

THE ZONING LAW
OF THE
TOWN OF CANAJOHARIE

Montgomery County
New York

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ZONING LAW OF THE TOWN OF CANAJOHARIE

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ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE I

ARTICLE I: TITLE, SCOPE AND PURPOSE

A. TITLE

This local law shall be known and may be cited as "The Zoning Law of the Town of Canajoharie, New York".

B. SCOPE

A local law regulating the use of land and the location, siting, alteration, maintenance, and occupancy of structures in the Town of Canajoharie and for said purposes dividing the Town into districts.

C. ENACTING CLAUSE AND PURPOSES

This local law is enacted pursuant to Article 16 of the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, to promote public health, safety, and the general welfare, specifically including the following additional purposes:

- C.1. To allow for reasonable growth and development within the physical limitations of the land so as to assure adequate sites for housing, commercial activity, industry and public uses;
- C.2. To facilitate the efficient and adequate provision of public facilities and services;
- C.3. To promote pedestrian safety, efficient traffic circulation and adequate parking in order to support business activities in the Town;
- C.4. To promote the design and use of land and buildings to maintain the integrity of existing neighborhoods and a sense of community;
- C.5. To promote the retention and creation of local employment opportunities;
- C.6. To encourage flexibility in the design and development of land in such a way as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of the land;
- C.7. To enhance the appearance of the Town of Canajoharie as a whole;
- C.8. To permit the continued operation of non-conforming uses in the least conflicting manner;
- C.9. To encourage patterns of development which minimize the demand for energy.

D. RIGHT-TO-FARM

No provision of this Local Law shall be interpreted, administered, or enforced in a manner that unreasonably restricts farm operations within a State Certified Agricultural District established pursuant to Article 25AA of the New York State Agricultural and Markets Law, unless it can be shown that the public health and safety are threatened.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

ARTICLE II: ESTABLISHMENT OF LAND USE DISTRICTS

A. ESTABLISHMENT AND NAMES

In order to fulfill the purposes of this Local law, the Town of Canajoharie is divided into the following districts:

R - Residential District
A - Agricultural/Rural Residential District
C - Commercial District
M - Manufacturing District

PWSF - Personal Wireless Service Facilities Overlay District
CE - Critical Environmental Overlay District
SR - Scenic Resources Overlay District

B. STATEMENT OF PURPOSE

The following statements of purpose define the spirit and intent of each land use district, and are to be used as guides in the interpretation and application of these regulations:

B.1. Residential District

The purposes of the Residential District are: to maintain and protect residential and neighborhood qualities while recognizing the importance of meeting the housing needs of Town residents; to provide for and encourage a mixture of housing types and opportunities; to provide for and encourage open spaces; to foster safe pedestrian and traffic circulation by establishing options for the provision of off-street parking; and to recognize the existence of non-conforming uses and to encourage their operation in an unobtrusive fashion.

B.2. Agricultural/Rural Residential District

The purposes of the Agricultural/Rural Residential District are: to maintain and encourage the agricultural endeavors practiced in the rural areas of the Town; to protect, enhance and encourage the preservation of open space, scenic views, wildlife habitat, and other natural resources; and to provide the opportunity for residential development on properly serviced sites while maintaining the rural atmosphere and values of the community.

B.3. Commercial District

The purposes of the Commercial District are: to provide general retail development in areas where appropriate services and transportation are available; to encourage commercial investment and development in appropriate areas; and to assure adequate services, parking, roadways and other services for commercial endeavors.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

B.4. Manufacturing District

The purpose of the Manufacturing District is to provide for the special needs of industry for relatively flat land with access to transportation networks and utilities, while protecting the integrity of residential neighborhoods and commercial activity.

B.5. Personal Wireless Service Facilities Overlay District

The purpose of the Personal Wireless Services Facilities Overlay District is to provide a suitable choice of locations for the establishment, construction and maintenance of Personal Wireless Services Facilities, while protecting the integrity of the established neighborhoods of Canajoharie.

B.6. Critical Environmental Overlay District

B.6.1 Purpose

The purpose of the Critical Environmental Overlay District is to protect the residents of the Town and critical environmental areas in the Town. These areas may include, but are not limited to, former public dumps and private commercial/industrial dump sites.

B.6.2 Boundaries

In furtherance of this purpose, the Town may investigate and identify the location of former dump sites in the Town. This section shall not become effective until the Town Board adopts a map entitled "Critical Environmental Overlay District" as part of this Local Law. This map will identify the location of these critical environmental areas in the Town, and delineate the boundaries of the Critical Environmental Overlay District.

B.6.3 Procedure

Construction of new residential structures and wells shall not be permitted on former dump sites identified in the Critical Environmental Overlay District.

B.7. Scenic Resources Overlay District

B 7.1 Purpose

The purpose of the Scenic Resources Overlay District is to preserve the visual assets of the Town, including ridgelines, scenic road corridors, viewsheds and vistas. When new development is proposed in these visually sensitive areas, the Town wishes to ensure that such development is harmonious with the scenic character of the area.

B.7.2 Boundaries

In furtherance of this purpose, the Town may conduct a Scenic Resources Survey to identify scenic resources worthy of preservation. This section shall not become effective until the Town Board adopts a map which delineates the boundaries of this district and which is entitled "Scenic Resources Overlay District" as part of this Local Law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

B.7.3 Procedure

No new structures larger than five hundred (500) square feet in floor area, including single-family homes, and no major exterior modification of existing structures may be constructed within the Scenic Overlay District without first obtaining Site Plan Approval from the Planning Board.

Structures to be built on a tract of land that includes mapped scenic resources shall either be sited to avoid occupying or obstructing public views of lands in the Overlay District, or shall be reviewed for architectural compatibility with the existing landscape and surrounding architectural styles. In order to grant Site Plan approval the Planning Board must find that such structures will not detract from the scenic character of the area, and may require as a condition of approval the establishment of vegetative screening.

C. ZONING MAP

- C.1. The boundaries of districts established by this Article are shown on the map entitled "Zoning Map, Town of Canajoharie, Montgomery County, New York", as adopted by the Town Board. The Zoning Map, including all explanatory matter and amendments, are hereby adopted as an integral part of this local law. Regardless of the existence of other printed copies of this map, which from time to time may be made or published, the official map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Town. The map shall be available in the Town Clerk's office for the use and benefit of the public.
- C.2. A copy of said Zoning Map is and shall be attached to each copy of this local law.

D. INTERPRETATION OF DISTRICT BOUNDARIES

In applying the provisions of this local law, the following guidelines shall be used to determine the location of district boundaries:

- D.1. Where district boundaries are indicated as approximately following the center lines of streets, highways, public utility easements, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be district boundaries.
- D.2. Where district boundaries are indicated as approximately following a lot line, such lot line shall be construed to be the district boundary line. In all cases where a district boundary line is located no more than thirty five (35) feet from a lot line, the district boundary shall be construed to coincide with the lot line.
- D.3. In all cases where a district boundary line divides a lot which is in one ownership as of the effective date of this law, and such line is more than thirty five (35) feet from a lot line, the regulations prescribed by this law for the majority of the area of said lot shall apply to the entire lot.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE II

- D.4. In all other cases where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the Zoning Board of Appeals, pursuant to Article XI.B.1.2 of this Law.

E. EXEMPTIONS FOR PRE-EXISTING PERMITS AND IMPROVEMENTS

Nothing contained in this local law shall require any change in the plans, construction, or designated use of a building complying with local laws of the Town of Canajoharie in force prior to the effective date of this local law, if the following exist:

- E.1. A building permit shall have been issued prior to the date of the first publication of notice of the public hearing on this local law; and
- E.2. The owner and/or applicant can demonstrate that substantial improvements have been legally made and/or substantial expense has been incurred pursuant to legally issued permit or permits prior to the effective date of this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

ARTICLE III: USE REGULATIONS

A. GENERAL

- A.1. After the effective date of this Local Law, no land or structure shall be used, occupied, erected, moved or altered unless in conformance with the Schedule of Use Regulations specified in this Article.
- A.2. Pursuant to Section 280-a(4) of the Town Law, the Town Board hereby establishes the R-Residential District and A-Agricultural/Rural Residential District as open development areas. Permits may be issued for structures on lots that have no public or private road frontage and gain access by right-of-way or easement over other lands, under the following conditions:
 - A.2.1. Such right-of-way or easement providing access to a public street shall not be less than fifty (50) in width.
 - A.2.2. Such right-of-way or easement shall never serve or provide access to more than four (4) uses or structures.
 - A.2.3. Such right-of-way or easement must provide safe access for fire, police, and emergency vehicles.
- A.3. The appropriate category of use to be applied to any proposed use not specifically identified and/or defined in this law shall be determined by the Code Enforcement and Zoning Officer, subject to Appeal for Interpretation pursuant to Article XI of this law.
- A.4. All uses are subject to the requirements of Article IV (Area and Bulk Regulations) and Article VI, Section A.3 (Parking Requirements).

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

B. SCHEDULE OF LAND USE REGULATIONS

LAND USE	LAND USE DISTRICT			
	R	A	C	M
1. AGRICULTURE/FARM				
1.1 Farm Operation	-	P	-	-
1.2 Accessory Building for Commercial Purposes	-	SU/SP	-	-
1.3 Farm Stand	-	P	-	-
1.4 Manure Storage Facility	-	X	-	-
1.5 Mobile Home as part of a Farm Operation	-	X	-	-
<i>The preceding agricultural uses are permitted in any Land Use District, subject to the same regulations as those in the Ag/Rural Residential District, if the parcel is part of a State Certified Agricultural District, as set forth in the description(s) and map(s) on file with the Montgomery County Clerk and Montgomery County Director of Real Property Tax Services.</i>				
2. RESIDENTIAL				
2.1 Single Family Dwelling (including Double-wide Mobile Homes)	P	P	-	-
2.2 Two-Family Dwelling or Duplex	P	P	-	-
2.3 Multi-Family Dwelling	SP	SP	-	-
2.4 Mobile Home Community	X/SU/SP	X/SP	-	-
2.5 Mobile Home, Temporary Residential	X/SU/SP	X/SU/SP	-	-
2.6 Boarding/Rooming House	SU/SP	SU/SP	-	-
2.7 Campsite or Private Camp	-	X/SU/SP	-	-
3. RESIDENTIAL - ACCESSORY				
3.1 Home Occupation	X/SU/SP	X/SU/SP	X/SU/SP	-
3.2 Customary Accessory Uses/Buildings	P	P	SP	-
4. COMMERCIAL				
4.1 Retail Sales/Service	SU/SP	SU/SP	SP	-
4.2 Personal Services	SU/SP	SU/SP	SP	-
4.3 Bank	-	-	SP	-
4.4 Freestanding Drive-Thru Business	-	-	SP	-
4.5 Professional/Business Offices	SU/SP	SU/SP	SP	-
4.6 Medical or Dental Clinics/Offices	SU/SP	SU/SP	SP	-
4.7 Galleries/Studios	SU/SP	SU/SP	SP	-
4.8 Motel or Hotel	-	-	SP	-
4.9 Bed-and-Breakfast or Tourist Home	SU/SP	SU/SP	SP	-
4.10 Restaurant	-	SU/SP	SP	-

P Permitted
 X Permitted Subject to Supplementary Regulations (See Article VI)
 SU Permitted with Special Use Permit
 SP Permitted Subject to Site Plan Review
 - Not Permitted

R Residential District
 A Agricultural/Rural Residential District
 C Commercial District
 M Manufacturing District

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

LAND USE	LAND USE DISTRICT			
	R	A	C	M
4. COMMERCIAL - CONTINUED				
4.11 Bar/Tavern/Nightclub	-	-	SP	-
4.12 Coin Operated Laundry	-	-	SP	-
4.13 Laundry or Dry Cleaning Plant	-	-	SP	SP
4.14 Funeral Home	SU/SP	SU/SP	SU/SP	-
4.15 Appliance Repairs	-	SU/SP	SP	SP
4.16 Motor Vehicle Repairs	-	SU/SP	SP	SP
4.17 Agricultural Equipment Repairs	-	SU/SP	SP	-
4.18 Gasoline Station	-	-	SP	SP
4.19 New/Used Vehicle Sales	-	-	SP	SP
4.20 Mobile Home Sales	-	-	SP	SP
4.21 Car Wash	-	-	SP	SP
4.22 Animal Hospital or Kennel	-	X/SP	X/SP	-
4.23 Antique, Craft, or Flea Market	-	SU/SP	SU/SP	SU/SP
4.24 Golf Course	-	SP	-	-
4.25 Nursery School/Day Care (less than 10 children) (10 or more children)	P SP	P SP	- -	- -
4.26 Campground/Recreational Vehicle Camp	-	X/SU/SP	-	-
4.27 Slaughterhouse or Rendering Plant	-	SU/SP	SU/SP	-
4.28 Processing of Agricultural or Food Products	-	SU/SP	SP	SP
4.29 Quarrying/Mining/Topsoil Removal	-	X/SU/SP	-	-
4.30 Private Storage Units	-	SU/SP	SP	SP
4.31 Airport or Landing Strip	-	SU/SP	-	-
4.32 Wholesale/Warehouse	-	SU/SP	SP	SP
4.33 Music or Arts Festival or other Temporary Public Gathering	-	SU/SP	SU/SP	-
4.34 Outdoor Recreational Facility	-	SU/SP	-	-
4.35 Indoor Theater/Auditorium	-	-	SP	-
4.36 Fairgrounds	-	SP	-	-
4.37 Indoor Recreational Facility	-	SP	SP	-
4.38 Farm Market	-	SU/SP	SP	-
4.39 Stable	-	SP	-	-
4.40 Adult Oriented Business	-	X/SU/SP	X/SU/SP	X/SU/SP

P Permitted
 X Permitted Subject to Supplementary Regulations (See Article VI)
 SU Permitted with Special Use Permit
 SP Permitted Subject to Site Plan Review
 - Not Permitted

R Residential District
 A Agricultural/Rural Residential District
 C Commercial District
 M Manufacturing District

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE III

LAND USE	LAND USE DISTRICT			
	R	A	C	M
5. INSTITUTIONAL				
5.1 Place of Worship	SP	SP	SP	-
5.2 School (public or private)	SP	SP	SP	-
5.3 Nursing Home	SP	SP	SP	-
5.4 Convent/Monastery	SP	SP	SP	-
5.5 Group Home	SP	SP	SP	-
5.6 Rest Home	SP	SP	SP	-
5.7 Parsonage/Rectory	P	P	P	-
6. INDUSTRIAL USES				
6.1 Manufacturing	-	SU/SP	SU/SP	SP
6.2 Research Laboratory	-	SU/SP	SP	SP
6.3 Wholesale/Warehouse	-	SU/SP	SP	SP
6.4 Printing/Binding/Publishing	-	SU/SP	SP	SP
6.5 Truck Terminal/Transfer	-	SU/SP	SP	SP
7. CEMETERY USES				
7.1 Cemetery	-	X	-	-
7.2 Crematorium	-	X/SU/SP	-	X/SP
7.3 Caretaker's House	P	P	-	P

P Permitted
 X Permitted Subject to Supplementary Regulations (See Article VI)
 SU Permitted with Special Use Permit
 SP Permitted Subject to Site Plan Review
 - Not Permitted

R Residential District
 A Agricultural/Rural Residential District
 C Commercial District
 M Manufacturing District

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

ARTICLE IV: AREA AND BULK REGULATIONS

A. GENERAL

- A.1. After the effective date of this local law, no use shall be commenced, nor any building or structure or part thereof shall be erected, structurally altered, enlarged, rebuilt or moved except in conformance with the provisions of the Area and Bulk Regulations described in this Article for the District in which such use, building or structure is located.
- A.2. The area required for complying with the setback requirements or Density Standard for any Principal Building as defined herein, shall not be counted as providing required open space, land area, or setback for any other use or structure.
- A.3. A new lot or lots may be created through subdivision or combination of an existing lot or lots provided that all resulting lots comply with the area and bulk regulations established in this local law and also comply with the Town Subdivision Law, as amended.
- A.4. With the exception of Personal Wireless Service Facilities which are specifically regulated under Article VI.C.11 Personal Wireless Services Facilities, all steeples, belfries, radio or television antennae (other than dish antennae) customary to residential uses, cupolas, towers, or similar architectural features, firetowers, chimneys, elevator bulkheads, flagpoles, smokestacks, agricultural structures located within a State Certified Agricultural District, and official police and fire radio antennae shall be exempt from the height requirements of this local law provided they do not constitute a public safety hazard.

B. DENSITY STANDARD

- B.1. The Density Standard is the minimum land area required per principal building.
 - B.1.1. The Density Standard for all uses in the R-Residential Districts shall be three (3) acres per principal building.
 - B.1.2. The Density Standard for all uses in the A-Agricultural/Rural Residential District shall be three (3) acres per principal building.
 - B.1.3. The Density Standard for all uses in the C-Commercial Districts shall be one (1) acre per principal building if such buildings are served by municipal water and sewer, three (3) acres per principal building otherwise.
 - B.1.4. The Density Standard for all uses in the M-Manufacturing Districts shall be one (1) acre per principal building if such buildings are served by municipal water and sewer service, three (3) acres per principal building otherwise.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

- B.2. The density can be satisfied by either of the following:
- B.2.1. A minimum lot size sufficient to meet the density standard for the district in which the use is located independently of any other use or property; or
 - B.2.2. The commitment of land to an irrevocable conservation easement or land conservation trust, dedication to and acceptance by the state, county, town or any village as publicly owned or park land, or other legally enforceable mechanism that guarantees permanent and irrevocable removal of sufficient land area otherwise suitable for development purposes from any and all future development, such that the average area per principal building is equal to or greater than the density standard.

Such irrevocable removal of land from development shall be subject to the approval of the Planning Board as to form and substance of the legal mechanism, conditions on use of such land, and area and location of such land.

- B.2.2.1. If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a subdivision subject to the Town Subdivision Law, said review and approval shall be conducted simultaneously with subdivision review and approval.
 - B.2.2.2. If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a use subject to Site Plan Review, said review and approval shall be conducted simultaneously with Site Plan Review.
 - B.2.2.3. If the conservation easement, trust, dedication or other legal mechanism subject to Planning Board review and approval involves a use subject to neither the Town Subdivision Law nor Site Plan Review, the property owner shall apply directly to the Planning Board for independent review, and approval shall be a condition for issuance of the Certificate of Zoning Compliance pursuant to this law.
- B.3. Land irrevocably removed from any and all future development for purposes of satisfying the density standard may be used for any of the following purposes:
- B.3.1. Agriculture, farming, pasture, woodlands, or related uses not including buildings or structures.
 - B.3.2. Active or passive outdoor recreation not including buildings or structures.
 - B.3.3. Individual or combined septic systems, leach fields or other subsurface sanitary disposal systems.
 - B.3.4. Unused or vacant land, either maintained or non-maintained.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

- B.4. A Principal Building is a building in which the main or principal use of the lot is conducted. If more than one (1) principal building per lot is planned, the lot shall be subject to the requirements of Article IX, Site Plan Review, unless said lot is part of a Farm Operation. For the purposes of applying the Density Standards stated in Section B.1 above, the following shall constitute one principal building:
- B.4.1. All agricultural use structures and one single-family dwelling or mobile home which are part of a Farm Operation, together constitute and count as one principal building.
 - B.4.2. A single family dwelling, or mobile home located outside of a Mobile Home Community, constitutes one principal building.
 - B.4.3. Up to two (2) dwelling units of a two-family or multi-family dwelling, together constitute one principal building.
 - B.4.4. Up to twelve (12) mobile homes located within a Mobile Home Community together constitute one principal building.
 - B.4.5. A tourist cabin or similar structure for rent or hire with more than 300 square feet of net floor area constitutes one principal building.
 - B.4.6. Up to four (4) motel units, hotel units, accommodation units in a tourist home or similar structure, or tourist cabin units for rent or hire in which each individual unit encompasses less than 300 square feet of net floor area, together constitute one principal building.
 - B.4.7. Up to three (3) campsites for the parking of occupied recreational vehicles or travel trailers or the erection of tents or other shelters for temporary residential use together constitute one principal building.
 - B.4.8. For each commercial use or structure for the retail sale, rental or distribution of goods, services or commodities, each 5,000 square feet of gross floor space or portion thereof of such commercial use structure constitutes one principal building.
 - B.4.9. For any industrial or manufacturing use structure, each 8,000 square feet of gross floor area or any fraction thereof shall constitute one principal building.
 - B.4.10. A structure containing a commercial use which is also used as a single family dwelling constitutes one principal building, provided the commercial use does not exceed 2,500 square feet of net floor area.
 - B.4.11. Any other structure not defined in this section which exceeds 1250 square feet of floor space constitutes one principal building.
 - B.4.12. An accessory building or structure in any district, and any agricultural accessory building not used for residential or commercial purposes, does not constitute and shall not count as a principal building.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE IV

C. SCHEDULE OF AREA AND BULK REGULATIONS

	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK (a)	MINIMUM SIDE YARD SETBACK (each side)	MAXIMUM BUILDING HEIGHT
C.1 R-RESIDENTIAL DISTRICTS				
1.1 All Permitted Uses	300 feet (b)	40 feet	20 feet	30 feet
1.2 Use Subject to Special Use Permit	300 feet (b)	40 feet	20 feet	30 feet
C.2 A-AGRICULTURAL/RURAL RESIDENTIAL DISTRICTS				
2.1 All Permitted Uses	300 feet (b)	40 feet	20 feet	50 feet
2.2 Uses Subject to Special Use Permit	300 feet (b)	40 feet	20 feet	30 feet
C.3 C-COMMERCIAL DISTRICTS				
3.1 Without Municipal Water and Sewer Service	300 feet	15 feet	20 feet	40 feet
3.2 With Municipal Water and Sewer Service	100 feet	15 feet	15 feet	40 feet
C.4 M-MANUFACTURING DISTRICTS				
4.1 Without Municipal Water and Sewer Service	300 feet	15 feet	20 feet	40 feet
4.2 With Municipal Water and Sewer Service	100 feet	15 feet	15 feet	40 feet

- (a) Front yard setback shall be measured from the right-of-way line of the street on which the building or structure is located.
- (b) For flag lots, the minimum lot width at the street line shall be fifty (50) feet for the access leg providing driveway or private lane access to the public. The area of the access leg shall be excluded from area calculations for the lot.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE V

ARTICLE V: NON-CONFORMANCE

A. CONTINUATION

- A.1. No use, building or structure which does not conform to all requirements of this local law shall be permitted in the Town of Canajoharie except the following:
 - a. Any non-conforming use, building or structure, other than signs, existing lawfully on the effective date of this law; or
 - b. Any lawful use, building or structure, other than signs, which becomes non-conforming because of subsequent amendment of this law;
- A.2. Certain non-conforming uses, buildings, and structures are subject to additional standards and limitations as specified in this Article.

B. NON-CONFORMING USES

- B.1. Discontinuance or Removal. A non-conforming use which is discontinued or removed for any reason other than fire, flood or other natural disaster for a period of one (1) year or more shall not be re-established. A non-conforming use which is discontinued due to fire, flood or other natural disaster for a period of two (2) years or more, commencing on date of said natural disaster, shall not be re-established. Any subsequent use shall conform to this law. The Zoning Board of Appeals is empowered to extend the two (2) year time period upon receipt of a written request from the owner at least thirty (30) days in advance of the expiration of this time period.
- B.2. Changes. No non-conforming use shall be changed except to a conforming use. When so changed, the non-conforming use may not be resumed.
- B.3. Extension. No non-conforming use shall be enlarged or extended beyond the area occupied by such use on the effective date of this law. A non-conforming use may be extended throughout any part of a building designed for such use if on the effective date of this law a major portion of the building was used for such non-conforming use.

C. NON-CONFORMING BUILDINGS OR STRUCTURES

- C.1. Alterations. A non-conforming building or structure shall not be enlarged, extended or have exterior alterations beyond the limits of the original building or structure, unless such enlargement, extension, or alteration shall be in accordance with the Article IV, Area and Bulk Regulations, for the district in which the building or structure is located.
- C.2. Reconstruction. A non-conforming building may be reconstructed to its original dimensions, subject to Site Plan Review pursuant to Article IX of this local law. The purpose of Site Plan Review is to provide the Planning Board the opportunity to reduce the level of non-conformance of the building. In no case, shall the level of non-conformance be increased, nor does this section imply any modification of this Article as to discontinuance, removal, modification or extension of a non-conforming use.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE V

D. NON-CONFORMING SIGNS

D.1. Any sign of a type not permitted, or of a permitted type exceeding the height or area requirements of this local law shall be modified to conform thereto or removed if any of the following occurs:

- a. There is a change of use of the property where the original use was advertised by the sign; or
- b. There is a change of location of the business being advertised by the sign; or
- c. There is replacement of the sign.

D.2. Immediately upon the occurrence of any of the events described in D.1. above, such signs shall be removed or modified to comply with the requirements of this local law or be subject to all penalties and procedures of Article X, Administration and Enforcement.

E. REPAIRS AND MAINTENANCE

Notwithstanding any of the foregoing regulations, nothing in this section shall be deemed to prevent normal maintenance and repair of any use or building, or the issuance of a Building Permit for major structural alterations or demolitions necessary in the interest of public safety, and pursuant to other applicable sections of this local law.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

ARTICLE VI: SUPPLEMENTARY REGULATIONS

A. GENERAL STANDARDS APPLICABLE TO ALL USES

A.1. General Performance Standards Applicable To All Uses

In any district, the following performance standards shall apply, subject to the limitations on the regulation of Farm Operations contained in Section I:D Right-to-Farm.

- A.1.1. No offensive or objectionable vibration, noise, or glare shall be noticeable at or beyond the property line.
- A.1.2. No activity shall create a physical hazard by reason of fire, explosion, radiation, or other such cause, to persons or property in the same or an adjacent district.
- A.1.3. No material of any nature which may contaminate any water supply shall be discharged into any stream or body of water or any public or private disposal system, or into or onto the ground surface.
- A.1.4. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin, or endangers health.
- A.1.5. The emission of smoke, fly ash, dust, or other airborne material which can cause damage to the health of persons, animals, plant life, or to other forms of property is prohibited. This provision is not intended to regulate or prohibit the customary use of residential fireplaces, woodburning stoves, coal burning stoves, or smokehouses.

A.2. Accessory Uses and Structures

- A.2.1. No accessory uses or accessory structures except fences, berms, flagpoles, or wellhouses and farmstands shall be located in the established front yard.
- A.2.2. In all districts, walls and fences shall be permitted except where they are of such a height or location as to interfere with sight clearances required for traffic safety.
- A.2.3. Fences or walls shall be required for the enclosure of outdoor storage areas and trash dumpsters accessory to multiple family, commercial, and industrial or manufacturing uses.

ZONING LAW OF THE TOWN OF CANAJOHARIE: ARTICLE VI

A.3 Parking Requirements

Off-street parking spaces shall be provided subject to the following provisions:

A.3.1 Required Off-Street Parking Spaces:

USE	REQUIRED PARKING SPACES
Single Family Dwelling	Two (2) spaces
Duplex Dwelling	Two (2) spaces per dwelling unit
Multiple Family Dwelling	1.5 spaces per dwelling unit
	A minimum of one (1) space for each . . .
Hotel or Inn	Guest room, plus one space for every three employees for Hotels having over 10 rooms.
Motel	Guest room, plus one space for every three employees.
Church or other place of Public Assembly	3 seats or 50 sq. ft. of seating area where fixed seating is not provided.
School	12 classroom seats or the public assembly requirement above, which ever is greater.
Home Occupation	up to 150 sq. ft. of such use, plus one for each additional 100 sq. ft. or fraction thereof.
Retail Sales and Service	225 sq. ft. of gross floor space.
Offices	400 sq. ft. of gross floor area.
Eating and Drinking places	50 sq. ft. available to patrons.
Funeral Homes	20 sq. ft. of public room area.
Industrial uses	1.5 employees at the largest shift.
Medical Clinic	Employee plus four (4) for each doctor, dentist, or other primary service provider.
Coin Operated Laundry	Two (2) machines for customer use.
Motor Vehicle Repair Facility or Gasoline Station	Employee plus two (2) spaces for each service bay.
Bed-and-Breakfast	Guest Room
Boarding/Rooming House	Guest Room
Nursing Home	Four (4) bed capacity plus one (1) for each 1.5 employees on the largest shift.
Rest Home	Two (2) residents plus one (1) for each 1.5 employees on the largest shift.

A.3.2 Reasonable and appropriate off-street parking requirements for structures and uses not specifically designated in these regulations shall be determined by the Planning Board during Site Plan Review upon consideration of all factors entering into the parking needs of the proposed structure or use.

A.3.3 Areas which may be computed as open or enclosed off-street parking spaces include:

A.3.3.1 any private garage or carport available for parking.

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- A.3.3.2 a driveway within a front yard for a one or two-family residence may count as one (1) parking space.
- A.3.3.3 any parking area under common ownership with the principal use located within 400 ft. of the main entrance of such use. Such vehicle parking area shall be deemed to be required open space associated with the permitted use and shall not be encroached upon.
- A.3.4 Each off-street parking space shall be not less than two hundred (200) square feet in area and, if in a parking lot, shall be a minimum of ten (10) feet wide by twenty (20) feet deep and shall be served by an aisle not less than twenty (20) feet wide for a one-way circulation flow. Entrance and exit lanes shall not be computed as parking space, except for driveways of one- and two-family residences, as in Section A.3.3, above.
- A.3.5 Except in the case of a one- or two-family residence using the drive-way to provide parking, no parking shall be allowed in the established front yard of any use in the R-Residential District.
- A.3.6 Unobstructed access to and from a street shall be provided. Access drives shall be of sufficient width to permit the free flow of cars both entering and leaving the parking area. Access drives for any off-street parking area with a capacity of more than four (4) spaces shall be located in a manner which ensures traffic safety and shall be subject to Site Plan review by the Planning Board. Access drives shall not have a grade in excess of six percent (6%) within twenty-five (25) feet of any street right-of-way line nor ten percent (10%) at any other point.
- A.3.7 All parking areas shall be properly drained and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a surface that minimizes dust, such as paving, crushed stone or gravel.
- A.3.8 One (1) camping trailer, motor home or boat trailer may be stored on a lot provided the trailer or motor home is not stored between the street line and the building line. A second such vehicle may be stored on the same lot provided it is stored in the rear yard or parking area.
- A.3.9 Except for new or used vehicle sale lots where permitted, no more than one (1) vehicle not in current registration shall be stored outdoors, and all such vehicles shall be screened from neighboring properties.

A.4 Off-Street Loading

A.4.1 Off-street loading berths shall be provided for all uses specified herein subject to the following requirements:

- Gross Floor area less than 10,000 sq. ft. none required
- Gross Floor area between 10,000 and 25,000 sq. ft. one (1) berth

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- Each additional 25,000 sq. ft. or fraction thereof up to 100,000 sq. ft. one (1) berth
 - Each additional 50,000 sq. ft. or fraction thereof over 100,000 sq. ft. one (1) berth
- A.4.1.1. Public library, museum, or other similar quasi-public institution, community center, hospital or sanitarium, nursing home or convalescent home, institution for children or the aged, or school;
- A.4.1.2. Buildings with professional, governmental, or business offices, or laboratory establishments;
- A.4.1.3. Retail sales and service establishments;
- A.4.1.4. Motels, hotels or similar establishments;
- A.4.1.5. Manufacturing, wholesale and storage uses, and dry cleaning and rug cleaning establishments and laundries;
- A.4.2. Single structures containing multiple dwelling units shall be provided with loading berths as follows:
- Less than 50 dwelling units in one structure none required
 - More than 50 dwelling units in one structure one (1) berth
- A.4.3. Reasonable and appropriate off-street loading requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the loading needs of each such use during Site Plan Review.
- A.4.4. Each required loading berth shall be at least twelve (12) feet wide, thirty-three (33) feet long, and fourteen (14) feet high.
- A.4.5. Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in paragraph f., below. Entrances or exits for any loading area shall be located to assure safe access and shall be subject to Article IX, Site Plan Review. No off-street loading berth shall be located in any established front yard.
- A.4.6. Joint Facilities: Permitted or required loading berths may be provided in spaces designed to serve jointly two (2) or more adjacent establishments provided that the number of required berths in such joint facilities shall not be less than the aggregate of those required for participating uses.

