

Dust, smoke, odor, air pollution or glare that may become a nuisance beyond the boundary lines upon which the facilities located are not permitted. Any use which violates the local noise law or any other local, state, or federal laws are not permitted. Illumination which is not shaded or concealed so the light will not interfere with the vision of motor vehicles is not permitted.

A site Plan is required for all types of development in the I1 district.

The following lot, area and setback requirements apply to the I1 District.

A. Minimum lot size:

1. I1 uses: 1 acre
2. Residential uses: 2 acres

B. Minimum lot width:

1. I1 uses 200 feet
2. Residential uses: 200 feet

C. Minimum Setbacks:

1. I1 Uses

- a) Front: 40 feet
- b) Side: 30 feet
- c) Rear: 30 feet

2. Residential uses:

- a. Front: 50 feet
- b. Side: 50 feet
- c. Rear: 50 feet

Maximum Lot Coverage:

I1 uses: 40%.

- a) Accessory uses: 10%
- b) Residential uses: 10%

F. Maximum Building Height: 35 feet

608.4 Permitted Uses:

The following uses are permitted in an I1 District:

Apartment/Condominium Complex
 Accessory building or use, non-residential
 Animal Shelters
 Art Galleries and Museums
 Auction Houses, non-agricultural related
 Auditorium
 Bank/Financial Institution
 Banquet Center
 Bar, Tavern, Lounges
 Barber & Beauty Shop
 Bed-and-Breakfast/Country Inns
 Blacksmith
 Boarding or Rooming House
 Bottle & Can redemption Center
 Bowling Alley
 Brewery, winery, distillery, cideries
 Business Park
 Car Wash
 Carpet and rug cleaning service
 Carport
 Cemeteries & Memorial Gardens
 Christmas tree sales
 Civic Service clubs and fraternal organizations
 Cluster Residential Development
 Cluster Townhouse dwellings
 Colleges and Universities

Commercial or Construction Sales, services, and suppliers
 Community Centers or assembly halls
 Conference Centers
 Dance, Art & Music Studios
 Day Care Center
 Drive-through Services
 Enclosed Manufacturing/Process of Raw and Construction Materials
 Enclosed research, development, experimental or testing labs
 Farm Brewery, Farm Winery
 Fire stations
 Firewood Processing and distribution
 Fortune telling
 Funeral Home
 Garage, Private or Public
 Gas Station
 General Merchandise Stores
 Golf driving ranges and miniature golf courses
 Gymnasiums and health clubs
 Health services, Medical & Dental Offices, Urgent Care
 Home Occupations
 Hospitals

Hotel, Motel, Lodging House
 Industrial Equipment Sales, Service, and Rental
 Industrial Park
 Kennel
 Laundromat
 Lawn and landscaping services
 Libraries
 Liquor stores and dispensaries
 Machine Shop
 Mining and Mining Activity
 Mixed Use
 Motor vehicle parking lot or garage
 Motor vehicle repair shop (Enclosed)
 Motor vehicle Sales, service, rental, and leasing
 Multi-Family Dwelling
 Non-profit Club
 Nursing Homes and Assisted Living facilities
 Offices
 Outdoor sales or display, not in conjunction
 with a permitted use
 Parking Lot, Private
 Personal Service Establishment
 Pet grooming
 Places of worship, convents, parish houses, and
 other such facilities of recognized/organized
 religious groups
 Play Equipment
 Pool Hall
 Printing Shop
 Private clubs and lodges

Professional services
 Public services, public utilities, and municipal
 uses
 Public transportation (Station, Depot)
 Repair Shops (Not including auto repair)
 Restaurants
 Retail Stores and Shops
 Satellite Dish
 Schools
 Self-service storage facility (Enclosed)
 Shooting Range (Indoor)
 Shopping Centers
 Short Term Rental Housing
 Single Family Dwellings
 Skateboard Park
 Skating Rink
 Small Parts Machining Shop
 Swimming Pool, Private
 Tattoo parlors
 Theaters (Indoor)
 Townhouse dwellings
 Trash/Garbage/Recycling receptacles
 Two Family Dwelling
 Veterinary clinics or hospitals
 Warehousing and enclosed storage (non-
 hazardous)
 Wedding venue
 Wholesale Trade

608.5 Special Permit Uses:

The following uses require a special use permit in an I1 District:

Resorts
 Amusement Center or Amusement Park
 Buildings to house maintenance equipment of
 the park
 Coin Operated Laundry Facility (Accessory)
 Fairgrounds
 Farm vehicles and equipment storage, service,
 and repair
 Greenhouses and nurseries, commercial

Motor vehicle recreation (ATV Parks and go-cart
 tracks)
 Public Parks, playgrounds, and related buildings
 Racetracks (Motor Vehicle)
 Recreational RV Ground
 Solar Collector and Energy System
 Swimming Pool, Public
 Telecommunications Tower (Includes 5G)
 Temporary Structures & Events
 Theaters (Outdoor/Drive-In)

Trash/Garbage/Recycling Receptacles
Water Parks

Wind Energy Conversion System (WECS)

609.0 I2 – General Industrial District

609.1 General Industrial Districts Established

When this zoning law refers to General Industrial or “I2” zoning districts it is referring to the following:

District Name	Map Symbol
General Industrial District	I2

609.2 Purpose Statement

The purpose of the General Industrial – I2 District is to accommodate industrial activity, which is more intensive than light industrial activity in a manner that supports the goals and objectives contained in the Comprehensive Plan. The General Industrial District is established to provide opportunities for a wide range of manufacturing and extractive activities which have a greater potential for negative impacts on surrounding properties. Uses permitted in the I2 district shall be areas where public utilities and adequate transportation facilities are available or can be made available. Developments in this district shall employ techniques to minimize negative impacts (including traffic, parking, glare, noise, odor, etc.) on adjacent non-industrial uses, especially established residential districts and environmental sensitive areas.

609.3 Additional Requirements

Dust, smoke, odor, air pollution or glare that may become a nuisance beyond the boundary lines upon which the facilities located are not permitted. Any use which violates the local noise law or any other local, state, or federal laws are not permitted. Illumination which is not shaded or concealed so the light will not interfere with the vision of motor vehicles is not permitted.

Setbacks are from the Centerline of Road. Property Line is the setbacks for others.

A site Plan is required for all types of development in the I2 district.

The following lot, area and setback requirements apply to the I2 District.

A. Minimum lot size:

1. I2 uses: 3 acres
2. Residential uses: 2 acres

B. Minimum lot width:

1. I2 uses 200 feet
2. Residential uses: 200 feet

C. Minimum Setbacks:

1. I2 Uses
 - a) Front: 40 feet
 - b) Side: 30 feet
 - c) Rear: 30 feet
2. Residential uses:
 - a) Front: 50 feet

b) Side: 50 feet

c) Rear: 50 feet

Maximum Lot Coverage:

1. I2 uses: 40%.

a) Accessory uses: 10%

b) Residential uses: 10%

Maximum Building Height: 35 feet

609.4 Permitted Uses:

The following uses are permitted in an I2 District:

Apartment/Condominium Complex	Farmers Market, Private
Accessory building or use, non-residential	Feed and grain (Mills, storage and sales)
Agricultural Retail	Fire Stations
Animal Shelters	Firewood processing and distribution
Art Galleries and Museums	Fortune telling
Auction houses, animal and agricultural related products	Funeral Home
Auction houses, non-agricultural related	Garage, Private
Auditorium	Gas Station
Bank/Financial Institution	General merchandise Stores
Banquet Center	Golf driving ranges and miniature golf courses
Bar, Tavern, Lounges	Gymnasiums and health clubs
Barber & Beauty Shop	Health services, Medical & Dental Offices,
Blacksmith	Urgent Care
Bowling Alley	Home Occupations
Brewery, winery, distillery, Cideries	Industrial Equipment Sales, Service, and Rental
Buildings to house maintenance equipment of the park	Industrial Park
Business Park	Kennel
Car Wash	Laundromat
Carpet and rug cleaning service	Lawn and landscaping services
Carport	Liquor stores and dispensaries
Christmas tree sales	Lumberyard
Commercial or Construction Sales, services, and suppliers	Mining and Mining Activity
Conference Centers	Mixed Use
Contractor Yard-Storage	Motor vehicle parking lot or garage
Dance, Art & Music Studios	Motor vehicle repair shop (Enclosed)
Day Care Center	Motor vehicle Sales, service, rental, and leasing
Drive-Through Services	Multi-Family Dwelling
Excavations (Mining/Mining Activity)	Offices
Farm Brewery, Farm Winery	Outdoor sales or display, not in conjunction with a permitted use
Farm vehicles and equipment storage, service, and repair	Parking Lot, Private
	Personal Service Establishment
	Pet grooming
	Play equipment

Pool Hall
 Printing Shop
 Private clubs and lodges
 Professional Services
 Public services, public utilities, and municipal uses
 Public Transportation (Station, Depot)
 Repair Shops (Not including auto repair)
 Restaurants
 Retail Stores and Shops
 Satellite Dish
 Sawmills
 Self-service storage facility (enclosed)
 Shooting Range (Indoor)
 Shopping centers
 Skateboard Park

Skating Rink
 Small Parts Machining Shop
 Swimming Pool, Private
 Tattoo parlors
 Theaters (Indoor)
 Towing business and storage facility
 Transportation and freight terminal facilities
 Trash/Garbage/Recycling receptacles
 Veterinary clinics or hospitals
 Veterinary practice, large animals
 Warehousing and enclosed storage (non-hazardous)
 Wedding venue
 Wholesale Trade
 Wood Chipping Establishment/Mulching Establishment

609.5 Special Permit Uses:

The following uses require a special use permit in an I2 District:

Adult Use and Entertainment Establishments
 Amusement Center or Amusement Park
 Arenas and stadiums
 Cluster Townhouse dwellings
 Coin Operated Laundry Facility (Accessory)
 Colleges and Universities
 Enclosed assembly of previously manufactured goods and services (Light Industrial Uses)
 Enclosed research, development, experimental or testing labs
 Fairgrounds
 Golf Courses
 Greenhouses and nurseries, commercial
 Hospitals
 Junk Yard
 Motor vehicle recreation (ATV Parks and go-cart tracks)

Places of worship, convents, parish houses, and other such facilities of recognized/organized religious groups
 Pond
 Public parks, playgrounds, and related buildings
 Racetracks (Motor Vehicle)
 Resorts
 Riding stables, commercial or club
 Solar Collector and Energy System
 Swimming Pool, Public
 Telecommunications Tower (includes 5G)
 Theaters (Outdoor/Drive-in)
 Trash/Garbage/Recycling collection areas (Waste Station)
 Trash/Garbage/Recycling receptacles
 Water Parks
 Wind Energy Conversion System (WECS)

Article VII: Provision and Modifications

701.0 General Provisions

701.1 Certificate of Occupancy Voiding

No building shall hereafter be erected and no existing building shall be moved, structurally altered, rebuilt, added to or enlarged nor shall any land be used for any other purpose other than those included among the uses listed as permitted uses in each district by this ordinance and meeting the requirements set forth in this ordinance. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking, requirements, and all other regulations designated in this ordinance for the district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this ordinance, and the Certificate of Occupancy issued or implied shall come void.

701.2 Preservation of Natural Features

Existing natural features such as trees, brooks, drainage channels, and views shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required.

701.3 Regulation Applicable to All Zones

No lot shall have erected upon it more than one (1) principal building. No yard or other open space provided about any building for the purpose of complying with the provision of this Ordinance shall be considered to provide a yard or open space for any other building.

An accessory building attached to a principal building shall comply in all respects with the yard requirements of this ordinance for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, and if located in the side yard area shall conform to the side yard requirements of this Ordinance and may occupy up to twenty-five (25) percent of the rear yard area.

No structure may be erected and no plant foliage may be permitted or maintained between heights of one and one half (1 ½) feet and ten (10) feet above ground level in the triangle formed by intersecting streets and a line joining points on such street lines twenty-five (25) feet distant from their point of intersection.

Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard depth shall be measured from such proposed right-of-way line.

All yards, open spaces, offset parking, and required landscaping must be contained within the district in which the use is permitted.

When a new lot is formed so as to include within its boundaries any part of former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this ordinance whether with respondent to any existing structures or use and any proposed structure or use.

The limitations on signs as set forth for the various districts by this ordinance shall not apply to any sign or directional device erected by the Federal, State, County or Local government or agency thereof.

The permitted accessory uses in any district shall not include any use first specified in a less restricted district. In the interpretation of this provision, an "I-2" district shall be considered the least restricted and an "R1" district the most restricted.

701.4 Business – Industrial provisions

The limitations on sign area as set forth by this ordinance for the B1 – Business, I1 – Light Industrial, I2 – General Industrial Districts shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises provided that such signs do not exceed two (2) square feet in area on any one (1) side and do not contain any advertising of the use on the premises

Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this ordinance.

No business use shall occupy any part of the lot within fifty (50) feet of any R1 – Residential district.

No industrial manufacturing use shall occupy any part of any lot within one hundred (100) feet of the property line.

Each lot served by either well or septic system and the other service by public facility shall have at least one half (0.5) acre of area per family or use.

Each lot served by public sewer and water shall have at least the minimum lot size specified for its district as shown in this ordinance.

702.0 Modifications

702.1 Height Modifications

Height Exceptions

The height limitations of this ordinance shall not apply to belfries, bulkheads, chimneys, church spires, cupolas, domes, skylights, ventilators, water tanks, and other 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 required to serve and shall not occupy in the aggregate more than twenty-five (25) percent of the roof area of the main building.

Height and Open Space

In any district, any principal building may be erected to a height in excess of that specified for the district provided that such front, side and rear yard is increased one (1) foot for each one (1) foot of such additional height.

702.2 Yard Modifications

Projections into required yards

Chimneys, ornamental features, plasters and roofs may extend not more than thirty-six (36) inches into any required yard.

Fire escapes may extend not more than four (4) feet into any required side yard and not more than six (6) feet into any required rear yard.

Side Yards

In the case of a nonconforming lot that does not conform to the width requirements for the district in which it is located as specified in the Schedule, the side yard width requirements may be reduced. The allowable reduction in the requirements shall be six (6) inches for each foot in the Schedule for the district in which located but in no case may the side yard width be reduced to less than fifty (50) percent of the requirement of the Schedule.

Where the side wall of a building is not parallel with the side lot line, the average width of side yard may be interpreted as the side yard width provided that at no point is the actual side yard less than five (5) feet.

702.3 Modifications of Lot Requirements

Any parcel of land with an area or width less than prescribed for a lot in the district in which such lot is located, which parcel was under one (1) ownership at the date of the adoption of this ordinance, and the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the district, provided that no structure be constructed closer than ten (10) feet to the closest lot line, and further provided that all other regulations prescribed for the district by this ordinance are complied with.

Article VIII: Off Street Parking

801.0 Parking and Loading Space Requirements

801.1 Requirements by usage

In all districts, every industrial, business, institutional recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this and other applicable sections of the Zoning Ordinance.

801.2 Requirements of Off-Street Parking Spaces

The size of off-street parking spaces shall be ten (10) feet wide by twenty (20) feet long for all side by side parking or eight (8) feet wide by twenty-three (23) feet long for all parallel parking.

Off-street parking facilities shall be located as hereinafter specified; where the distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve. (Off-street parking spaces shall be allowed in required yards except where specifically prohibited by this ordinance):

1. Multi-unit dwellings, not more than one hundred (100) feet from the building they are required to serve.
2. For uses located in the B1 - Business District, and for hospitals, nursing homes and assisted living facilities, private clubs and lodges, and offices; not more than one hundred (100) feet from the building they are required to serve.
3. For uses other than those specified above, not more than two hundred (200) feet from the building they are intended to serve.

The number of off-street parking facilities required shall be as set forth in the following:

1. *Auditorium*: One (1) for each five (5) seats.
2. *Motor vehicle Sales, service, rental, and leasing*: One (1) for each three hundred (300) square feet of floor area.
3. *Bank/Financial Institution, Professional Services, Offices*: one (1) for each two hundred (200) square feet of floor area.
4. *Bowling Alley*: Five (5) for each alley plus the necessary space as set forth in this section for affiliated uses such as bars, restaurants, and other commercial uses.
5. *Places of worship, convents, parish houses, and other such facilities of recognized/organized religious groups*: One (1) for each five (5) seats in places of worship.
6. *Dwellings*: Two (2) for each family or dwelling unit.
7. *Funeral Home*: Six (6) for each reposing room or parlor.
8. *Hospitals*: One (1) for each three (3) beds.
9. *Boarding or Rooming House, Lodging Houses*: One (1) for each two (2) bedrooms
10. *Libraries, Museums, or Art Galleries*: One (1) for each six hundred (600) square feet of floor space.
11. *Enclosed research, development, experimental or testing labs and Enclosed assembly of previously manufactured goods and services (Light Industrial Uses)*: One (1) for each three hundred (300) square feet of floor area.
12. *Health services, Medical & Dental Offices, Urgent Care*: One (1) for each two hundred (200) square feet of floor area.
13. *Motels and Hotels*: One (1) for each living or sleeping unit.

14. *Restaurants*: One (1) for each two hundred (200) square feet of floor area.
15. *Retail Stores, Shops, Etc.*: One (1) for each two hundred (200) square feet of floor area.
16. *Nursing Homes and Assisted Living facilities*: One (1) for each three (2) beds.
17. *Theaters, other than schools*: One (1) for each five (5) seats.
18. *Wholesale Trade or Warehousing and enclosed storage (non-hazardous)*: One (1) for each three thousand (3,000) square feet of floor area.

In case of a use not specifically mentioned above, the requirements for off-street parking facilities to which said use is similar shall be as set forth by the Zoning Inspector.

Loading spaces shall be provided and maintained on the same premises with every building, structure, or part thereof, erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles, of material or merchandise.

1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with use of public transportation.
2. Loading or unloading space shall not be occupied or considered as any part of the required off-street parking.
3. All B-1 Business districts shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height clearance for every twenty thousand (20,000) square feet or fraction thereof of building floor or land use for the above-mentioned purposes.

Article IX: Signs and Outdoor Advertising

901.0 General Provisions

1. No outdoor sign, display structure or billboard erected prior to the effective date of this section shall be rebuilt or relocated except in conformity with provision of this code. The requirements of this paragraph shall not, however, be interpreted to prevent repairing or restoring to a safe condition any structural supports or the performance of maintenance operations on any existing sign and further, at such time that such maintenance is performed, no change in the existing sign shall be accomplished to make the sign non-conforming or non-conforming to any greater degree than at the time of adoption of this section.
2. When any outdoor sign or display structure, or a substantial part thereof, is blown down, destroyed, taken down or removed for any purpose other than maintenance, any replacement shall be in conformity with all the requirements of this ordinance.
3. No billboard, signs, or posters shall be posted, nor shall any such medium be affixed in any location of such size as may be in violation of any of the provisions of this ordinance.
4. No outdoor sign or display structure shall be of such character or marking as to duplicate or appear to duplicate any traffic control or highway sign.
5. No outdoor sign or display structure shall be erected, constructed or maintained as to create or be a traffic hazard by obstructing the view of traffic at any intersection, curve or bend of any roadway, or by obstructing or consuming the view to traffic signals, railroad crossing lights or other permanent traffic controls and warning lights.
6. Where specific buildings are established, or street widening is contemplated, the Zoning Inspector may limit the project of signs in relation to the intended relocation of the curb line in that area.
7. Christmas displays and other similar temporary display erected without advertising shall not be subject to the rules and regulations of this ordinance, but they shall, however, conform to safety standards of the Town of Almond.
8. The computed area of all signs shall be measured by the smallest rectangle which will contain the entire area of the sign or other form of outdoor advertising exclusive of the structural supports but inclusive of the architectural features.
9. Area of outdoor advertising display shall be deemed to be that portion of any sign on which any form of advertising or other form of public communication is displayed including any architectural forms, but excluding the structural supports holding the display. A sign projecting from a building or free standing which has more than one sign surface shall have the entire sign area computed for the purpose of administration of this ordinance.
10. No sign shall be permitted which projects over any public right-of-way.
11. All types of illumination must be shielded, shaded or concealed so that it does not shine directly upon any other lot or upon any public right-of-way.
12. No illumination which flashes, alternates or otherwise appears to flash shall be permitted.
13. No billboard will be permitted in any district

902.0 Signs for Non-Conforming Uses

1. Directional, name signs, or signs pertaining to advertising products sold on premises of a non-conforming building or use may be continued only when the non-conforming use is permitted to continue, any such signs shall not be expanded in area, height, number or illumination.

2. New signs for a non-conforming use in an R1 - Residential District shall be permitted, not exceeding thirty (30) square feet, only after all other signs are removed.

903.0 District Regulations

903.1 R1 - Residential Districts Permitted Signage

1. An unlighted sign of not over one (1) square foot in area for home occupations and personal identification shall be permitted.
2. One (1) illuminated bulletin board or identification sign not exceeding forty (40) square feet for any school, hospital, or any public or semi-public uses shall be permitted.
3. One (1) unlighted real estate sign advertising the sale, rental, or construction on only the premises on which it is maintained, not exceeding a total area of twelve (12) square feet shall be permitted. Such sign shall be removed upon completion of the project or within ninety (90) days, whichever occurs first.
4. One (1) temporary unlighted sign not exceeding one hundred (100) square feet in area in a real estate development containing twenty-five (25) or more dwelling units shall be permitted. Such sign shall be removed within three (3) years of the date of its construction.

903.2 B1 - Business District Permitted Signage

1. A total area of not more than two hundred (200) square feet for each use shall be permitted, to include those signs attached to the building and those free standing or any other outdoor advertising as permitted so long as no free-standing sign contains more than one hundred (100) square feet of advertising.
2. Each separate business located within a shopping center may erect up to fifty (50) square feet of outdoor advertising directly at the site of the business.
3. Each shopping center may erect two (2) free standing signs totaling not over three hundred (300) square feet, to advertise only the entire shopping center complex. No individual business shall be permitted a free-standing sign in any B1 - Business District.
4. A total of not more than four hundred (400) square feet for each use shall be permitted, to include those signs attached to the building and those free standing or any other outdoor advertising as permitted so long as no free standing sign contains more than three hundred (300) square feet of advertising.

903.3 I1 - Light Industrial and I2 - General Industrial Districts Permitted Signage

1. Four hundred (400) square feet for each use on any one (1) industry in a building covering more than fifty-five thousand (55,000) square feet of land area in an I-1 or I-2 District shall be permitted. oversize sign area, calculated at two (2) percent of the floor area over forty thousand (40,000) square feet shall be permitted, but in no case shall any sign in either an I-1 or I-2 District be larger than one thousand (1,000) square feet.

Article X: Zoning Board of Appeals & Variance Procedures

1001.0 Creation, Appointment and Organization of Zoning Board of Appeals

A Zoning Board of Appeals is hereby created. Said board shall consist of five (5) members appointed by the Town Board, who shall also designate a Chairman. No person who is a member of the Town Board or Planning Board shall be eligible for membership on such Zoning Board of Appeals. Of the members of the board first appointed, one shall hold office of the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years from and after his/her appointment. Their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur other than by expiration of term, the Town Board shall fill it by appointment for the unexpired term.

1002.0 Powers and Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall have all the powers and duties prescribed by the Town Law of the State of New York and by this ordinance which are more particularly specified as follows:

1002.1 Interpretations

If the Zoning Inspector or Planning Board makes a decision that an applicant or representative believes is a misinterpretation or erroneous application of this law, including without limitation the approval of uses, the aggrieved applicant may apply to the Zoning Board of Appeals for the interpretation of this law within thirty (30) days of the date stamped on the filing of the official action with the Town Clerk.

1002.2 Variances

The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Inspector or other administrative official or body charged with the enforcement of this Law, after public notice and hearing and in accordance with the requirements of this ordinance, to grant area variances and use variances as those terms are defined herein.

Use Variance

If a use variance is granted, the applicant shall obtain site plan review approval in accordance with this ordinance prior to commencing the use and prior to obtaining a building permit.

No use variance shall be granted unless, in addition to satisfying all other applicable provision of law and this Law, the Zoning Board of Appeals finds that otherwise applicable zoning regulation and restrictions have caused any unnecessary hardships as described in this ordinance.

Unnecessary Hardship

In order to prove such unnecessary hardship the applicant is required to clearly demonstrate to the Zoning Board of Appeals that, with respect to every permitted use under the zoning regulations for the particular district where the property is located, each and every one of the following other criteria is satisfied: (1) the applicant cannot realize a reasonable return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence, (2) 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 involved, (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood, and (4) that the alleged hardship has not been self-created.

1. **Reasonable Rate of Return:** In evaluation whether the applicant can realize a reasonable rate of return, the Zoning Board of Appeals shall examine whether the entire original or expanded property holdings of the applicant are incapable of producing a reasonable rate of return (and

not just the site of the proposed project). No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this law, the Zoning Board of Appeals finds that the applicant has clearly demonstrated by detailed, written “dollars and cents” proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of proposed project) and for each and every permitted use in the district including those uses permitted by special use permit.

2. **Unique Hardships:** No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this Law, the Zoning Board of Appeals finds that the entire parcel of which the project is part possesses unique characteristics that distinguish it from other properties in the area.
3. **Essential Character of the Neighborhood:** No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this law, the Zoning Board of Appeals finds that the proposed project will not alter the essential character of the neighborhood. In making its determination of whether the proposed project will alter the essential character of the neighborhood, the Zoning Board of Appeals shall take into account factors that are of vital importance to the citizens of the Town including without limitation (a) the rural residential, agricultural and historic character of the Town, (b) its irreplaceable recreation and tourism sites, (c) the extent of hazard to life, limb or property that may result from the proposed project, (d) health impacts, (e) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation, and other nuisances, (f) the impact on property values, and (g) whether the applicant will use a style of development that will result in degradation to the air quality, water quality, or scenic and natural resources of the Town.
In order to find that the proposed project does not alter the essential character of the neighborhood, the Zoning Board of Appeals shall interpret the public interest in said essential character of the neighborhood to require, at a minimum, that the project will not do any of the following (1) pose a threat to the public safety, including public health, water quality, or air quality, (2) cause an extraordinary public expense, or (3) create a nuisance.
4. **Self-Created Hardship:** No use variance shall be granted unless, in addition to satisfying all other applicable provisions of law and this law, the Zoning Board of Appeals finds that the alleged hardship was not self-created. The Zoning Board of Appeals may find that the applicant suffers from self-created hardship in the event that the Board finds that; (a) the applicant’s inability to obtain reasonable return on the property as a whole results from having paid too much or from a poor investment decision, (b) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole, (c) or when the applicant purchased the property, the applicant knew or should have known the property was subject to Zoning restrictions.

In addition to the application requirements from time to time established pursuant to law and this law, an application for any use variance shall contain a written narrative explaining what the application is for, and how the project meets or exceeds all of the criteria for a use variance, including:

1. **Competent Financial Evidence:** Competent written financial evidence containing reasonable written specification of, and back-up (confirmation) for, the nature and factual particulars of

such claim, and articulating the proposed project: (a) date of acquisition, (b) the purchase price, (c) present value of the property, (d) the amount of real estate taxes, (e) the amount of mortgages or liens and other expenses, (f) the asking price of for the property when it had been offered for sale, (g) the costs of demolishing any existing structures of the property, (h) cost of erecting a new building(s) for each and every permitted use in the zoning district (including uses allowed by Special Use Permit), (i) efforts to market the property, and (j) a schedule of all property in common ownership at either the date of the enactment of this law or thereafter.

Competent written financial evidence must include written “dollars and cents proof” such as appraisals, economic studies, and any other written evidence supporting the applicant’s contention that the desired relief is appropriate, including appraisals, relating to any alleged diminution of all or substantially all of the fair market value of the property. For the purposes of this law, common ownership means all other interests in property either located within the Town or contiguous to the Town that is held by any of the applicants (if more than one), whether such ownership is of legal or equitable interest, in whole or in part, contiguous or not and whether such property interest is held by any of the applicants through a legal or equitable interest in a(nother) corporation, partnership, trust, business, entity, association, fund, joint venture, or individually.

2. **Unique nature of the Property:** The applicant must provide evidence demonstrating the unique nature of the parcel as a whole. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is then unimproved shall not be deemed to make the plight of the property unique or to contribute thereto. Exceptional topographic conditions are an example of a factor demonstrating the unique nature of the property.
3. **Alternation of the Essential Character of the Neighborhood:** The applicant must demonstrate that the proposed project will not adversely change the essential character of the neighborhood with regard to physical, economic, social or environmental elements. Adverse impacts to the essential character of the neighborhood include, but are not limited to, decreased quality or increased quantity of storm water runoff, increased soil erosion, increased traffic congestion, decreased road quality, impairment of the scenic or rural character of roads, increased noise, dust, odor and/or glare, reduced wildlife habitat, decreased air quality, decreased water quality, impairment of the view shed, creation of solid wasters, negative impacts on sustainability efforts, increased social costs, increased emergency response times, negative impacts to public infrastructure, decreased property values, and negative impacts on the health of residents.
4. **Hardship Not Self-Created:** In order to show that the hardship is not self-created, the applicant must demonstrate that either (a) when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or did not otherwise apply, or (b) some other change has occurred since the applicant’s purchase which makes the use non-conforming, as long as that change was not caused by the applicant.

The Zoning Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety, and welfare of the community.

The Zoning Board of Appeals, in the granting of use variances, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed project. Such conditions shall be consistent with the spirit and intent of the law, and shall be imposed for the purpose of minimizing any adverse impact such use variance may have on the neighborhood or community. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, architectural features, location and layout of buildings, limitations upon the use of characteristics of the use which are reasonably related to the public health, safety, and general welfare as may be necessary to carry out the intent of this ordinance. If the applicant refuses to accept such requirements and conditions, the use variance shall be denied.

Area Variances

In making a determination whether to grant, grant conditionally, or deny an application for an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, and balance this benefit against the detriment to the health, safety, and welfare of the neighborhood or community by making such grant. In making such determination the Board shall consider each of the following factors: (a) whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will 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 area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (e) whether the alleged difficulty was self-created. In contrast to the context of a use variance, in the context of an area variance application whether or not the alleged difficulty was self-created shall be relevant to the decision of the Zoning Board of Appeals but a finding that the difficulty was self-created shall not in and of itself preclude the granting of the area variance.

The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum area variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

In addition to the application requirements from time to time established pursuant to law and this law, applications for an area variance shall contain a written narrative explaining what the application is for, and how the project meets or exceeds all of the criteria for an area variance.

The Zoning Board of Appeals, shall, in granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Law and shall be imposed for the purpose of minimizing any adverse impact such area variance may have on the neighborhood or community. If the applicant refuses to accept such requirements and conditions, the area variance shall be denied.

1003.0 Procedure

1003.1 Requirements and Schedule

The Zoning Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the board shall be in writing and shall include the proper application documented as found in the appendices of this ordinance or the Town of Almond website. Every appeal or application shall refer to the specific provision of this ordinance involved and

shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance shall be granted, as the case may be. At least thirty (30) days before the date of the hearing on an application or appeal to the Zoning Board of Appeals, the Secretary of said board shall transmit to the Planning Board a copy of this notice of the aforesaid hearing and shall request that the Planning Board submit to the Zoning Board of Appeals its opinion on said application or appeal and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Failure to submit such report shall constitute approval of said application of appeal by the Planning Board.

1004.0 Notice of Board Hearings

1004.1 Timeline of Notice

The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Such notice shall be served upon the applicant. Public notice shall be by the publication of a notice in the official newspaper of the Town and shall briefly describe the nature of the appeal and the time and place of the hearing at least fifteen (15) days prior to the date of the hearing. The applicant shall, at least seven (7) days prior to the date of the hearing, give notice in writing by registered mail or by service in person, with adequate proof of contact thereof to all property owners within two hundred (200) feet of the property to be affected by said appeal or to all property owners of contiguous land or properties adjoining said property to be affected, and to each interested property owner as may be designated by the Zoning Board of Appeals. The applicant must furnish proof of services in writing and properly notarized.

1005.0 Office of the Zoning Board of Appeals

The office of the Town Clerk shall be the office of the Zoning Board of Appeals and every rule, regulation, amendment, or repeals thereof and every order, requirement, decision or determination for the Board shall immediately be filed in said office as required by the Town Law of the State of New York.

Article XI: Definitions

1101.0 Terms with Special Meaning

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future tense, and the plural includes the singular, unless the natural construction of the term indicates otherwise.

1. The term "person" includes a firm, association, organization, partnership, trust, company, corporation, individual, or any other entity.
2. The term "shall" is mandatory and directory.
3. The term "may" is permissive.
4. The term "used" includes the terms "designated, intended or arranged to be used or occupied."
5. The term "lot" includes the words "plot," "parcel," "tract," or "site."
6. The term "building" includes the word "structure."
7. The term "premises" includes a lot and all buildings or structures thereon.
8. The term "abut" shall include the words "directly across from."
9. The term "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used."
10. The phrases "to erect," "to construct" and "to build" a building or structure each have the same meaning and also include "to excavate" for a building and "to relocate" a building by moving it from one location to another.
11. Unless otherwise specified, all distances shall be measured horizontally along the ground.
12. When doubts arise as to meanings of terms, the Town of Almond Board of Appeals shall define or make the interpretation of words, phrases, sentences and sections of this Chapter.

1101.1 Definitions

For the purpose of this Chapter, the following words and terms shall be defined as:

A

Accessory Building: a subordinate building located on the same lot with the main building occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Accessory Use: A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal use of building.

Adult - Any person 18 years of age or older (A minor is any person under the age of 18).

Adult Use and Entertainment Establishments: A public or private establishment or any part thereof, which presents any of the following entertainments, exhibitions, or services: topless and/or bottomless dancers, strippers, topless waitressing, busing or service; topless hair care or massage; service or entertainment where the servers or entertainers wear pasties or g-strings or both; adult arcades; adult bookstores or adult video stores; adult cabarets; adult motels; adult motion-picture theaters; escort

agencies; nude model studios; and sexual encounter centers. Adult use and entertainment establishments customarily exclude minors by reason of age.

Agriculture and General Farming: All methods of production and management of livestock, crops, vegetation and soil. This includes the related activities of tillage, fertilization, pest control, harvesting and marketing. It also includes the activities of feeding, housing and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses and poultry and handling their by-products.

Agricultural public events: Events related to agricultural vocations, including farm tours, animal rodeos, corn mazes, fee fishing and hunting, cross country skiing, sledding, pond ice skating and equestrian trail rentals.

Agricultural Resource Center: An agriculturally oriented park which includes uses such as equine competitions and events, livestock sales and auctions, farm fairs, farmer's markets, trail riding and support services.

Agricultural Retail: The sale of agricultural products.

Alley: A permanent service way providing a secondary means of access to abutting properties.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities; or an enlargement, whether by extending on a side or by increase in height; or the moving from one location to another. But does not include normal maintenance and minor repairs and improvements.

Amusement Center or Amusement Park: The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard, or lot, on or within which are offered or operated four or more amusement games, whether or not they are the principal use of the property, or where the operation of any number of amusement games is the sole use of the property. This definition shall not include such premises in which jukeboxes are the only type of amusement game.

Animal Shelters: a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

Antenna - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

Antique Shops: An antique shop is a retail store specializing in the selling of antiques.

Apartment: A room or suite of rooms used as a single dwelling unit, located in a building in which there are one or more such rooms or suites other than a detached single-family dwelling.

Applicant - A person filing an application in accordance with this Zoning Code who is:

- 1) The owner or lessee of property;
- 2) A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in accordance with this Zoning Code, and who presents written authorization from the property owner to file an application with the Town; or
- 3) The agent of either of the above who presents written authorization from the property owner to file an application with the Town.

Application - The formal request by an applicant or developer, as those terms are defined herein, for any permit or approval by the Planning Board, Zoning Board of Appeals, or Code Enforcement Officer, along with the preparation of any and all plans and submittals submitted in connection therewith, including, but not limited to, any required review under the New York State Environmental Quality Review Act (SEQRA).

Area Variance: The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Arenas and stadiums: A large structure, either enclosed or open, used for sports or entertainment.

Art Galleries and Museums: A place where paintings, sculptures or other works of art or artifacts are exhibited or sold.

Auction houses – animal and agricultural related products: a structure for events that facilitate the buying and selling of assets, specifically related to animal and agricultural related products.

Auction houses - non-agricultural related: A structure for events that facilitate the buying and selling of assets, such as works of art or collectibles.

Auditorium: A large building or hall used for public gatherings, typically speeches or stage performances.

B

Bank/Financial Institution: A bank, savings and loan, credit union, or other financial institution licensed to receive deposits and make loans, or to provide financial services such as wealth management, currency exchange, and safe deposit boxes.

Barber & Beauty Shop: any premises where barbering, hairdressing, cleansing or beautifying of the scalp, manicuring, or massaging is carried on.

Bar/Tavern/Lounges: An establishment used primarily for the dispensing or sale of alcoholic beverages by the drink for on-site consumption.

Basement: A story partly underground and having more than on-half (1/2) of its height above the average level of the finished grade at the front of the building.

Banquet Center: A building or any portion of a building in which space can be used for banquets, parties, receptions and the like. Buildings or spaces used primarily for ticketed entertainment events shall not be considered a banquet facility.

Bed-and-Breakfast - A home occupation in an owner-occupied residence wherein lodging and breakfast are provided to transient guests for compensation.

Billboards, Off-Premises Advertising: A billboard shall be deemed to be any outdoor advertising display on which is displayed an advertisement for products other than which are sold or have occupancy of that lot or parcel of land. Includes structures of any size of whatever material the same may be constructed, which are either supported or placed on the ground or which are attached flat against the exterior wall of any building or structure, or are placed upright on the roof of any building or structure, or are placed upright on the roof of any building and which are erected, maintained or used for the out-of-door display of printed or painted posters, signs, pictures or other pictorial or reading matter. This definition shall not be held to include reading matter. This definition shall not be held to include any structure used to display official notices issued by any court or public officer, or posted by any public officer in the name of the proprietor an general type of business, or the firm name and general type of business of any store or any real estate sign advertising for sale or for rent the property upon which it stands or to which it is attached.

Blacksmith: a structure in which a metalsmith creates objects primarily from wrought iron or steel, but sometimes from other metals, by forging the metal, using tools to hammer, bend, and cut.

Boarding or Rooming House: A dwelling occupied by one family with 3 or more boarders, roomers or lodgers in the same household who are lodged with or without meals and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants.

Bottle and Can Redemption Center: A center offering to pay the refund value of an empty beverage container to a redeemer.

Bowling Alley: a room or building in which individuals can partake in the game of bowling.

Buffer - A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors, and other significant environmental features.

Building: Any permanent structure having a roof by columns, piers or walls intended for the shelter, housing or enclosure of persons, animals or chattel.

Building, Detached - A building surrounded by open space on the same lot as the principal building.

Building, Principal - A building in which is the principal or primary use of the lot on which it is situated.

Building Coverage - The ratio obtained by dividing the ground-floor area of all principal and accessory buildings, including covered porches, carports and breezeways, but excluding open patios, parking areas, swimming pools, tennis courts, and other structures which are open, on a lot by the total area of the lot upon which the buildings are located.

Building Area: The aggregate of the areas of all enclosed and roofed spaces of the principal building dimensions measured on a horizontal plane at ground level.

Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of a mansard roof and to the average height between the plat and ridge of a gable, hip or gambrel roof.

Building Line: A line formed by the intersection of a horizontal plane at 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.

Business Park: An area of land in which a collection of more than one (1) non-industrial business is located.

Brewery/Winery/Distillery/Cidery: a licensed facility designed for the crushing, fermentation, and/or barrel aging of wine, beer, cider, liquor, and which may include barrel rooms, bottling rooms, tank rooms, laboratories, case goods storage, on-site sales, and offices.

Buildings to house maintenance equipment of the park: Buildings located in a park, used to house maintenance equipment.

C

Camping Ground: A parcel of land used or intended to be used, let or rented for occupancy by campers utilizing tents, campers, camping coaches or other such forms of recreational dwelling.

Carpet and Rug Cleaning Service: A service to remove stains, dirt, and allergens from carpets, using methods including hot water extraction, dry-cleaning, and vacuuming.

Carport - An open-sided roofed automobile shelter, either freestanding or formed by extension of a roof from the side of a building, in which case it shall be deemed part of the structure to which it is attached. In either case, a carport shall not be deemed a garage.

Carwash: Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

Cellar: A story partly underground and having more than one-half (1/2) of its clear height below the average level of the finished grade at the front of the building.

Cemeteries & Memorial Gardens: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, crematorium, and columbaria.

Certificate of Occupancy: A certificate issued by the Zoning Inspector upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirement of this ordinance and such adjustments thereto granted by the Planning Board.

Civic service clubs and fraternal organizations: Any local service club, veterans post, fraternal society or association, volunteer fire or rescue group, or local civic league or association of 10 or more persons not

organized for profit but operated exclusively for educational or charitable purposes including the promotion of community welfare, and the net earnings of which are devoted exclusively to charitable, educational, recreational, or social welfare purposes.

Christmas tree sales: any lot, vacant property, building, room, store enclosure, premises, place, establishment or part of establishment in the Town operated, maintained or conducted by any person for the sale or offering or keeping for sale at wholesale or retail of various variations and descriptions of Christmas trees.

Cluster Residential Development: A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, but maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the subdivision plan

Cluster Townhouse Dwellings: A building or group of buildings, with each building containing townhouse dwelling units connected by common party walls.

Code Enforcement Official (CEO): also the Zoning Inspector

Coin Operated Laundry Facility (Accessory): a self-service laundry, coin laundry, or coin wash facility where clothes are washed and dried utilizing machines within the building.

Colleges and Universities: Institutions that provide opportunity for either undergraduate or graduate education programs for student populations.

Commercial or Construction Sales, services, and suppliers: establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware. Uses include building materials sales or tool and equipment rental or sales.

Commercial Vehicle: All trucks, vans, construction equipment and limousines, bearing commercial license plates and vehicles with a gross vehicle weight, as defined by the manufacturer, that is in excess of four tons.

Community centers or assembly halls: A meeting hall or place of assembly intended for use as a gathering place by members of the Town.

Condominium Complex: an apartment complex in which each dwelling is owned by the person who lives there.

Conference Center: a facility designated to provide specialized services for day or night use for organized group activities.

Contractor yard-storage: An outdoor area used for the storage of equipment and/or materials used for construction, building trades, landscaping services or maintenance, including but not limited to building construction or renovation, heating, plumbing, roofing, landscaping and excavation.

Country inns: a building, originally built as a single-family dwelling, that may have historical and/or architectural significance, and which is converted to a tourist establishment with rooms for rent for overnight sleeping accommodations for the traveling public.

Curb Level: The officially established grade of the curb in front of the midpoint of the lot.

D

Dance, Art & Music Studios: Establishments or work space dedicated to artists, artisans, musicians, dancers, or other individuals practicing one of the fine or performing arts or skilled in an applied art or craft. Incidental retail sales of work produced on the premises or related to the studio may be included in the business's permitted function. This definition excludes all adult oriented uses.

Day Care Center - A place other than an occupied residence providing or designed to provide day care for seven (7) or more persons on a regularly scheduled basis for more than three (3) but less than 24 hours per day. Also see §390, Subdivision 1(c), of the Social Services Law of the State of New York.

Dispensary - A cannabis storefront that dispenses medical or adult-use cannabis products for sale or donation.

District or Zone - A portion of the Town of Almond within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. Any or all of said purposes the town board may divide that part of the town which is outside the limits of any incorporated village into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings, unless otherwise noted, throughout such district, but the regulations in one district may differ from those in other districts.

Drive-Through Services: The principal or accessory use which, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product directly while remaining in a motor vehicle, and may include drive-in outdoor theaters, fast-food establishments, banks and similar uses.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed to include an auto court, rooming house, motel, tourist home, hotel, hospital, nursing home, dormitory, fraternity or sorority house.

E

Easement: Any authorization by a property owner for the use by another, for a specified purpose, of any designated portion of a lot.

Enclosed assembly of previously manufactured goods and services: See "Light Industrial Use" definition

Enclosed Manufacturing/Process of Raw and Construction Materials: Enclosed structures used primarily for the manufacturing and processing of raw and construction materials for sale and distribution.

Enclosed research, development, experimental or testing labs: an enclosed laboratory used primarily for research, development, storage, examination of testing of one or more biological agents by or under the direct supervision of a technically qualified individual, but does not include clinical laboratories and blood banks, laboratories where recombinant DNA experiments are conducted, tissue or organ banks. Academic research laboratories are included in this definition.

Engineer or Licensed Professional: A person licensed as a professional engineer by the State of New York.

Excavations: The process of the removal of stone, sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means.

Excavation Site: A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operation.

Extractive Activity: Any processes that involve the extraction of raw materials from the earth. Extractive processes consist of any operations that remove metals, mineral and aggregates from the earth. Examples of extractive processes include oil and gas extraction, mining, dredging, and quarrying.

F

Factory Manufactured Home: See “Modular Home” definition in accordance with New York State Department of State document regarding *Municipal Regulation of Manufactured Homes* (<https://dos.ny.gov/system/files/documents/2021/09/municipal-regulation-of-manufactured-housing.pdf>)

Fairgrounds: an area where outdoor fairs, circuses, or exhibitions are held.

Family:

- a. One of the following:
 - i. One, two, three or four persons occupying a dwelling unit; or
 - ii. More than four persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
- b. It shall be presumptive evidence that more than four persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- c. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - i. The group is one which in theory, size, appearance, structure, and function resembles a traditional family unit
 - ii. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family.

- iii. The group shares expenses for food, rent or ownership costs, utilities and other household expenses.
- iv. The group is permanent and stable. Evidence of such permanency and stability may include:
 - 1. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - 2. Members of the household have the same address for purposes of voter's registration, drivers' license, motor vehicle registration and filing of taxes;
 - 3. Members of the household are employed in the area;
 - 4. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - 5. There is common ownership of furniture and appliances among the members of the household; and
 - 6. The group is not transient or temporary in nature.
- d. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

Farm: A parcel of land containing 10 or more acres of land used for gain in raising agricultural or forest products, including crops, trees, livestock, poultry or dairy products.

Farm Building: Any building for the housing of agricultural equipment, produce, livestock or poultry, or for the incidental or customary processing of farm products and provided that such building is located on, operated in conjunction with, and necessary to the operation of the farm as defined by this Article. The term "Farm Building" shall not include "farm dwelling".

Farm Brewery: An agricultural processing and manufacturing facility located on a parcel with equipment, components and supplies used for the processing, production and packaging of malt-based liquors such as beer, ale, porter, stout and similar grain-based beverage on the premises with ingredients being grown on the property on which the facility is located. Said facility shall also include product tasting and may include, among other things, product sales and site tours. Other farm brewer activities may include, but not be limited to, associated cooking, fermenting, bottling, storage, aging, shipping and receiving.

Farm vehicles and equipment: equipment, machinery, vehicles, and repair parts manufactured for use on farms in connection with farming operations.

Farm Winery: A facility which possesses a New York State farm winery license pursuant to 76-a of the New York State Alcoholic Beverage Control Law, and where grapes are grown and/or converted to wine for sale to the public or to other businesses, which may also include a wine tasting room where New York State labeled wines and wine products grown or processed on the property may be tasted and sold.

Farmers co-ops: An enterprise that is collectively owned by a group of farmers, is operated for their mutual benefit and provides goods or services in support of agricultural activities.

Farmers Market, Private: A market held on private property by multiple vendors selling agricultural and agricultural processed products on a limited basis, not exceeding 1 event per crop season.

Feed and grain (mills, storage and sales): buildings in which animal feeds and grain are stored during shipment to or from farms and in which animal feeds may be prepared and sold.

Fence: Any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected for the purpose of separating or enclosing one area from another. Fence material and construction must be approved by the Code Enforcement Officer.

Fire Stations: A building for the housing of fire department apparatus and personnel.

Firewood processing and distribution:

Flood Plain Administrator: Also the Code Enforcement Official (CEO)

Floor Area Total: The sum of the gross horizontal areas of the floor or floors of buildings which are enclosed and usable for human occupancy or business. Said areas shall be measured between the inside face of exterior walls, or from the center line of walls separating two (2) uses.

Forestry: The clearing or harvesting of forested or wooded areas, including temporary logging and milling operations, and selective cutting or clearing for commercial purposes.

Fortune Telling: an activity or establishment involving the foretelling of the future or predicting and providing advice on or about future events. Fortune telling includes uses where the fortune is told through astrology, palm reading, psychometry, card or tea reading, clairvoyance, crystal gazing, divination, magic mediumship, phrenology, prophecy, spiritual reading, or similar means. Fortune telling does not include advice or forecasting based on historical trends or given during licensed medical care.

Frontage: The extent of a building or a lot along a street or highway as defined herein.

Funeral Home: A building used for the preparation of the deceased for cremation or burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

G

Game Clubs & Hunting Areas: A site for groups or individuals dedicated to hunting, a place or area used for hunting specifically.

Garage, private: An accessory building used in conjunction with a principal building for the storage of motor vehicles, boats and trailers and in which no occupations, businesses or services for profit are conducted.

Garage, public: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental servicing or equipping of automobiles or other motor vehicles.

Garage Sale: Any public sale of personal property within the Village. Includes general sales, open to the public from or on a residential premise or in any residential zone for the purpose of disposing of personal property or other property. Including but not limited to all sales entitled "garage," "lawn," "attic," "porch," "room," "backyard," "yard," "patio," "flea market," or "rummage sale".

Gas Station: Any building or land or any part thereof used for sale of motor fuel, oil and motor vehicle accessories and which may include facilities for fueling, chagrining, lubricating, washing or servicing vehicles, but not including painting or body repairs.

General Merchandise Stores: A place where retail sale of groceries and other daily household necessities is made primarily to the surrounding area.

Golf Course: an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards.

Golf driving ranges and miniature golf courses: A public or private area operated for the purposes of developing golf techniques, including miniature golf courses, but excluding golf courses.

Grade, finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouses and Nurseries, Commercial: A retail business for the cultivation and sale of plants grown on the premises in greenhouses or as nursery stock and accessory items directly related to their care and maintenance, such as pots, soil, mulch, fertilizer, insecticides, rakes or shovels. This use includes the storage and sale of mulch incidental to the nursery operation, but does not include the processing or grinding of mulch.

Ground-Mounted Solar Energy System Or Facility: A Solar Energy System or Facility that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

Gymnasiums and health clubs: private athletic clubs and gymnasiums, including but not limited to weight training facilities, aerobic exercise floors, racquetball courts, swimming pools, and similar athletic facilities.

H

Health Services: Establishments providing support to the medical profession and patients, including medical and dental labs, blood banks, oxygen and miscellaneous types of medical supplies and services.

Hobby Farm: a smallholding or small farm that is maintained without expectation of being a primary source of income.

Home Occupation: The home occupation shall operate wholly within the principal building; unless the Planning Board grants a special use permit to allow the home occupation to operate within an accessory building. Operation of a home occupation shall be limited to the following criteria:

1. No more than one third of the floor area of the residence will be allowed for the use of the home occupation.
2. No more than two persons not residing in the household shall be employed in the home occupation.
3. There shall be no exterior display or storage of material, and no other exterior indication of the home occupation or variation from the residential character of the principal building except for a permitted sign.
4. No offensive noise, vibration, smoke, dust, odors, heat, light, or glare shall be produced. No greater than that produced by a typical single-family residence in the neighborhood.
5. The home occupation shall not involve wholesaling or storage of automobiles.
6. No additional traffic to the site other than normal deliveries and that which would be normal for the neighborhood and client/customer visit.

Hospitals: Any facility, structure or place for diagnosis and treatment of human illnesses, injuries or ailments either on an inpatient or outpatient basis. This includes a sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged.

Hotel: A building having more than two stories with rooms intended, designed, used, rented or hired out to be occupied for sleeping purposes, along with the provision of food, meals, and beverages to transient guests and/or the general public.

Housing for the elderly: A building which is designed for the needs of elderly persons and which is subject to management or other legal restrictions that require that the project shall be occupied by households wherein at least one person is aged 55 or over.

I

Industrial Equipment Sales, Service, and rental: an establishment primarily engaged in the rental and sale of machinery and equipment, and other goods of a size and type that would be used for business, industrial, agricultural and major construction undertakings. Outdoor storage of such machinery and equipment may be an accessory use to an industrial equipment sales, service and rental establishment.

Industrial Park: an area suitable for use by manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, research facilities, test facilities or railroad facilities.

J

Junk Yard: An area, lot or unenclosed shed, exceeding 200 square feet in area, where junk waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled, collected, or abandoned, including auto wrecking or dismantling yards, house wrecking yards, used lumber yards, and places or yards of the use of salvaged house wrecking and structural steel materials, and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, for the processing of used, discarded or

salvaged materials as part of the manufacturing operations, or for the sale, purchase or storage of used motor vehicles or salvaged machinery to be used for the purposes for which originally manufactured.

K

Kenel: Any commercial building or lot on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold. This definition shall include temporary housing of such animals for periods over four hours but shall not include private residences where the animals are owned by the occupant.

L

Laundromat: an establishment containing one or more washers, and could include drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used. This definition may include a self-service dry-cleaning establishment.

Lawn and landscaping services: The services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose.

Libraries: municipal entities with general public access and parts of universities, colleges and schools that aggregate and organize collections of publications and other forms of information in physical and electronic media and make their collections available to patrons and customers.

Light Industrial Use: Research and development, material handling, processing, the manufacturing, compounding, processing, packaging, storage, service industry business, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, where input, output are wholly conducted within an enclosed building and the industry does not produce high volumes of polluting wastes and is compatible with other uses of the district. Uses should not generate excessive noise, truck traffic, fumes and other nuisances.

Liquor Stores: a retail establishment which has fifty (50%) or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

Lodging House: A single building or group of buildings containing guest rooms or apartments, with parking space or such rooms or apartments, which is primarily designed for the accommodation of transient travelers and does not contain individual cooking facilities. Lodging facilities may also provide additional services to guests, such as food and beverages, limited recreational facilities, conference rooms, and laundry.

Lot: A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. A lot within the meaning of this Ordinance may or may not be a lot as shown on a subdivision plat or assessment record.

Lot Area: 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. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

Lot, Corner: A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

Lot Depth: The horizontal distance between the front and rear lots lines, measured at the right angles to the front lot line.

Lot, Interior: A lot other than a corner lot

Lot Lines: The property lines bounding the lot. In the case of a lot abutting on more than one street the owner may elect any street lot line the front lot line. The rear line shall be the lot line most distant from the front lot line.

Lot, through: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width: The horizontal distance between the side lot lines measured at right angles to its depth at the building line

Lumber Yard: A parcel or building or both where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and may include storage on or about the premises of such material. Not included in this category are retail sales of furniture, appliances or other goods not ordinarily used in building and construction.

M

Manufactured Home: a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home Park: A parcel of land under single ownership on which two (2) or more manufactured homes are occupied as residences or which is planned and improved for the placement of two (2) or more manufactured homes for non-transient residential use.

Manufacturing: The making of products on a large scale using machinery.

Manufacturing Establishment: Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like.

Medical & Dental Offices: Includes medical, dental, urgent care, and clinical outpatient offices for the diagnosis and treatment of human ailments.

Mining/Mining Activity: The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or

removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use, exclusive of manufacturing processes at the mine location; the removal of such materials through sale or exchange or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. Mining activity shall not include excavation, removal and disposition of minerals from constructing projects, nor excavation associated with Agricultural activities. Notwithstanding any provision hereof to the contrary, in no event shall the terms "mining", "mining activity", or any variation thereof, be construed to mean, be, or include Natural Gas and /or Petroleum Extraction Activities, natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Disposal/Storage Facility, Natural Gas and/or Petroleum Exploration, Extraction or Production Wastes Dump, a Natural Gas Compression Facility, a Natural Gas Processing Facility or any other Explicitly Prohibited use.

Mixed Use: A development or redevelopment that allows for a mixture of uses in a single building or on a single lot including, but not limited to, two or more of the following: residential, commercial, and industrial uses.

Modular Home: A structure designed primarily for residential occupancy constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site.

Motel: a building or group of buildings in which lodging is provided for compensation for primarily automobile transients and which has individual entrances from the outside of the building for at least 25% of the dwelling or rooming units located therein.

Motor Vehicle: Any device in, upon or by which any person or property is or may be transported upon a public street or highway except such as is operated exclusively by human power. This includes, but is not limited to cars, trucks, boats, recreational vehicles, airplanes, four-wheelers, dirt bikes or motorcycles.

Motor vehicle parking lot or garage: a building, or portion thereof, other than a municipal or community garage, used primarily for the parking and storage of vehicles.

Motor vehicle recreation (ATV Parks and go-cart tracks): a fixed and defined course designated for the operation of go-carts or ATVs.

Motor Vehicle Repair Shop (Enclosed): a building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

Motor vehicle sales, service, rental, and leasing: a lot, building or structure where the business of selling new and/or used motor vehicles is conducted and may include the display, storage and sale of such motor vehicles is conducted and may include the display, storage and sale of such motor vehicles; the storage and sale of automotive accessories and related products, offices, show rooms and sales rooms; the leasing or renting of motor vehicles; the sale of gasoline; the servicing, washing, repairing, cleaning, polishing, painting of motor vehicles; which must be incidental to the main use. For the purpose of this definition, vehicle shall not include motorized construction equipment, farm equipment, truck bodies, truck tractors, or tractor trailers.

Mulching Establishment: See “Wood Chipping Establishment” Definition.

Multi-Family Dwelling: A building designed for occupancy of families living independently of each other and containing between three and 20 units per building.

Municipal Uses: Administrative, clerical, or public offices or buildings of a government agency (local, County, State, or Federal), including postal facilities, together with incidental storage or accessory uses/buildings.

N

Nonconforming Building: A building which in its design or location upon a lot does not conform to regulation of this Ordinance for the zone in which it is located.

Nonconforming Lot: A lot of record existing at the date of the passage of this Ordinance which does not have the minimum width or contain the minimum area for the zone in which it is located.

Nonconforming Use: Any use of any building, structure, or land existing at the time of the enactment of this Ordinance which does not conform to the use regulations of the district in which it is situated.

Non-profit Club: a society, club or association not carried on for the purpose of profit or gain to its individual members.

Nursery School: A place providing or designed to provide daytime care or instruction for three or more children from two to five years of age away from their home for up to three hours per day, whether or not for compensation or reward.

Nursing homes and Assisted living facilities: An establishment which provides full-time convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment. A hospital shall not be construed to be included in this definition.

O

Offices: Firms or organizations providing professional, executive, management, or administrative services, includes but is not limited to the office of a architect, landscape architect, engineer, insurance agent, realtor, accountant, lawyer or other recognized professional person.

P

Parking lot (Private): Any land area used or intended to be used for the temporary parking of three or more licensed vehicles or the portion of a vehicle sales operation utilized for the display of vehicles or customer parking.

Parking Space: An off-street space used for the temporary location of one (1) licensed motor vehicle, not including access driveway(s), and having direct access to a street, road, or alley.

Permit: A document issued by the proper authority of the Town authorizing an applicant to undertake certain activities

1. **Zoning Permit** – see “Zoning Permit” Definition.
2. **Building Permit** – A permit indicating that a proposed construction, alteration or construction of a structure is in accordance with the provisions hereof and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an Certificate of Occupancy as required under the terms of this ordinance.
3. **Certificate of Occupancy** – see “Certificate of Occupancy” Definition.
4. **Special Use Permit** – see “Special Use Permit” definition.

Personal Property: movable property; belongings exclusive of land and buildings.

Personal Service Establishment: A commercial operation, office, store or other place of business catering to the personal needs of a customer. A non-retail use providing service related to an individuals’ care and upkeep need, such as manicurist, barber shop or beauty parlor, and the upkeep of personal attire, such as tailor, seamstress, or shoe repair. This definition shall not include facilities used for appliance, vehicle, small engine repair or similar use. This definition excludes tattoo parlors.

Pet Grooming: the grooming of a domestic animal, including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming but shall exclude veterinary services, breeding, boarding, and overnight accommodation.

Places of worship, convents, parish houses, and other such facilities of recognized/organized religious groups: A structure owned and/or used by a religious organization for worship, religious training, or education.

Planning Board: The Almond Planning Board.

Plat: A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

Play equipment: Equipment or apparatus primarily intended for use by children for recreational purposes, including but not limited to basketball goals, swing sets, jungle gyms and slides, but not including bicycle or skateboard ramps.

Pond: Any body of water, excluding natural bodies of water fed by rivers, springs, streams or brooks, having a depth at any point greater than three feet.

Pool Hall: A room, hall, parlor or place of any description in which “pool” (also known as “billiards”) is played and which contains three or more pool tables or apparatus or paraphernalia for the playing of pool and which is conducted as a public place of business for profit.

Prime Farmland: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil

Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

Printing Shop: A business of commercial printing, where the primary instrument of printing is an industrial printing press.

Private clubs and lodges: A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business.

Principal Use: The main use to which a building or lot is to be used.

Professional Services: Individuals or organizations that provide specialized services, including, but not limited to, attorneys, architects, engineers, photographers, brokers, and other similar services. This classification excludes hospitals, banks, and savings and loan associations.

Property line: A line bounding a lot. Also known as a "lot line".

Public parks, playgrounds, and related buildings: A lot or portion thereof, owned by any public agency, used or intended to be used for recreation purposes including parks, playgrounds, play fields or other outdoor recreation facilities.

Public Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; telephone booths, firehouses, pump stations, water and sewage treatment plants and similar facilities reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Public Transportation (Station, Depot): a place where busses are boarded and disembarked by fare-paying passengers.

Q

R

Racetracks (Motor Vehicle): A plot of ground laid out for the racing of motor vehicles.

Recreational RV Ground: a plot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

Repair Shops (not including auto repair): A place for servicing, repairing, cleaning, installing or leasing equipment and goods, including but not limited to radio, television, household, tool or appliance service and repair, computer service and repair, locksmiths, shoe repair, tailoring and dry cleaners, and including retail sales as an accessory use.

Residence: A building designed or used exclusively as a living quarter for one or more families. The terms shall not be deemed to include automotive court, motel, boarding or rooming house, mobile home trailer, tourist home or tent.

Residential use: Includes one-family dwellings, two-family dwellings, and multiple-family dwellings.

Resorts: destination entity/organization that provides recreational activities, including but not limited to, whitewater rafting, skiing and snow activities, mountain biking, hunting and fishing, shopping.

Restaurant: Any establishment, however designated at which food is sold for consumption on the premises to patrons and equipped with seating facilities and where the taking of food and drink from said building is incidental. The term "restaurant" shall include bars and taverns licensed to sell alcoholic beverages for on-premises consumption. However, a snack bar refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park operated by the agency or groups or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a "restaurant."

Retail Stores and Shops: An establishment for the sale of goods, articles or consumer services individually or in small quantities directly to the consumer. Retail store or service shall not be interpreted to include the following: drive-up service, gasoline station, motor vehicle repair service, new or used car sales and service, and trailer or mobile home sales and service.

Riding stables, commercial or club: a place or undertaking for the stabling of horses and includes riding instruction and the care and hiring of such horses. This definition does not include riding stables as an accessory use.

Right-of-Way: The line determining the street or highway public limit or ownership. Measuring 25 feet from center of the highway.

Roof-Mounted Solar Energy System Or Facility: A Solar Energy System/ Facility located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

S

Satellite Dish: A parabolic or spherical antenna which receives television or microwave transmissions or other signals from orbiting satellites or other devices.

Sawmills: the use of land, buildings or structures for the purpose of processing logs or other unfinished wood into lumber, shingles, pallets, sawdust, firewood or related products, and may include open storage of such products.

School: A facility, either public or private that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and or senior high schools.

Self-service storage facility (Enclosed): A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses and residential users. A warehouse operated for a specific commercial or industrial establishment shall not be considered a self-service storage facility.

SEQRA: New York State Environmental Quality Review Act.

Setback: The least required horizontal distance between property line, and any structure on the lot measured by the shortest point, including terraces, porches, or any covered projection thereof, but excluding steps

Setback, Front: The setback to the front lot line

Setback, Rear: The setback to the rear lot line.

Setback, Side: The setback to any property line other than a front or rear lot line.

Setback, Street: The setback to the street or front lot line. On corner lots, both yards bordering the street shall be considered as street setbacks. Such street setback shall be measured from the public right-of-way.

Shooting Ranges (Indoor): Any indoor place or range for shooting and discharging firearms at a target.

Shooting Ranges (Outdoor): Any outdoor place or range for shooting and discharging firearms at a target.

Shopping Centers: A group of three (3) or more stores, shops or similar businesses offering a variety of goods and services, occupying adjoining structures, whether attached or detached, having a common interrelated parking, loading and site circulation system with consolidated access to public roads. Also known as “malls,” “retail centers,” and “plazas.”

Short Term Rental Housing: a dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

Signs: A name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. “Sign” does not include attention-getting devices, merchandise, pictures or models of products or services incorporated in window display, works of art which in no way identify a product, graffiti or scoreboards located on athletic fields.

Sign Area: The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a project, enclosed, four-sided (straight sides) geometric shape which clearly outlines the said sign.

Sign, Temporary: a sign which is not permanently anchored to a footing extending below grade or permanently affixed to, or painted on, a building and on which the copy has been painted or affixed in a permanent manner. The copy on the sign shall relate to an activity, use or event of limited time duration not exceeding six months. Temporary signs include such signs as political campaign signs, real estate signs, construction identification signs, signs identifying seasonal businesses, signs advertising specific community events, and signs providing temporary identification for developments awaiting installation of a permanent sign.

Single Family Dwelling: A detached building designed for or occupied exclusively by one family, except for a mobile/manufactured/Modular home.

Site Plan: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings, and any other information deemed necessary by this ordinance.

Skateboard Park: an indoor or outdoor civic facility specifically designed and constructed to support skateboard and roller skate activities in a recreational environment, and which is identified by a civic signage posted at the facility.

Skating Rink: a building, facility, or premises which provides an area specifically designed to be used by the public for recreational or competitive ice or roller skating.

Small Parts Machining Shop: a room, building, or company where machining of small parts is completed. Machine and cutting tools are used to make parts.

Solar Access: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

Solar Collector: A device, or combination of devices, structure or part of a device or structure (i.e., array, panel, etc.) that transforms direct photovoltaic solar into thermal, chemical or electrical energy. Solar collectors may be attached to or detached from principal structures.

Solar Energy Equipment: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

Solar Energy System Or Facility: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System or Facility includes all the land inside the perimeter of the Solar Energy System/ Facility, which extends to any interconnection equipment. A Solar Energy System/Facility is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System/Facility as follows.

A. Tier 1 Solar Energy Systems/Facilities include the following:

- 1) Roof-Mounted Solar Energy Systems/Facilities;
- 2) Building-Integrated Solar Energy Systems/Facilities;

B. Tier 2 Solar Energy Systems/Facilities include Ground-Mounted Solar Energy Systems/Facilities with a total surface area of all solar panels on the lot of up to 4,000 square feet and that generate up to 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems/Facilities are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems/Facilities. Tier 3 Solar Energy Systems/Facilities of 25 MW or larger should be reviewed by the Board of Electric Generation Siting Board under Article 10 of the New York State Public Service Law.

Solar Panel: A photovoltaic device capable of collecting and converting solar energy into electricity.

Special Use Permit: A permit issued by the Zoning Inspector in accordance with procedures established in *Article IV: Special Use Permits & Special Classifications*. As used in this section the term "special use permit" shall mean an authorization of a particular land use which is permitted in this ordinance, subject to requirements imposed by this ordinance to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

Story: That portion of a building between the surface of any floor and the surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. For purposes of height measurement, in determining the permissible number of stories, a basement shall be counted but a cellar shall not be counted.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street Line: That line determining the limit of the highway rights of the public, either existing or contemplated.

Structure: Anything constructed or erected, which requires permanent location on the ground or attachment to something having such location.

Structural Alterations: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders and exit facilities.

Swimming Pool: Any body of water or receptacle for water having a depth at any point greater than two feet, used exclusively for swimming or bathing and constructed, installed or maintained in or above the ground outside any building.

Swimming Pool, Private: A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot.

Swimming Pool, Public: Public or privately-owned pools open to the general public or on a membership basis and having appropriated dressing room facilities, recreation facility and off-street parking area.

T

Tattoo parlors: Any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission

towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Telecommunications Tower (includes 5g): A structure, including accessory buildings such as equipment sheds, on which transmitting and/or receiving antenna(s) are located. Such antennas are a system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television, wireless and microwave communications.

Temporary Use: An activity conducted for a specific limited period of time, which may not otherwise be permitted by the provisions of this ordinance. Example of such uses are building incidental to new construction, which are removed after the completion of the construction work.

Temporary Structures & Events – Includes Carnivals, circuses, concerts & public events (excluding religious activities). Items excluding tents or canvas enclosures, shall be permitted for a period not exceeding 30 days on a permit issued by the Zoning Inspector. At the end of the 30-day period, such structure shall either be removed or reinstalled as a conforming use.

Theater (Indoor): A building or part of a building devoted to the performing arts or the viewing of motion pictures.

Theater (Outdoor/Drive-in): Open land with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions to patrons seated in automobiles or on outdoor seats.

Townhouse dwellings: An independent single-family dwelling unit that is one of a series of dwelling units having a common party wall between each adjacent unit, each with a private outside entrance.

Trash/Garbage/Recycling collection areas (Waste Station): A completely enclosed building or buildings where empty containers, putrescible and nonputrescible materials are stored, treated or transferred from one kind of transportation to another, for future movement to a landfill, recycling processor or other resource/waste facility.

Trash/Garbage/Recycling receptacles: trash or recycling bins, dumpsters, or roll-off boxes for empty containers.

Transportation and freight terminal facilities: A place for the storage or transfer of goods, wares or merchandise by truck transport.

True Value: Is that dollar amount derived from the assessed value, shown on the tax record, divided by the state Equalization rate; as shown in the example below:

Assessed Value

Equalization rate = True Value

\$12,200

61% = \$20,000

Towing Business and Storage Facility: A facility engaged in the towing business or offering towing services, whereby motor vehicles are towed or otherwise removed from one place to another by use of a vehicle designed or adapted for that purpose.

Town Board: The Almond Town Board.

Two Family Dwelling: A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors.

U

Use: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Public Utilities/Utility Facility: A public utility facility is a facility which is operated by a public utility, and which provides electric, gas, steam, CATV, telephone or other communication service, water, or sewerage directly to the general public. In no event shall 'Public Utility' or 'Public Utility Facility' be construed to mean, be or include Natural gas Compression Facility or Natural Gas Processing Facility, or any other Explicitly Prohibited use.

V

Variance: The Zoning Board of Appeals' authorized departure to a minor degree from the text of this ordinance in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this ordinance and by the State of New York.

Variance, Area: An authorized departure from the size or shape of lot, yard, building height, building coverage, parking or other regulations governing area requirements.

Variance, Use: The authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

Veterinary clinics or hospitals: A facility that provides medical care to animals, which is run by a Doctor of Veterinary Medicine (DVM). Animals may be kept in the facility during the recovery period or while under medical treatment. Also referred to as an "animal hospital."

Veterinary Practice (Large Animals): a facility for the medical care and treatment of large animals/livestock. Large animal veterinary practices primarily involve outpatient care and minor medical procedures normally involving hospitalization for fewer than four (4) days. Large animal veterinary practices shall not include animal breeding and/or boarding facilities.

W

Water Parks: a family-oriented indoor and/or outdoor water themed entertainment amusement area offering a collection of rides, attractions, and facilities including, but not limited to, pools, slides, rides, play areas and attractions.

Warehousing and enclosed storage (non-hazardous): a building or structure primarily constructed or used for the storage or temporary storage of goods or for the conduct of normal warehousing business.

Wedding Venue: A privately-owned structure, facility, or site where weddings and associated events are conducted in exchange for compensation. This shall include any previously existing structures so altered, updated, or renovated for the purposes of providing event space in exchange for compensation. Any such structure shall obtain a Certificate of Occupancy from the Town Office prior to its intended date of occupancy.

Wildlife refuge: a designated area on land or water in which wildlife may not be hunted or disturbed at any time.

Wholesale Trade: The buying or selling or arranging for sale of goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices but not to include freight distribution centers, large storage facilities or the use of delivery trucks in the routine operation of the business.

Wood Chipping Establishment: a facility in which timber from the same lot or from another location is fed into a wood-chipping machine for the purpose of producing woodchips and which may include, as an accessory use, the retail sale of the woodchips to the public

X

Y

Yard, Front: An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which shall be the least distance between the front lot line and the front of such main building.

Yard, Rear: An open space extending the full width of a lot between the rear-most main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Yard, side: An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

Yard, Side Front: That area of a corner lot, other than the front yard, facing the intersecting street

Z

Zone: See "Districts or Zone" definition.

Zoning Board of Appeals (ZBA): The officially established Zoning Board of Appeals of Appeals of the Town of Almond with the duties and responsibilities identified in *Article X: Zoning Board of Appeals & Variance Procedures* of this ordinance. Also referred to as "Zoning Board of Appeals" or "Board of Appeals".

Zoning Inspector: also the Code Enforcement Official (CEO)

Zoning Permit: A permit issued by the Zoning Inspector stating that the purpose of which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the district in which it is located or is to be located.

Article XII: Solar Energy

1201.0 Overview

This article is to be utilized specifically for Solar Energy facilities that are proposed or otherwise require review by the Town of Almond.

1201.1 Authority

This Solar Energy Local Law is adopted pursuant to sections 261--263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorizes the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems, facilities and equipment and access to sunlight necessary therefore".

1201.2 Statement of Purpose

This Solar Energy Systems and Facilities Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Almond by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

1. To take advantage of a safe, abundant, renewable and non-polluting energy resource;
2. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
3. To increase employment and business development in the Town of Almond, to the extent reasonably practical, by permitting the installation of Solar Energy Systems and Facilities;
4. To mitigate the impacts of Solar Energy Systems and Facilities on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;
5. To create synergy between solar energy systems and facilities, vacant land management, and creating a walkable, healthy community, in harmony with the Town of Almond Comprehensive Plan.

1201.3 Solar Energy Definitions

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more devices assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a standalone 12-volt car battery or an electrical motor vehicle. A BESS is classified as a Tier 1, Tier 2, Tier 3 or Tier 4 BESS as follows:

- Tier 1 (Small) BESS have an aggregate energy capacity less than or equal to 600kWh that are an accessory use or structure to the principal use; and, if in a room or enclosed area consist of only a single energy storage system technology.
- Tier 2 (Medium) BESS have an aggregate energy capacity greater than 600kWh and less than 1mWh that are an accessory use or structure to the principal use and are generating electricity to be used onsite. These systems may be either in a room or an enclosed area.
- Tier 3 (Large) BESS (Utility/Industrial Grad System) are systems that are associated with a large-scale wind energy system and are designed with a purpose to store energy and put that energy back into the power grid and have an aggregate energy capacity less than 1mWh.
- Tier 4 BESS: any BESS with a capacity greater than 1mWh used to store energy for any purpose.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as "Farmland of Statewide Importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of state-wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM OR FACILITY: A Solar Energy System or Facility that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

NATIVE PERENNIALVEGETATION: Native wildflowers, herbs, and grasses that serve as habitat, for age, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as "Prime Farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM OR FACILITY: A Solar Energy System/ Facility located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM OR FACILITY: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System or Facility includes all the land inside the perimeter of the Solar Energy System/ Facility, which extends to any interconnection equipment. A Solar Energy System/Facility is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System/Facility as follows.

A. Tier 1 Solar Energy Systems/Facilities include the following:

- 1) Roof-Mounted Solar Energy Systems/Facilities;
- 2) Building-Integrated Solar Energy Systems/Facilities;

B. Tier 2 Solar Energy Systems/Facilities include Ground-Mounted Solar Energy Systems/Facilities with a total surface area of all solar panels on the lot of up to 4,000 square feet and that generate up to 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems/Facilities are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems/Facilities. Tier 3 Solar Energy Systems/Facilities of 25 MW or larger should be reviewed by the Board of Electric Generation Siting Board under Article 10 of the New York State Public Service Law.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

1201.4 Applicability

1. The requirements of this Local Law shall apply to all Solar Energy Systems/Facilities permitted, installed, or modified in the Town of Almond after the effective date of this Local Law, excluding general maintenance and repair.
2. Solar Energy Systems/Facilities constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
3. Modifications to an existing Solar Energy System/Facility that increase the Solar Energy System/Facility area by more than 5% of the original area of the Solar Energy System/Facility (exclusive of moving any fencing) shall be subject to this Local Law.
4. All Solar Energy Systems/Facilities shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code").

1202.1 General Requirements

1. A Building permit shall be required for installation of all Solar Energy Systems/Facilities.
2. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems/Facilities so as to protect their access to sufficient sunlight to remain economically feasible over time.
3. Issuance of permits and approvals by the Town Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")]. The Town of Almond reserves the option to engage an independent consultant for said review, the cost of which shall be borne by the applicant.

1202.2 Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems/Facilities shall be permitted in all areas of the Town, and shall be exempt from site plan review if such Site Plan Review procedures are adopted in the future by the Town of Almond, subject to the following conditions for each type of Solar Energy Systems/Facilities:

1. Roof-Mounted Solar Energy Systems/Facilities:
 - a. Roof-Mounted Solar Energy Systems/Facilities shall incorporate, when feasible, the following design requirements:
 - i. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
 - ii. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - iii. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - iv. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
 - b. Glare: All Solar Panels shall have anti-reflective coating(s).
 - c. Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations in Appendix 3.

2. Building-Integrated Solar Energy Systems/Facilities shall be shown on the plans submitted for the building permit application for the building containing the system/facility.

1202.3 Permitting Requirements for Tier 2 Solar Energy Systems/Facilities

All Tier 2 Solar Energy Systems/Facilities shall be permitted in all areas of the Town as accessory structures and shall be exempt from site plan review or other land use regulations, if such Site Plan Review procedures are adopted in the future by the Town of Almond, subject to the following conditions:

1. Glare: All Solar Panels shall have anti-reflective coating(s).
2. Setbacks: Tier 2 Solar Energy Systems/Facilities shall be subject to the setback regulations specified for the accessory structures under the Building Code. All Ground Mounted Solar Energy Systems/Facilities shall only be installed in the side or rear yards of residential structures.
3. Height: Tier 2 Solar Energy Systems/Facilities shall comply with the height limitations listed in Appendix 3.
4. Screening and Visibility:
 - 1) All Tier 2 Solar Energy Systems/Facilities shall have views minimized from adjacent properties to the extent reasonably practicable.
 - 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
5. Lot Size: Tier 2 Solar Energy Systems/Facilities shall comply with the existing lot size requirement specified for accessory structures within the neighborhoods listed in Appendix I to this local law.

1202.4 Permitting requirements for Tier 3 Solar Energy Systems/Facilities

All Tier 3 Solar Energy Systems/Facilities are permitted through the issuance of a special permit within the neighborhoods designated in the Appendices to this Local Law, and subject to the application requirements set forth in this Section. Tier 3 Solar Energy Systems are not permitted in Residential District (R1).

1. Applications for the installation of Tier 3 Solar Energy System/Facility shall be:
 - a. Reviewed by the Code Enforcement Officer or Town Board for completeness. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that are listed must be addressed prior to substantive review.
 - b. Subject to the Town of Almond Zoning Law with a recommendation that the Town hear public comments for/against the application.
2. Underground Requirements: All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
3. Vehicular Paths: Vehicular paths within the site shall be designed to minimize the extent of *impervious materials and soil compaction*.
4. Signage:
 - a. No signage or graphic content shall be displayed on the Solar Energy Systems/Facilities except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.

- b. As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad mounted transformers and substations.
5. Glare: All Solar Panels shall have anti-reflective coating(s).
6. Lighting: Lighting of the Solar Energy Systems/Facilities shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
7. Tree-cutting: Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.
8. Decommissioning:
 - a. Solar Energy Systems/Facilities that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town as set forth in section 11(c) herein.
 - b. A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System/Facility shall be submitted by the applicant, addressing the following:
 - i. The cost of removing the Solar Energy System/ Facility.
 - ii. The time required to decommission and remove the Solar Energy System/Facility, including any ancillary structures.
 - iii. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System/Facility.
 - c. Security.
 - i. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System/Facility and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System/Facility. The decommissioning amount shall not be reduced by the amount of the estimated salvage value of the Solar Energy System/Facility, as the salvage value of the solar energy equipment is speculative.
 - ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
 - iii. In the event of default or abandonment of the Solar Energy System/Facility, the system shall be decommissioned as set forth in the decommissioning plan. Decommissioning Plan can be found in Appendix G.

9. **Site plan application:** For any Solar Energy system/facility requiring a Special Permit, site plan approval shall be required. Any site plan application shall include the following information:
 - a. Property lines and physical features, including roads, for the project site
 - b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
 - c. A one- or three-line electrical diagram detailing the Solar Energy System/facility layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and other current devices.
 - d. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - e. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System/Facility. Such information of the final system installer shall be submitted prior to the issuance of any building permit.
 - f. Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of their real property for the Solar Energy System/Facility.
 - g. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, minimizing the impacts of mechanical, grazing and chemical vegetation control. The plan should include provisions for emergency inspections and repair after weather or natural disasters.
 - h. Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town Board, or by the Town Planning Board.
 - i. Prior to the issuance of the building permit or final approval by the Town Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect. J. Special Permit Standards.
10. **Special Permit Standards**
 - a. Lot size: The property on which the Tier 3 Solar Energy System/Facility is placed shall meet the lot size requirements in Appendix 1.
 - b. Setbacks: The Tier 3 Solar Energy Systems/Facilities shall meet the setback requirements in Appendix 2.
 - c. Height: The Tier 3 Solar Energy Systems/Facilities shall comply with the height limitations in Appendix 3 depending on the underlying neighborhood/district.
 - d. Lot Coverage: The following components of a Tier 3 Solar Energy System/Facility shall be considered included in the calculations for lot coverage requirements:
 - i. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:

- a. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - b. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - c. Paved access roads servicing the Solar Energy System.
 - ii. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
- e. Fencing Requirements: All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.
- f. Screening and Visibility:
 - 1. Solar Energy Systems/Facilities smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
 - 2. Solar Energy Systems/Facilities larger than 10 acres shall be required to:
 - a. Conduct a visual assessment of the visual impacts of the Solar Energy System/Facility on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report may be required to be submitted by the applicant.
 - b. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
 - c. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system/facility. The landscaped screening shall be comprised of a minimum of 1 evergreen tree, at least 6 feet high at time of planting, plus 2 supplemental shrubs at the reasonable discretion of the Town Board, all planted within each 10 linear feet of the Solar Energy System/Facility. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species should be provided by the Town.
- g. Agricultural Resources for projects located on agricultural lands:

1. Any Tier 3 Solar Energy System/ Facility located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50% of the entire lot. Tier 3 Solar Energy Systems/Facilities on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.
 2. To the maximum extent practicable, Tier 3 Solar Energy Systems/Facilities located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
 3. Tier 3 Solar Energy System/Facilities owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- h. Ownership Changes: If the owner or operator of the Solar Energy System/Facility changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the Town Supervisor of such change in ownership or operator within 30 days of the ownership change.

1203.0 Battery Energy Storage Systems (BESS)

Battery Energy Storage Systems are generally associated with Solar Energy facilities to allow the energy generated to be temporarily stored on-site before being put into the electrical grid.

1203.1 General Requirements

1. Tier 1 (Small), Tier 2 (Medium), and Tier 3 (Large) battery energy storage systems shall meet the requirements of any applicable fire prevention code, building code and design requirement when in use and, when no longer used, shall be disposed in accordance with the laws and regulations of the Town of Almond and any applicable federal, state or county laws or regulations. Fire prevention codes, building codes, design requirements and applicable federal, state, and county laws or regulations include but are not limited to standards and requirements set forth in the:
 - a. Energy Code: the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.
 - b. Fire Code: the fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

- c. **Nationally Recognized Testing Laboratory (NRTL):** a U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.
 - d. **NEC:** National Electric Code
 - e. **NFPA:** National Fire Prevention Association
 - f. **Uniform Code:** the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.
- 2. **Small battery energy storage systems** are a permitted use in all areas and require site plan approval.
 - 3. **Medium battery energy storage systems** are permitted in all areas and require site plan review and a building permit.
 - 4. **Large battery energy storage systems** are not permitted on soils classified as prime farmland, prime farmland if drained or soils of statewide importance by the U.S. Department of Agriculture, New York State, farmland or the Natural Resources Conservation Service. In addition, large battery energy storage systems shall not be sited on more than 10% of any parcel containing prime farmland, prime farmland if drained or soils of statewide importance.
 - 5. **Large battery energy storage systems** require a special use permit, site plan review and a building permit.

1203.2 Safety

- 1. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.
- 2. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.
- 3. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.
- 4. Each solar installation will have an industry standard fire detection and fire suppression system that the Town will review and approve. All fire detection and fire suppression systems will be periodically tested to ensure functionality.

1203.3 Permit Time Frame and Abandonment

- 1. The Special Permit and site plan approval for a Solar Energy System shall be valid for a period of 24 months, provided that construction is commenced within that period of time. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Town Board, within 24 months after approval, the applicant or town may extend the time to complete construction for up to an additional 180 days.
- 2. If the owner and/or operator fails to achieve substantial completion within 24 months, the approvals shall expire.

3. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of such notification.
4. If the owner and/or operator fail to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

1203.4 Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the Town of Almond, New York State Uniform Building Code.

1203.5 Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect. Solar Setback and Lot Requirements can be found in Appendix F.

Article XIII: Wind Energy

1301.1 Purpose

The purpose of this chapter is to regulate the design, approval, placement and access of wind energy conversion systems (hereinafter called "WECS").

1301.2 Applicable Zoning District

Subject to the provisions set forth hereinafter, WECS shall be a use which shall be allowed by Special Use Permit only in Agricultural (AG) Zoning Districts.

1302.1 Special Use Permit and Site Plan Requirement

Any WECS shall be treated as a single unit and will require a special use permit issued and Site Plan Review Approval in accordance with *Article IV: Special Use Permits and Special Classifications* and *Article III: Site Plan Review*.

1303.1 Plans

In addition to any information, drawings, or plans required by this ordinance, each application for a permit shall be accompanied by an accurate site plan prepared by a professional land surveyor or professional engineer licensed to practice in New York State, containing the following information:

1. Property lot lines.
2. Proposed location of all the WECS units proposed for the site.
3. Location of all existing structures on the site.
4. Above ground utility lines.

The application shall also include the following information:

1. dimensional representation of the various structural components, including the conversion system, supporting structures or tower, guy wires, if any, base and footings.
2. Design data which shall include the basis of design, foundation, manufacturer's dimensional drawings, installation, backup braking system, and operation instructions.
3. Certification by a professional engineer registered to practice in New York State or a manufacturer's certification that the design of the supporting structure or tower is sufficient to withstand wind load requirements as set forth in the New York State Building Construction Code and any other stresses imposed by the conversion unit on the structure.

In addition to the site plan material listed above, the Planning Board may, at its discretion, require the following materials:

1. A digital-elevation-model-based project visibility map showing the impact of topography upon visibility of the project from other locations to a distance radius of three miles from the center of the project. The scale used shall depict the three-mile radius as no smaller than 2.7 inches, and the base map used shall be a published topographic map showing cultural features.
2. No fewer than four color photos no smaller than four inches by six inches, taken from locations within a three-mile radius of the proposed project which are selected by the Planning Board and which are computer-enhanced to simulate the appearance of the aboveground site facilities as they would appear upon completion from these locations.

3. Visual environmental assessment form (EAF) addendum under the New York State Environmental Quality Review Act.

1303.2 Setbacks

The minimum setback distance between a wind power unit and all surrounding property lines, overhead utility lines, dwellings, and other generation units, shall be equal to no less than 1.5 times the proposed structures height plus the rotor radius. No experimental, home-built, or prototype wind turbines shall be allowed without documentation, substantiated by a professional engineer licensed to practice in New York State, of their maximum probable blade throw distance in the event of failure and determination by the Planning Board of appropriate setback distances based on that documentation.

1303.3 Noise

A WECS shall not produce a noise level at any lot line greater than the ambient nighttime level of the area.

1303.4 Common System

Contiguous resident property owners may construct a wind energy conversion system for their use in common. If property held by more than one single owner is used to meet setback requirements, a site plan establishing easements or reserved areas must be submitted to the Planning Board for approval. The common property owners must appoint one owner to be the joint spokesperson and agent *authorized to act for the group*. Applicants shall provide written evidence of the legal arrangement for common use, by contract or other written legal instrument.

1304.1 Safety Requirements

1. Interconnection. The WECS, if connected to an electrical utility distribution system, shall meet the New York State Standard Interconnection Requirements (SIR).
2. Any WECS tower and all guy wires capable of conducting electricity shall be adequately grounded.
3. At least one high-voltage warning sign shall be placed at eye level on any tower when the voltage generated by a WECS will exceed 50 volts.
4. All wind turbines shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
5. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Board may waive such requirements as it deems appropriate.
6. A hazard radius for ice shedding, debris throw, etc. must be identified.

1305.1 Maximum Height

The total height of the structure shall not exceed 120 feet, as measured from the highest point of the arc of the blades to the ground level at the base, unless otherwise prohibited by any state or federal statute or restriction. The Planning Board may permit a higher height, at its discretion, taking into consideration the location of the unit(s) and the impact on the viewshed.

1305.2 Minimum Blade Height

The minimum distance between the ground and any protruding blades utilized on a WECS shall be 15 feet as measured radially from the point of the arc of the blades to the ground.

1305.3 Viewshed

No individual tower facility shall be installed in any location that would substantially detract from or block view of a portion of a recognized scenic viewshed, as viewed from any public road right-of-way or publicly owned land within the Town of Almond or that extends from the Town of Almond.

1305.4 Lighting

Use of nighttime and overcast daytime condition stroboscopic lighting shall be required only if otherwise required by law to satisfy tower facility lighting requirements for the Federal Aviation Administration. Such lighting shall be subject to on-site field testing before the Planning Board as a prerequisite to the Planning Board's approval.

1305.5 Electromagnetic Interference

No individual tower facility shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas (including residential antennas) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. Alternately, WECS generators and alternators shall be properly filtered and/or shielded in order to avoid electromagnetic interference and shall comply with the rules and regulations of the Federal Communications Commission contained in 47 CFR parts 15 and 18.

1306.1 Insurance

Prior to issuance of a building permit, the applicant shall provide the Town proof, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance of a level to be determined by the Town Board in consultation with the Town's insurer to cover damage or injury which might result from the failure of a tower or towers or any other part(s) of the energy generation and transmission facility.

1307.1 Inspections

1. A WECS may not begin its initial operation until inspections required by the Town have been made and all necessary approvals have been given.
2. After initial operations have begun, the Zoning Inspector or their designated representative shall have the right at any reasonable time to enter the premises on which a WECS has been placed to inspect any or all parts of said installation. After conducting an inspection, the Zoning Inspector may order the owner of a WECS to render it inoperative for reasons related to safety, noise, or electromagnetic interference.
3. The owner of the WECS shall not return it to service until any and all of the reasons for the shutdown have been addressed and corrected.
4. Prior to allowing a WECS to resume operations, the Zoning Inspector may require the owner of the WECS to have an inspection made and a report issued by a professional engineer licensed to practice in the State of New York, certifying that the WECS and/or tower is safe.

1308.1 Penalties for Offenses

Failure to comply with these regulations will be subject to a penalty up to \$250 per day.

In addition to the above, the Town may elect to seek injunctive relief in the Supreme Court of the State of New York. In the event that the Town so elects and prevails, the violator shall be subject to a civil penalty equal to the Town's expenses of such enforcement action including statutory costs and attorneys' fees.

1308.2 Emergency Shutdown Procedures

Emergency shutdown procedures shall be filed with the Town Clerk and Zoning Inspector.

1309.1 Removal

Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such WECS shall remove same within ninety (90) days of receipt of notice notifying the owner of such abandonment. Failure to remove an abandoned WECS within said ninety (90) days shall be grounds to remove the WECS at the owner's expense. As a condition to the approval of any special use permit, the Planning Board may require the posting of a performance bond to secure compliance with this section.

1310.1 Wind Energy Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

NONCOMMERCIAL WIND ENERGY SYSTEM: A wind energy conversion system consisting of one wind turbine, one tower and associated control or conversion electronics which has a rated capacity of not more than 250 kilowatts and a total height of less than 150 feet.

TOTAL HEIGHT or MAXIMUM OVERALL HEIGHT: The height of the wind energy conversion system measured from the ground elevation to the top of the tip of the blade in the vertical position.

TOWER: The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.

TOWER HEIGHT: The height above grade of the uppermost fixed portion of the tower, excluding the length of any axial rotating turbine blades.

VIEWSHED: An area within range of vision in any direction from a particular site.

WIND ENERGY CONVERSION SYSTEMS (WECS): Any mechanism designed for the purpose of converting wind energy into electrical or mechanical power.

WIND ENERGY FACILITY: Any wind energy conversion system or wind measurement tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures.

WIND ENERGY SYSTEM: The equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, substation, maintenance or control facilities or other component used in the system.

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

General definitions. Unless defined otherwise herein, definitions set forth in *Article XI: Definitions* of this ordinance apply to this chapter as if fully set forth herein.

APPENDICES

Appendix documents are provided as examples. Actual documents used may differ. Please contact the Town Clerk or appropriate official for the most up to date documents. Forms will be reviewed, revised and approved by town board as needed.

All fees will be set during the annual fee schedule process by the Town Board.

APPENDIX A: Zoning Permit Application

A.1 Zoning Permit

The Zoning Inspector is hereby empowered to issue a Zoning Permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or building as party thereof, where they shall determine that such plans are not in violation of the provisions of this ordinance.

A.1.0 Application Procedures for a Zoning Permit

Prior to the beginning of the construction, reconstruction or alteration of any use, the applicant shall notify the zoning inspector of the intent to receive a zoning permit. Within 60 days of notification of completion, the inspector shall inspect the plans for a structure or use and issue a zoning permit. All applications for zoning permits shall be made to the Zoning Inspector in the detail specified in this ordinance.

Where the proposed use is a single-family or two-family residential use in a *R1 - Residential* or *AG - Agricultural* district, the Zoning Inspector shall carefully consider the application and supporting documents for compliance with this ordinance and either issue or deny the Zoning Permit.

Where the proposed use is any use other than a single-family or two-family residential use in a *R1 - Residential* or *AG - Agricultural* district, the Zoning Inspector shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board along with recommendations. The Planning Board shall determine that the proposed site planned structures will comply with the regulations set forth in *Article III: Site Plan Review*.

Where the proposed use requires a special use permit in accordance with the district tables set forth in *Article VI: Districts* of this ordinance, the zoning inspector shall, prior to the issuance of any permit, refer one (1) copy of such plans, drawings and statements to the Planning Board along with recommendations. The Planning Board shall determine that the proposed site planned structures will comply with the regulations set forth in *Article IV: Special Use Permits and Special Classifications*.

The Planning Board shall, within sixty (62) days after receipt of said material, approve or disapprove the proposed development or construction. In the event of disapproval, the reasons shall be stated clearly to the Zoning Inspector in writing. The Zoning Inspector shall deny a zoning permit for the proposed construction until such conditions as the disapproval is based upon have been corrected and written approval of the Planning Board is obtained. The absence of a reply from the Planning Board within thirty (30) day period shall constitute approval and the Zoning Inspector shall proceed based on such approval.

Town of Almond
1 Marvin Lane,
Almond, New York 14804

ZONING PERMIT APPLICATION

Date of Application: _____ Tax Parcel # _____

Name: _____

Address: _____

Phone #: _____

Application for a Zoning Permit is HEREBY made to:

() Build () Extend () Convert () Place a Manufactured Home () Other

Project Description: _____

Project Site: _____

Project Owner: _____ Estimated Project Cost: \$: _____

Project Owner Signature: _____

Land Owner: _____ Is this a Land Contract Sale? _____

Land Owner Signature: _____

Please note this is NOT A CONSTRUCTION PERMIT. After a Zoning Permit has been issued you will then be required to submit all necessary applications for construction and copies of other required agency permits before a Construction Permit will be issued.

Attached is a copy of the ZONING PERMIT REGULATIONS, a sample site plan, a space for you to provide your necessary site plan. More complex projects may require a more detailed site plan. It must contain the requested site plan details as described within this application.

Zoning Permit Fees

New construction on improved lands - \$25.00

New construction on unimproved (vacant) lands - \$50.00

FOR Town Use ONLY:

Zoning Permit Approved: _____ Zoning Permit Denied: _____

Under Section(s): _____ Town of Almond Zoning Law

Signature of Code Enforcement Official: _____ Date: _____

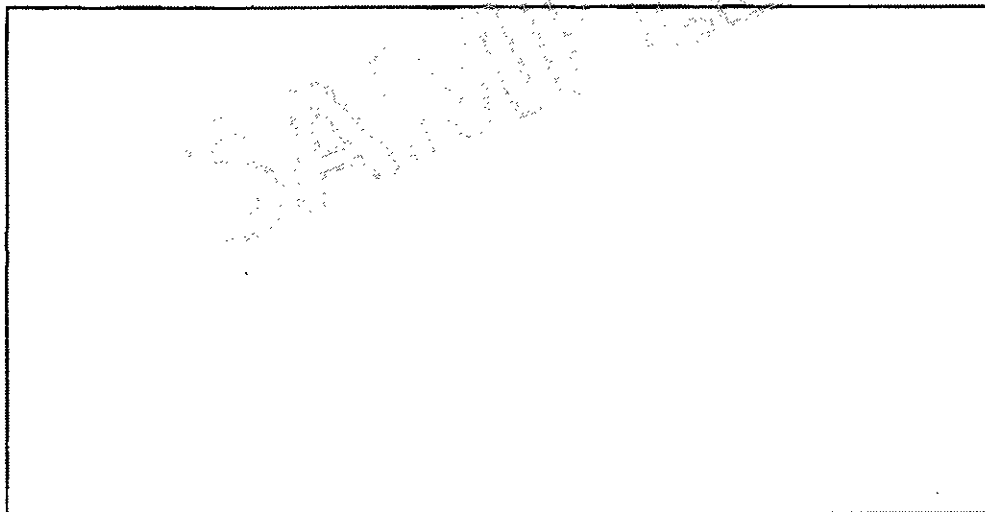
Variance Date: _____ Hearing Date: _____ Approved or Denied: _____

SITE PLAN which CLEARLY ILLUSTRATES Zoning Compliance

The Space below is provided for the applicant to draw a site plan which will show placement of and type of structure or structures FOR WHICH THIS ZONING PERMIT is being applied for.

The following information SHALL be sufficiently detailed on this SITE PLAN so that the reviewer can verify Zoning Compliance.

- 1) Dimensions of the lot in feet.
- 2) Names of adjoining property owners
- 3) Location of proposed structures.
- 4) Place all driveway & road cuts.
- 5) Structure dimensions & separation
- 6) Location of all existing structures
- 7) Significant topographical features
- 8) Yard dimensions; setbacks
- 9) Road frontage in feet only
- 10) Water courses, contours
- 11) Sewer facilities and wells
- 12) Utilities and utility easements
- 13) North arrow



Applicants Signature: _____

APPENDIX B: Special Use Permit Application

B.0 Special Use Permits

Special uses within the zoning districts are generally considered to be uses which are appropriate in a particular zoning district, but because of their potential for incompatibility with adjacent uses require individual review and may require the imposition of conditions in order to assure the appropriateness of the use in a particular zoning district.

B.1 Application Procedures for a Special Use Permit

The applicant must file an application for Special Use Permit approval with the Town Office and zoning inspector. The application for a Special Use Permit shall include a description of the proposed use and all of the materials required for Site Plan Review outlined in *Article III: Site Plan Review* and numbered below.

1. Title of drawing, name and address of applicant, and person responsible for preparation of such drawing.
2. North arrow, scale and date.
3. Boundaries of the property plotted to scale by a New York State licensed surveyor. The Town may waive this requirement and allow reuse of tax maps or other existing maps as a base map showing the property boundaries when either such preexisting information is available and current or the proposal is of modest scale.
4. Location, design, type of construction, proposed use and exterior dimensions of all existing and proposed buildings.
5. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics and watercourses.
6. Location, design and type of construction of all parking and truck loading areas, showing access and egress.
7. Provision for pedestrian access.
8. Location of any proposed outdoor storage.
9. Location, design and construction materials of all existing or proposed site improvements, including streets, easements, drains, culverts, retaining walls and fences.
10. Description of the method of any new sewage disposal, and location, design and construction materials of such new facilities.
11. Description of the method of securing water, and location, design and construction materials of any new facilities.
12. Location of fire and other emergency zones.
13. Location, design and construction materials of all proposed energy distribution facilities, including electrical, gas and solar energy.
14. Location, size and design and type of construction of all proposed signs.
15. Location and proposed development of all open areas, including existing vegetative cover.
16. Location and design of proposed outdoor lighting.
17. Landscaping plan and planting schedule.
18. An estimated project construction schedule.
19. Identification of any permits from other governmental bodies required for the project's execution.

SPECIAL USE PERMIT APPLICATION FORM AND INSTRUCTIONS

(Submit checklist with application)

The Town of Almond Town Board has the authority to issue special use permits in accordance with Town Code Chapter 116 Zoning.

Application requirements:

For review and approval of a Special Use Permit Application, the following items must be submitted to the Town Board:

- Completed Application
- Application Fee with check made payable to: "Town of Almond"
- Owner Authorization form, if necessary. (If the applicant/petitioner is not the property owner and the owner did not sign the application, an owner authorization form must be submitted.) ☐ Narrative describing all activities proposed for the site.
- Survey of the property
- Copy of property deed
- Site plan: A Site Plan and/or Site Plan application may be required as part of the Special Use Permit Application. Please consult with the Building Department to determine if a Site Plan Review Application will be required.
- Environmental Assessment Form (EAF), with Part 1 completed and signed. (Short or Full EAF - Please visit <http://www.dec.ny.gov/permits/6191.html> for EAF information and forms. If you have questions regarding which EAF to submit, please contact the Building Department.)

Agency Review: The Town Board may circulate the Special Use Permit application packet to the following agencies for review and comment, as necessary:

Town: Planning Board, Building Department, Highway Department, Town Attorney
County: Department of Planning, Planning Board

Town Code Enforcement Review: Special Use Permit applications may require review by the Code Enforcement Office. If it is determined that such review is necessary, an escrow account will be required to defray the costs of this review. An estimate of the costs will be provided to the applicant and a check must be received prior to further consideration by the Town Board.

Incomplete applications will not be accepted for review. Applications submitted by the deadline (14 days prior to the Town Board work session) will be placed on the agenda at the discretion of the Town Board.

**Special Use Permit Application Form
1 Marvin Lane, Almond, New York 14804**

I. PROJECT INFORMATION (Applicant/Petitioner):

Business/Project Name: _____
 Business/Project Address: _____
 Applicant Name: _____
 Mailing Address: _____
 City _____ State _____ Zip _____
 Phone _____ Fax _____ Email _____
 Interest in the property (ex: owner/purchaser/developer) _____

II. PROPERTY OWNER INFORMATION (If different than Applicant AND the Owner does not sign below, please submit and original, notarized "Owner Authorization" form - attached):

Property Owner(s) Name(s) _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Fax _____ Email _____

III. SPECIAL USE AND PROPERTY INFORMATION:

Property Address _____
 SBL# _____
 Describe Special Use requested (use additional pages if needed): _____

 Property size in acres _____ Property Frontage in feet _____

Zoning District _____ Surrounding Zoning _____

Current Use of Property _____ Size of existing building(s): _____ sf

Size of proposed building(s) _____ sf Present/Prior tenant/use: _____

Parking spaces: Existing: _____ Proposed additional spaces: _____ Total #: _____

Proposed water service: public private (well) n/a Is this existing Y/N

Proposed sanitary sewer: public private (septic) n/a Is this existing Y/N

Hours of operation (if applicable):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	By Appt.
Hours								

Peak hours: _____

Number of employees (if applicable): Full-time _____ Part-time _____ Seasonal _____

Upon approval of this application, the applicant intends to apply for: (Check all that apply)

- a. Building Permit _____
b. Sign Permit _____

IV. SIGNATURE *(This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 4)*

Signature of Applicant/Petitioner

Print name of Applicant/Petitioner

The undersigned, who is the owner of the premises know as:

Owner (print) _____ Date _____

Owner (signature) _____

On this ____ day of _____, 20__, before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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APPENDIX C: Building Permit

The Building Permit documents can be obtained by contacting the Code Enforcement Officer (CEO). This form is modified occasionally so please reach out directly to the Town Offices to receive the current form.

APPENDIX D: Request for Area Variance

The Request for Area Variance document can be found on the Town of Almond Website

<p style="text-align: center;">TOWN OF ALMOND Municipal Building P.O. Box K Almond, New York 14804-0511 607-276-6665</p> <p style="text-align: center;">Application to the Zoning Board of Appeals Request for an <i>AREA VARIANCE</i></p> <p>"Area variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.</p> <p>I. Date of this application</p> <p>II. Information about the Property</p> <p>Address (including fire number)</p> <p>Location (in relation to some landmark)</p> <p>Tax map number</p> <p>Size (in acres or square feet)</p> <p>Present zoning</p> <p>III. Information about the Owner</p> <p>Name(s)</p> <p>Mailing address</p> <p>Telephone number(s)</p> <p>Email</p> <p style="text-align: right; font-size: small;">Almond NY ZBA Request for Area Variance - 20111028.doc Page 1 of 3</p>	
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APPENDIX E: Request for Use Variance

The Request for Use Variance document can be found on the Town of Almond Website

TOWN OF ALMOND
 Municipal Building
 P.O. Box K
 Almond, New York 14804-0511
 607-276-6665

Application to the Zoning Board of Appeals
Request for a *USE VARIANCE*

"Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

I. Date of this application

II. Information about the Property

Address (including fire number)

Location (in relation to some landmark)

Tax map number

Size (in acres or square feet)

Present zoning

III. Information about the Owner

Name(s)

Mailing address

Telephone number(s)

Email

Almond NY ZBA Request for Use Variance - 20111028.doc Page 1 of 3

APPENDIX F: Solar setback and lot size requirements.

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Minimum Lot Size Requirements

Zoning District	Tier 3
Water District Boundaries of the Village of Almond	0.5 acres
Residential	NA
Business	10 acres
Light Industrial	10 acres
General Industrial	10 acres
Agricultural	10 acres

Parcel Line Setbacks

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

Table 2: Parcel Line Setback Requirements

	Tier 3 Ground -Mounted		
Zoning District	Front	Side	Rear
Water District Boundaries of the Village of Almond	100'	100'	100'
Residential	NA	NA	NA
Business	100'	100'	100'
Light Industrial	100'	100'	100'
General Industrial	100'	100'	100'
Agricultural	100'	100'	100'

Height Requirements

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Table 3: Height Requirements

Zoning District	Tier 1 Rood Mounted	Tier 2	Tier 3
Water District Boundaries of the Village of Almond	2' above roof	10'	15'
Residential	2' above roof	10'	Not allowed
Business	4' above roof	15'	20'
Light Industrial	4' above roof	15'	20'
General Industrial	4' above roof	15'	20'
Agricultural	2' above roof	15'	20'

APPENDIX G: Town of Almond Solar System/Facility Decommissioning Plan

TOWN OF ALMOND SOLAR SYSTEM/FACILITY DECOMMISSIONING PLAN

Date: _____

Decommissioning Plan for _____

[Solar Project Name],

Located at: _____

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by "The Town of Almond, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends;
2. The system does not produce power for 12 months; or
3. The system is damaged and will not be repaired or replaced.

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within 12 months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently _____, is responsible for this decommissioning.

Facility Owner Signature

Date _____

APPENDIX H: Zoning Map

Almond Zoning Map - Final September 2024

