

ARTICLE I: TITLE

SECTION 1- This ordinance shall be known and may be cited as "Town of Mohawk Zoning Law".

ARTICLE II: PURPOSES

SECTION 2- 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 general welfare, specifically including the following additional purposes.

1. To lessen congestion in the streets;
2. To secure safety from fire, flood, panic and other dangers;
3. To promote health and general welfare;
4. To provide adequate light and air;
5. To prevent the overcrowding of lands;
6. To avoid undue concentration of population;
7. To facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements;
8. To conserve the value of buildings;
9. To encourage the most appropriate use of land throughout the Town;
10. To avoid pollution of air and water.

ARTICLE: III DEFINITIONS

SECTION 3 - General.

For the purpose of this law certain words or terms used herein shall be interpreted as follows:

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a corporation as well as an individual. The word "building" includes the word "plot" or "parcel".

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged, or designed, to be used or occupied."

SECTION 4 - Definitions.

ACCESSORY BUILDINGS: A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use or building.

ALLEY: A service way which affords a secondary public means of vehicular access to abutting property.

ANTENNA: A device used in communications which converts radio frequency electrical energy to radiated electromagnetic energy and vice versa in a transmitting station, an antenna is the device from which radio waves are emitted.

AREA, BUILDING: The total ground area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

BASEMENT: A space of full story height partly below street grade and having at least half of its clear floor-to-ceiling height above the average street grade, and which is not designed or used primarily for year-round living accommodations.

BOARDING OR ROOMING HOUSE: Any dwelling in which more than three persons either individually or as families are housed or lodged, except those engaged in farm work, for hire with or without meals.

BUILDING: Any roofed structure intended for the shelter, housing or enclosure of persons, animals, or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

BUILDING FRONTAGE: That side of a building or structure, which may or may not be facing a road, considered to be the primary entrance-way for pedestrian traffic entering or exiting the building or a store within the building.

BUILDING LINE: A line established by law or by agreement, usually parallel with a property line, beyond which a structure may not extend.

BUILDING, FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot including basement areas devoted to residential use and the area of bays, dormers, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

BUILDING, HEIGHT OF: Vertical distance measured from curb or street grade to the highest level of a flat or mansard roof, or to the average height of a pitched, gables, hip or gambrel roof, excluding bulkheads, penthouses and similar constructions enclosing equipment or stairs, providing they are less than 12 feet in height and do not occupy more than 30 percent of the area of the roof upon which they are located.

CELLAR: That space of a building which has more than half of its height, measured from floor to ceiling, below the average street grade.

CO-LOCATION: the mounting of Personal Wireless Service Facilities shared by two or more persons, firms or corporations on the same equipment mounting structure.

COMMERCIAL GREENHOUSE: A structure in which plants, vegetables, flowers and similar materials are grown for sale to the general public.

DAY CARE: Daytime care or instruction of three (3) or more children away from their own homes for more than three (3), but less than twenty-four (24) hours per day by an individual, association, corporation, institution or agency, whether or not for compensation or regard.

DUMP: A plot of land used primarily for the disposal of abandonment, dumping, burial, burning or any other means or for whatever purpose, or garbage, sewage, trash, refuse, junk, discharged machinery, vehicles or parts thereof, or waste material of any kind. This would not include the small private dumps where owner or occupant disposes onto a segment of the plot refuse generated on his premises.

DWELLING, ONE-FAMILY: A detached building, containing one dwelling unit, not including a mobile home, designed for year-round occupancy by one family.

DWELLING, TWO-FAMILY: A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

DWELLING UNIT: One or more rooms with provision for living, sanitary and sleeping facilities arranged for the use of one family.

ENVIRONMENTAL ASSESSMENT FORM (EAF): a form used to determine whether a project will have significant environmental impacts.

FACTORY MANUFACTURED HOME: A factory manufactured home incorporates structures or components designed for residential occupancy, constructed by a method or system of construction whereby the structure or component is wholly or substantial part manufactured in a manufacturing facility and is intended for permanent installation on a building site. For the purposes of this Zoning Law, it falls under the category of one family dwelling.

FAMILY: Any number of persons of recognized relationship maintaining a common household, including domestic help.

FARM: "Farm or Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial or private enterprise, including a "commercial horse boarding operation".

FARM STAND: A structure used for the sale of agricultural products that are produced on the premises.

GARAGE, PRIVATE: A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC: A building or part thereof used for the storage, hiring, selling, greasing, washing, service or repair of motor driven vehicles, operated for gain.

GASOLINE STATION: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include filling station and service station.

HOME OCCUPATION: An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and is carried on by a member of the family residing in the dwelling unit, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and which conforms to the following conditions.

1. No more than 25% of the total floor area or 500 square feet, whichever is lesser, may be used for such purposes.

2. The use shall be carried on wholly within the enclosed walls of the dwelling unit or accessory building. Such accessory building shall be no greater than 500 square feet.
3. There shall be no exterior display, or storage of stock, merchandise, nor any exterior sign (except nameplate), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. No external structural alterations, which are not customary to a residential building shall be allowed.
5. Not more than one profession, occupation or business shall be allowed per dwelling unit.
6. Any form of business whose primary functions is the wholesale or retail sale of goods or articles such as a small grocery store, auto repair shop, and small engine repair shop shall not be deemed a home occupation.
7. The use shall not result in or cause vehicular traffic that would create a nuisance to adjoining parcels or is detrimental to the residential character of the neighborhood.
8. Not more than one (1) person outside of the household shall be employed in the home occupation.
9. No offensive noise, vibration smoke, dust, odors, heat or glare shall be produced.
10. Such use shall also be subject to such conditions as the Zoning board of Appeals deems necessary to meet the intent of these requirements.
11. A home occupation includes, but is not limited to art studio, dressmaking, salon, professional office of a physician, dentist, lawyer, engineer, architect, real estate agency, property management and accountant.

HOSPITAL: A building or structure for the diagnosis and medical or surgical care of human sickness or injuries.

HOSPITAL, ANIMAL: A building or structure for the diagnosis and medical or surgical care of sick or injured animals.

HOTEL: A building or group of buildings where transient guest are lodged for hire including motels, but excluding rooming houses.

JUNKYARD: A lot, land or structure, or part thereof, used for the collecting storage, and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of parts thereof, or for the storing or abandonment of one or more unlicensed or unregistered motor vehicles for six (6) months or more.

JUNKYARD, AUTOMOBILE: Automobile junk yard shall mean any place of storage or deposit, whether in connection with another business or not, where one or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose disposing of the same or for any other purposes. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles; provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap whose principal produce is scrap, and whose principal produce is scrap, iron, steel or nonferrous scrap for the sale for re-melting purposes only. For the purposes of definition, motor vehicle shall *mean, all vehicles propelled or drawn, originally intended for use on public highways or in agricultural activities.

JUNK MOTOR VEHICLE: Any inoperative motorized vehicle allowed to remain unattended, uncovered, unused and/or stored outside of any building for a period of more than six (6) months and/or not capable of passing New York State Motor Vehicle inspection.

KENNEL: Premises used for the harboring for hire or breeding of four (4) or more dogs or cats, more than six months old.

LAUNDERETTE: A business premises equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

LOT: A parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this law, and having its principal frontage on a public street or an official approved place.

LOT, AREA: The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

LOT, CORNER: A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

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

LOT, THROUGH: A lot or parcel of land having frontage on two non-adjacent roadways (public or private) that extends from one roadway to the other.

LOT, WIDTH: The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district.

MOBILE HOME: A movable single dwelling unit equipped with a chassis designed for and providing housekeeping facilities for year round occupancy including plumbing, heating, electrical, cooking and refrigeration systems and equipment.

MOBILE HOME COURT: A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

MOTEL: A building or group of buildings, whether detached or connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities.

NON-CONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

NURSING OR CONVALESCENT HOME OR HOME FOR THE AGED: A building used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age,

PARKING SPACE: The area required for parking one automobile which in this law is held to be an area at least nine feet wide and 20 feet long, exclusive of passageways and driveways thereto.

PERSONAL WIRELESS SERVICE: commercial mobile services, wireless telecommunication services using duly authorized devices which do not require individual licenses (excluding the provision of direct-to-home satellite services), and common carrier wireless exchanges including cellular radiotelephone, specialized mobile radio system and personal communication services.

PERSONAL WIRELESS SERVICES FACILITY: a facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes but is not limited to, an Antenna Equipment Mounting Structure and accessory buildings and equipment. For the purposes of the Zoning Law, a Personal Wireless Service Facility shall not be included within the definition of a "Public Utility" Station or structure as specified in the Zoning Law, since Personal Wireless Service Facilities, although they are facilities operated by public utilities with certain rights under the laws of the United States and the State of New York.

PHYSICIAN: dentist, lawyer, engineer, architect, accountant; or musical instruction.

PRIVATE GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants, vegetables, flowers and similar materials for personal enjoyment.

PUBLIC UTILITY STATION OR STRUCTURE: A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the

provision of electricity, gas, steam, heat, communication, water, sewage, collection of other such services to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include offices or administration buildings

RECREATIONAL VEHICLE: A vehicle or portable structure, whether or not self propelled, licensed or unlicensed, which is generally used for recreational purposes, including snowmobiles, all-terrain vehicles, jittney dunebuggy and boats.

SHOPPING CENTER: A group of at least three (3) or more non-residential businesses planned, developed, owned-or managed as a unit, whether there are common walls between the various businesses or not, with off-street parking provided on the center's site.

SITE PLAN: a rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in the applicable zoning ordinance or local law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SIGN: Any advertising medium, structure or device which advertises, directs, or calls attention to any business, article, substance or service, and includes residential name plates and numbers. A sign may be painted, printed, pasted, posted, or affixed to any building, billboard, wall fence, railing, vehicle, natural object, or structure of any kind, on real property or-upon the ground itself.

This definition encompasses flags, banners, neon tubes, fluorescent tubes, or other artificial lights or strings of lights, outlining or hung on any part of a structure, building or lot for the purposes mentioned heretofore, but does not include the flag or insignia of any governmental, civic, professional, religious or other similar organization.

SIGN-BILLBOARD: An advertising sign, structure, or symbol, erected and maintained by an entity, who may or may not be engaged in the sale or rental for profit of space to clientele of manufacturing service, or commercial enterprises upon which space there is displayed, by means of painting, posting, or other method, a business, commodity, or service not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

SIGN-BUSINESS: Any sign which directs attention exclusively to a permitted business, profession, or industry conducted upon the premises on which the sign is located, or to a primary product, commodity, or service sold by such business or industry, and shall be deemed an integral part of such business or industry.

SIGN-DIRECTIONAL: A sign limited to providing information on the location of an activity, business or event.

SIGN-DIRECTORY: A listing of two or more business enterprises, consisting of a matrix and sign components.

SIGN-FLASHING: An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity or color at all times while in use.

SIGN-ILLUMINATED: Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, which includes reflective and phosphorescent light, paint or tape.

SIGN-PROJECTING: Any sign which is attached to a building or structure, and extends beyond the line of said building or structure, or beyond the surface of that portion of the building or structure to which the sign is attached, and not parallel to the face of the building.

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

SIGN-REPRESENTATION: A three dimensional sign built so as to physically represent the object advertised.

SIGN-ROOF: Any sign erected, constructed and maintained wholly upon or above the roof line of any building with the principal support on the roof or eaves structure.

SIGN-SURFACE AREA: The entire area within a perimeter composed of not more than two rectangles, circles, ovals or block of letters or extreme limits of the message or announcement of which forms the outside shape (including any frame) or forms an integral part of the display. The structure is designed in a way to form an integral background for the display.

SIGN-TEMPORARY: A sign related to a single activity or having a duration of not more than thirty (30) days.

SIGN-WALL: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall. Individual letters painted on or attached to the wall are considered wall signs.

SIGN-WINDOW: A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside, within four (4) feet of the window, but not including graphics in connection with customary window display of products.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire or sale.

STABLE, PUBLIC: A principal or accessory building in which horses are kept for remuneration, hire or sale.

STORAGE FACILITY:

PERSONAL:

Any object constructed, installed, or placed on the ground or foundation and intended for the shelter, housing, storage of personal property.

Regardless of modifications, any vehicle or parts of vehicles propelled or drawn (i.e.: car, bus, house trailer, motor home, camper), originally intended for use on public highways shall not be included in the definition of a storage facility.

In all districts, a special permit or building permit will be required for all permanent or temporary storage units.

B: COMMERCIAL:

Any object constructed, installed, or placed on the ground or foundation and intended for the shelter, housing, storage of personal property in exchange for a daily, weekly, monthly or yearly fee.

Regardless of modifications, any vehicle or parts of vehicles propelled or drawn (i.e.: car, bus, house trailer, motor home, camper), originally intended for use on public highways shall not be included in the definition of a storage facility.

In all districts, a special permit or building permit will be required for all permanent or temporary storage units.

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

STORY, HALF: That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as a floor area.

STREET: A public or private way which affords the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION: Any change in the supporting members of a building.

THEATER, OUTDOOR: Any open lot or part thereof, with its appurtenant structures and facilities ' devoted primarily to the showing of motion pictures or theatrical productions on a paid basis.

TOURIST HOME: An owner occupied dwelling where transient guests are lodged for hire with a maximum of three rooms to be available to let at any one time.

TRAILER: A mobile unit designed for camping, recreational travel, or vacation use which is equipped with a chassis and provides partial housekeeping facilities such as plumbing, heating, electrical, cooking or refrigeration systems or equipment.

TRAILER CAMP: An area occupied or designed for occupancy by two or more travel trailers or motor homes.

YARD, FRONT: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street center line and the front line of the main building projected to the side lines of the lot.

YARD, REAR: A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

YARD, SIDE: An open unoccupied space on the same lot with a main building, situated between the side line of the main building and the adjacent side line of the lot and extending from the front yard to the rear yard.

ARTICLE IV: DISTRICTS AND BOUNDARIES

SECTION 5- Establishment of Districts

For the purpose of this law, the Town of Mohawk is divided into the following types or classes of districts:

A	Agricultural	B-2	Retail Business
R-1	Residential	M-1	Manufacturing
R-2	Residential	B-1	Business Offices
N-P	Natural Products	R-M	Mobile Home Residential

Said districts are bounded and defined as shown on a map entitled "Zoning Map of the Town of Mohawk", hereinafter called the Zoning Map, adopted by the Town Board and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this law.

SECTION 6- Interpretation of District Boundaries

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

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

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

C. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

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

E. Where the district boundary lines are indicated to be approximately parallel to a street or highway they will be considered to be two hundred and fifty (250) feet from the nearest street or highway line and parallel to it, or along the back line of properties of record fronting on said street or highway whichever line is closer to the street at the time this law becomes effective, unless otherwise noted.

ARTICLE V: USE REGULATIONS

SECTION 7- A-Agricultural District.

In the A-Agricultural District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses;

(A) Uses Permitted:

1. Farm, nursery, truck garden, greenhouse, customary agricultural operation.
2. One family dwelling
3. Two family dwelling
4. Public park, playground
5. Public building or public school
6. Church, parish house, convent
7. Customary accessory use or building
8. Mobile home as part of a farm operation

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Picnic grove, fish or game club
2. Veterinary, animal hospital, kennel
3. Golf course or country club
4. Public utility station or structure
5. Commercial recreation
6. Mobile home court

7. Mobile home in court
8. Nursing, convalescent or home for aged
9. General aviation airport
10. multiple dwelling
11. Private school
12. Tourist Home
13. Trailer Camp
14. Agricultural machinery, repair shop and agricultural machinery, sales store
15. Home occupation
16. Day care

SECTION 8- R-1 Residential District.

In the R-1 Residential District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

(A) Uses Permitted:

1. One or two family dwelling
2. Church, parish house, convent, religious museum
3. Public park or playground
4. Public building or public school
5. Customary Accessor use or building
6. Mobile home as part of a farm operation

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Golf course or country club
2. Nursing, convalescent or home for aged
3. Public utility station or structure
4. General aviation airport
5. Multiple dwelling
6. Tourist Home
7. Farm, nursery, truck garden, greenhouse, customary agricultural operation.
8. Sawmill
9. Home occupation

SECTION 9- R-2 Residential District

In the R-2 Residential District, no building or premises shall be used and no building shall be erected or altered except for one of the following uses:

(A) Uses Permitted:

1. One family dwelling

2. Public park, playground
3. Public building or public school
4. Tourist Home
5. Farm, nursery, truck garden, greenhouse, customary agricultural operation
6. Home occupation

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Golf course or country club
2. Public utility station structure

SECTION 10- B-1 Business District

In the B-1 Business District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

(A) Uses Permitted:

1. Municipal, county, state or federal offices
2. Professional or business offices
3. Educational, eleemosynary, religious or philanthropic institutions
4. Existing dwellings

(B) Uses Permitted as a special exception by the Board of Appeals

1. Day care

SECTION 11- B-2 Retail Business District

In the B-2 Retail Business District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

(A) Uses Permitted:

1. Existing dwellings
2. Retail store and shop
3. Personal service shop
4. Launderette
5. Bank, office, studio
6. Museum
7. Restaurant, cafe
8. Motel, Hotel
9. Bowling Alley

10. Undertaking establishment
11. Utility Substation
12. Printing plant
13. Storehouse or warehouse
14. Laundry or dry cleaning plant
15. Automobile, boat, farm implement, mobile home or trailer sales and repair and auto body repair shop
16. Public garage with outdoor storage restricted
17. Fuel, feed, lumber, seed, fertilizer, building materials, sales and storage
18. Cabinet, electrical, heating, plumbing, or air conditioning shop

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Storage of hazardous materials
2. Storage of liquid or gaseous fertilizer
3. Gas station
4. Day care

SECTION 12- M-1 Manufacturing District

In the M-1 Manufacturing District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

(A) Uses Permitted:

1. B-2 Business Uses
2. Manufacturing of textile or leather goods
3. Manufacturing and processing of dairy or other food products
4. Cold storage plant
5. Light manufacturing or assembly plants
6. Manufacturing or assembly of electronic devices, appliances or instruments.
7. Manufacturing of plastic, paint, fiber, wood, metal, stone or concrete products
8. Tool, die, pattern, or machine shop
9. Welding, metal shop or auto body shop
10. Lumber or building materials sales or storage
11. Truck terminal
12. Customary accessory buildings or uses

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Storage of hazardous materials
2. Concrete mixing

SECTION 13- N-P Natural Products District

In the N-P Natural Products District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

- (A) Uses Permitted:
1. Earth, sand, gravel, mineral excavation
 2. Rock quarry operation
 3. Accessory uses

SECTION 13A-1- PERSONAL WIRELESS SERVICE FACILITIES OVERLAY DISTRICT

- A. The purpose of these regulations is to promote the health, safety and general welfare of the residents of the Town of Mohawk.
- B. The purpose of the Personal Wireless Service 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 the Town of Mohawk.
- C. To provide standards for the safe provision of Wireless Telecommunications Facilities consistent with applicable Federal and State regulations, and to protect the natural features and aesthetic character of the Town of Mohawk.
- D. To accommodate the need for Wireless Telecommunications Facilities while regulating their location and number in the Town of Mohawk.
- E. To minimize the adverse visual effects of Wireless Telecommunications Facilities support structures through proper design, siting and vegetative screening.
- F. To avoid potential damage to adjacent properties from Wireless Telecommunications Facilities support structure failure and falling ice through engineering and proper siting of such towers.
- G. To encourage the joint use of any new Wireless Telecommunications Facilities thereby reducing the number of towers needed in the future.

SECTION 13A-2- PERMITTED USES

All new Personal Wireless Service Facilities shall be allowed by Special Use Permit granted by the Town of Mohawk Zoning Board of Appeals. All new Personal Wireless Service Facilities, and all additions and/or modifications to currently existing Personal Wireless Service Facilities, shall be allowed only in the Personal Wireless Service Facilities Overlay District. The Personal

Wireless Service Facilities Overlay District shall apply to all property within the following zoning districts: Agricultural (A), Business (B1), Retail Business (B2), Manufacturing (M1), and Natural Products (NB). The Personal Wireless Service Facility Overlay District is excluded from Residential districts (R1, R2) and for one thousand (1000) feet beyond any R-1 and R-2 Residential boundary line. In no event shall any Personal Wireless Services Facility be allowed within any zoning district without completing the procedural and other requirements of the Personal Wireless Service Facilities Overlay District.

SECTION 13A-3- CONDITIONAL USES

- A. All new Personal Wireless Service Facilities shall be allowed by Special Use Permit granted by the Town of Mohawk Zoning Board Of Appeals, after a public Hearing.
- B. Data Requirements: Applications for Site Plan Approval shall file with the Zoning Board of Appeals, ten (10) copies of the following documents:
 - 1) Site Plan - An applicant shall be required to submit a site plan which will show all existing and proposed Wireless Telecommunications Facilities structures (plan and elevation of the facility) and improvements including roads, buildings, tower, guy wire anchors, parking and landscaping and will include grading plans for new facilities and roads.
 - 2) Supporting Documentation - An applicant shall be required to submit documentation on the intent and capacity of use as well as justification for the height of any tower or antenna and justification for any clearing required.
 - 3) Environmental Assessment Form - A Full Environmental Assessment Form (EAF), including the Visual EAF Addendum.
 - 4) Structural Engineering Report - A report prepared by a New York State licensed professional engineer specializing in structural engineering as to the structural integrity of the Personal Wireless Service Facility. In the case of a tower or monopole, the Structural Engineering Report shall describe the structure's height and design including a cross section of the structure, demonstrates the structure's compliance with applicable structural standards and describes the structure's capacity, including the number of antennas it can accommodate and the precise point at which the antenna shall be mounted. In the case of an antenna mounted on an existing structure, the Structural Engineering Report shall indicate the ability of the existing structure to accept the antenna, the proposed method of affixing the antenna to the structure, and the precise point at which the antenna shall be mounted.
 - 5) Engineering Analysis of Radio Emissions - An engineering analysis of the radio emissions, and a propagation map for the proposed Personal Wireless Service Facilities. The analysis shall be prepared and signed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radio-communication facilities. The results from the analysis must clearly show that the power density levels

of the electromagnetic energy generated from the proposed Facility are within the allowable limits established by the FCC which are in effect at the time of the application. If the proposed Personal Wireless Service Facilities would be co-located with an existing Facility, the cumulative effects of the Facilities must also be analyzed. The power density analysis shall be based on the assumption that all antennas mounted on the proposed Facility are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the antenna manufacturer.

- 6) Map of Proposed Coverage and Existing Facilities - A map showing the area of coverage of the proposed Facility and listing all existing Personal Wireless Service Facilities in the town and bordering municipalities containing Personal Wireless Service Facilities used by the applicant, and a detailed report indicating why the proposed Personal Wireless Service Facilities is required to provide service to locations which the applicant is not able to serve with existing Facilities which are located within and outside the Town by co-location and otherwise.
- 7) Shared use of Existing Towers - At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report including an inventory of existing structure within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.

SECTION 13A-4- STANDARDS

- A. Commercial communications Towers - No commercial communications tower shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a commercial communications tower unless in conformity with these regulations.
- B. Siting and Visual Impact - All antenna and accessory facilities shall be sited to have the least practical adverse visual effect on the community. Applicant shall be required to perform a visual impact test at the proposed site and notify the Town of Mohawk ten (10) days in advance of visual test.
- C. Maintenance of Facility - (Annual Inspections)
 1. Unless otherwise preempted by Federal or State Law, Personal Wireless Service Facilities, including towers, monopoles and antennas, shall be inspected annually at the applicants expense for structural integrity, and a copy of the inspection report shall be promptly transmitted to the Building Inspector. The structural inspection shall be performed by a New York State licensed professional engineer specializing in structural engineering. The structural inspection report shall describe the structural integrity of the Personal Wireless Service Facility, maintenance issues and repairs need or made, if any. In the event that the structural inspection indicates structural

deficiencies, then the deficiencies must be remedied within the time reasonable set by the Building Inspector.

2. Unless otherwise preempted by Federal or State Law, Personal Wireless Service Facilities, including towers, monopoles and antennas, shall be inspected monthly at the applicant's expense for radio emissions, and a copy of the inspection report shall be promptly transmitted to the Building Inspector. Radio emission inspection shall be performed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radiocommunication facilities. The radio emission inspection shall describe the power density levels of the electromagnetic energy generated from the Facility, including the cumulative effects of co-located antennas. In the event that the radio emission inspection indicates that the electromagnetic energy generated from the Facility are above the allowable limits stated within applicable FCC and ANSI standards or other applicable state or federal guidelines in effect at the time of the inspection, the applicant shall cease all use of the Facility until such time as it proves to the satisfaction of the Building Inspector that the power density levels of the electromagnetic energy to be generated at the Facility are below the applicable standards.

- D. Location - The applicant shall demonstrate, using technological evidence, that the antenna must be placed where it is proposed, in order to satisfy its function in the company's grid system.
- E. Co-location - if the applicant proposes to build a tower as opposed to mounting the antenna on an existing structure, the Town may require the applicant to demonstrate that it contacted the owners of tall structures within not less than a mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones.
- F. Antenna Height - the applicant shall demonstrate that the antenna is the minimum height required to function satisfactory. No antenna that is taller than this minimum height shall be approved.
- G. Minimum Lot Size - The minimum lot size for a Wireless Telecommunication Facility Antenna shall be equal to the square of twice the tower or monopole height or the minimum lot size required by the underlying zoning district, whichever is greater.
- H. Setbacks from Base of Antenna Support Structure - If a new antenna support structure is constructed as opposed to mounting the antenna on an existing structure, the minimum distance between the base of the support structure and the property lines shall be 10% greater than the height of the antenna. All Personal Wireless Service Facilities shall be separated from all residential dwellings by a distance of no less than one thousand (1000) feet, and by no less than one thousand (1000) feet from the road right-of-way. All guy wire anchors and accessory facilities shall be set back a minimum of thirty (30) feet from the property line.

- I. Antenna Support Structure Safety - The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers.
- J. Fencing - Fencing will be required around the antenna support structure and other equipment including each guy anchor. The fence shall be a minimum of eight (8) feet in height. Barbed wire shall be used along the top of the fence to preclude unauthorized access to the tower.
- K. Landscaping - Existing vegetation shall be maintained to the greatest extent possible and building materials, colors and textures of accessory facilities shall blend with the natural surroundings to the greatest extent possible.
- L. Other uses - In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and local fire, police and ambulance companies.
- M. Licenses - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the State of New York and other necessary agencies.
- N. Access and Parking - A road and parking area shall be constructed to provide adequate emergency and service access. The road shall be constructed to Town Standards, the parking shall be constructed to the number of required parking spaces needed to accommodate all of the people needed to maintain this facility under normal circumstances.
- O. Lighting and Color - No antenna support structure shall be artificially lighted except when required by the Federal Aviation Administration (FAA). In order to reduce the visual impact, color will be discussed when a site has been approved. The Town will have right to remove and claim cost against bond company for failure to remove.
- P. Performance bond or other security - Prior to Site Plan Approval, a performance bond or other security sufficient to cover the full cost of the removal and disposal of the Personal Wireless Service Facility upon abandonment of said facility shall be provided by the owner/operator. This cost shall be determined by an estimate of the town-designated engineer. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the town attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under NYS Town Law.
- Q. Abandonment - The applicant shall annually file a declaration with the Town of Mohawk as to the continuing operation of every facility installed to these standards. A communication tower and appurtenances shall be removed within 120 days of the date that such tower ceases to be used for communication. Failure to file the yearly report will constitute non-use.

SECTION 13B – R-M Mobile Home Residential District

(A) Uses Permitted:

1. One Family Dwelling
2. Mobile Home
3. Accessory Use of Building
4. Community Park or Playground

(B) Uses Permitted as a special exception by the Board of Appeals:

1. Laundrette
2. Retail Store
3. Mobile home Park
4. Multiple Family Dwelling
5. Bed and Breakfast Establishment
6. Farm and Accessory Buildings or Uses
7. Two Family Dwelling

SECTION 14 – M-2 Manufacturing District

In the M-2 Manufacturing District, no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

(A) Uses Permitted:

1. B-2 Business Uses
2. Manufacturing of textile or leather goods
3. Manufacturing and processing of dairy or other food products
4. Cold storage plant
5. Light manufacturing or assembly plants
6. Manufacturing or assembly of electronic devices, appliances or instruments
7. Manufacturing of plastic, paint, fiber, wood metal, stone or concrete products
8. Tool, die pattern, or machine shop
9. Welding, metal shop or auto body shop
10. Lumber or building materials sales or storage
11. Customary accessory buildings or uses

(B) Uses Permitted as a special exception by the Board of Appeals

1. Storage of hazardous materials
2. Concrete mixing

SECTION 14A- Use Regulations Governing All Districts

Uses permitted as a special exception by the Board of Appeals is indicated in this text and in zoning Schedule A. In addition, the following three uses may be permitted to any district by the Board of Appeals by special permit:

- A. Cemetery
- B. Lumbering operation
- C. Commercial greenhouse

The following applies to all districts not designated as a farm or farm operation. Animal density is to be no less than 1.5 acres of land for every 1,000 pounds of live animal weight for livestock, such as cows, horses and llamas.

The following applies to all districts not designated as a farm or farm operation. Poultry, (i.e.: chickens, turkeys, ducks, geese and other fowl animals) must be cooped, penned or confined to an enclosed area, may not be allowed to free range to neighboring property and roosters are not permitted.

A special permit must be applied for and granted by the Town Code Enforcement Officer for adherence and exception to the above mentioned regulations and for animals, excluding dogs and cats, not mentioned above. No property owner is grandfathered into this regulation.

ARTICLE VI - AREA AND HEIGHT REGULATIONS Lots, Yards and Buildings

SECTION 15- Regulations in Schedule A

Regulations governing lot area and lot width, front, side and rear yards; building coverage and building height are specified in Schedule A and in the. additional regulations of Article VI, and supplementary regulations of Article VIII. Schedule A accompanies and is hereby made a part of this law.'

SECTION 16- Area Regulations

- A. Lots of less than required dimensions:

1. Any lot with an area or a width less than that required in the district in which said lot is located may be used for any permitted principal use in the district, provided that all other regulations prescribed for the district shall be complied with and further provided that said lot was held under separate ownership at the time of the adoption of this law and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

2. In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of less width than 24 feet, the Board of Appeals shall determine and fix yard and coverage requirements for said lot to permit its reasonable utilization for a permitted use.

B. Reduction of Lot Area. The minimum yards and open spaces, including lot area per family, required by this law shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this law. Two permanent dwellings on one lot, other than group housing, shall be prohibited unless lot area and yard requirements of the district are met for each dwelling, including required street frontage.

C. Corner Lot. On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit. The Boards of Appeals shall determine the yards and building width of a corner lot facing an intersecting street, and of record at the time of the passage of this law, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.

D. Visibility at Street Corners. On a corner lot in any district where a front yard is required, no fence, hedge, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines.

E. Front Yard Exceptions. The minimum front yard of all principal buildings and structures hereafter constructed within a Residential District shall conform to Schedule A; and in addition shall not be less than the average front of all principal buildings in the block for a distance of 300 feet on each side of the building. A vacant lot within the 300-foot distance shall be considered as having the minimum front yard required in the district for the purpose of computing such average front yard.

F. Transition Yard Requirements.

1. Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.

2. Where the side or rear yard of a lot in a Residential District abuts a side or rear yard of a lot in a Commercial District, there shall be provided along such abutting line or lines in the Commercial District a side or rear yard equal in depth to that required in the more restricted district; and in addition, a screen at least Eight (8) feet wide may be required by the Town of Mohawk Zoning Board of Appeals in an easement in any Commercial District.

G. Projecting Architectural Features, Terraces, Porches, Fire Escapes:

1. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.

2. A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six feet in height.

3. In determining the percentage of building coverage or the size of yards for the purpose of this law, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.

4. An open fire escape may extend into any required yard not more than four feet six inches, provided such fire escape shall not be closer than four feet at any point to any lot line.

5. Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six feet.

H. Walls, Fences and Hedges. The yard requirements of this law shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by the Town law, provided that in any Residence District such fence, wall or hedge shall be no closer to any front lot line than thirty (30) inches, and shall comply with visibility at street corners as provided in this article.

1. All fences to be erected within the Town of Mohawk will require a building permit except those listed below. No fence can be more than seven (7) feet in height and all fences must be set back from ones property line a minimum of thirty (30) inches from the property line. If a party so desires to place a fence less than thirty (30) inches from the property line, the applicant must provide the Code Enforcement Officer with a type-written, signed and notarized statement of mutual consent between all the involved property owners. This statement is to be placed on file at the Town Clerk's Office.

2. Fences constructed in an agricultural zone strictly for agricultural purposes do not require a building permit unless the fence is to be erected on a shared property line.

SECTION 17- Height Regulations

A. Chimneys, Spires, etc. The height limitations of this law shall not apply to belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; not to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level; not to flag poles, monuments, transmission towers and cables, radio and television antennas or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations. In addition, any height limitations, sittings and/or features must be approved by the Town of Mohawk Zoning Board of Appeals.

B. On Through Lots. On through lots 120 feet or less in depth, the height of a building may be measured from the grade of either street. On through lots more than 120 feet deep, the height regulations and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than 120 feet from that street.

ARTICLE VII - MOBILE HOMES OUTSIDE MOBILE HOME PARKS/PERMIT

SECTION 18- MOBILE HOMES OUTSIDE MOBILE HOME COURTS:

Mobile homes outside mobile home court are permitted by right in areas appropriately zoned within the Town of Mohawk, subject to the following additional conditions and requirements.

SECTION 19- Application Procedure:

Each application for a permit to establish a mobile home outside a mobile home park, shall be filed with the Town of Mohawk Code Enforcement Officer.

SECTION 20- Application Data:

Each mobile home permit application shall be in writing and signed by the applicant. All applications shall contain the following information:

- A. The name and address of the applicant.
- B. The location and description of the land.
- C. Evidence that the water and sewage systems have been approved by the Town of Mohawk Code Enforcement Officer.
- D. A plan drawn to scale of not small than one inch equals twenty feet (1" = 20'). This plan must show the following:
 - 1. Boundaries
 - 2. Lot dimensions
 - 3. Location of mobile home on lot
 - 4. Setbacks
 - 5. Location of all other structures on premises
 - 6. The location of and plan for the proposed water supply and sewage disposal system
 - 7. Location of structures and wells on adjacent properties if within fifty (50) feet of the property line
- E. Description of the foundation

SECTION 21- Mobile Home Requirements

In addition, all single mobile homes shall meet the following requirements:

A. General Requirements

1. All mobile homes installed in the Town of Mohawk must have been manufactured under the authority of 42 USC Section 5401, the National Manufactured Home Construction and Safety Standards Act (also known as HUD Code) which became effective in 1976.

2. Any mobile home parked or placed outside a mobile home park shall have an adequate supply of pure water for drinking and domestic purposes, and a sewage disposal system. Both systems shall satisfy the requirements of the New York State Department of Health.

B. Foundation Construction

Each mobile home shall be set upon a foundation constructed as follows:

1. Material; Masonry eight (8) inches in width.
2. Type of Construction: Perimeter foundation; or lateral runners; or longitudinal runners; or pillars.
3. Manner of Construction:
 - (a) Foundation shall extend twenty-four inches (24") below ground level.
 - (b) Foundation shall contact and support mobile home structural frame in a sufficient number of places of adequately support said mobile home.
 - (c) Alternative Method of Construction - the foundation may consist of a four inch (4") floating slab and a six (6) to (8) inch perimeter foundation.
 - (d) The structural frame of said mobile home shall be attached to the foundation in not less than four (4) places, located in accordance with good engineering practice. Each attaching device shall be capable of withstanding a tension force of at least twenty-eight hundred pounds.
 - (e) The mobile home foundation shall not exceed forty-eight (48) inches in height above ground level at any point.

4. Foundation and Closure

The mobile home foundation shall be enclosed by a skirt securely fastened and extending from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home. The skirt shall be constructed of sturdy wood, plastic, masonry or metal material capable of withstanding extreme weather conditions over extended periods of time. No skirt shall be required where a perimeter foundation fully encloses the area between the unit and the ground level. The tongue should be removed or fully enclosed by the skirt.

SECTION 22-REMOVAL PROCEDURES

A. No mobile home will be allowed in an R-2 Residential District.

B. TRAVEL TRAILERS

1. Travel trailers are not to be considered a permanent dwelling unit. The Zoning Board of Appeals may grant a temporary certificate of occupancy to live in a travel trailer or motor home for a period longer than thirty (30) days, after inspection and report of the Town Code Enforcement Officer and a public hearing.

C. REMOVAL PROCEDURES

1. Any travel trailer or motor home as defined herein, and or parts therefrom, may be removed from the premises on which the same is located by the Town of Mohawk in the manner herein provided.

2. The enforcement officer upon detecting a violation of this section and/or parts therefrom shall serve written notice, either by registered carrier or in person, on the person owning the premises on which the same are located and any other person known to be lessee thereof or otherwise in occupancy or possession thereof ordering such persons to remove the same or Cause the same to be removed therefrom within twenty (20) days of the date of such service. Such notice shall also contain a description of the premises and said travel trailer or motor home, a statement as to the location thereon of such travel trailer or motor home and/or parts therefrom, reference to this law and to the fact that location of such travel trailer or motor home and/or used parts therefrom on such premises is in violation of this law. If such premises are owned by more than one person, personal service on any one of such owners shall suffice; however, as to the owner not personally served with such notice, or if no owner can be located upon whom to make personal service, the enforcement officer shall mail such notice to owners not personally served, or to the owner and to all the owners, if no owner was personally served, by registered mail, to their last known address as shown on the latest Town assessment roll. Notice in similar manner shall be given to all known lessees and persons otherwise in occupancy or in possession of the premises.

3. At the expiration of twenty (20) days after the service or mailing of such notice of such travel trailer or motor home in violation of this law, and/or used parts therefrom have not been removed, the enforcement officer shall report such fact to the Town of Mohawk Town Board in writing. Such report shall recite the violation, the notice given as required herein and the failure to comply therewith, and may include or refer to photographs of such travel trailer or motor home and/or used parts therefrom and of the premises upon which they are located. Such report and any such photographs shall be filed in the Town Clerk's Office. The enforcement officer shall then lodge a complaint with the Town Justice of the Town of Mohawk charging any person in violation of this law with an offense against this Ordinance.

D. PENALTIES

1. Every person convicted of violating this law shall for a first conviction thereof be punished by a fine of not more than two hundred fifty (250) dollars or by imprisonment for not more than twenty (20) days or both such fine and imprisonment; for a second conviction within eighteen (18) months thereafter such person shall be punished by a fine of not more than five hundred (500) dollars or

by imprisonment for not more than sixty (60) days or by both imprisonment and such fine; upon a third or subsequent conviction within eighteen months after the first conviction, such person Shall be punished by a fine of not more than one thousand (1000) dollars or by imprisonment of not more than ninety (90) days or by both such fine and imprisonment,

2. In addition to the above penalties, or in place of them, the Town Justice may order the removal of such travel trailer or motor home and/or Used parts therefrom. Any expense to the Town of Mohawk in accomplishing such removal, including but not limited to towing, storage, etc., may be assessed on the real property from which such travel trailer or motor home and/or used parts therefrom were removed and the expense SO a5seS5ed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged as other town charges. Any violation of this law may also be enjoined pursuant to law.

ARTICLE VIII - SUPPLEMENTARY REGULATIONS

SECTION 23 - Access to Improved Street

In any district, a lot to be used for building purposes shall have direct frontage on an improved street, or highway, or on a street in a subdivision plot approved by the Planning Board. If the permit for construction does not have the required road frontage on a public road as required by this law, the Zoning Board of Appeals may approve a variance to allow construction provided the applicant can show proof of a minimum fifty (50) feet right-of-way that is owned by the applicant in order to allow access to the proposed building site.

SECTION 24 - Lots in Two Districts

Where a district boundary line divided a lot in one ownership at the time of adoption of said district line, the regulations for the less restricted portion of such lot shall extend a minimum of 30 feet into the more restricted portion provided the lot has frontage on a street in the less restricted district.

SECTION 25 - Drive-In Food Services

Any drive-in food service building shall be located 60 feet or more from any public right-of-way. Such businesses, where persons are served in automobiles, shall not be closer than 200 feet to a Residential District. Arrangements of ingress and egress of vehicles, lights, fences and screening shall

be approved by the Board of Appeals in such a way as not to interfere with uses in the Residential District.

SECTION 26 - Accessory Building: Number, Height and Location.

A. Number. On any lot intended or used primarily for residential purposes an accessory building such as private garage for use in connection with the principal dwelling, is permitted. A maximum of four (4) accessory buildings are permitted on any one lot in an R-1 or R-2 Zone. This number is subject to compliance's with guidelines regarding maximum percentage of lot to be occupied as set forth in Schedule A.

B. Height. Maximum height of accessory buildings shall be one story or 15 feet, except that there shall be no height limitation on barns, silos or other farm structures.

C. Location. Accessory private garage buildings in Residential Districts, which are not attached to a principal building, may be erected within the rear yard in accordance with the following requirements:

1. Rear Yard - Five feet from side or rear of property line, except when abutting an alley, then 10 feet.
2. Side Yard, street side of corner lot - same as for principal building.
3. Not closer to a principal or accessory building than 10 feet.
4. In any district, accessory buildings other than private garages shall comply with front and side yard requirements for the principal building to which they are accessory and shall not be closer to any rear property line than 10 feet.

D. Attached Accessory Building in Residence District. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this law applicable to the principal building.

E. Swimming pools. An outdoor swimming pool shall be permitted as an accessory use, provided that yard requirements are met; An outdoor swimming pool is not to be located in the front yard; fencing is erected to assure use only by approved persons; said swimming pool is constructed and located so as not to be a hazard; and that there is adequate screening for the public right-of-way and adjoining uses so as to prevent being a nuisance with regard to lighting or other appurtenances. All fences around a swimming pool must be a minimum of four (4) feet in height above ground level and conform to the New York State Building and Fire codes.

SECTION 27- Commercial Excavation.

STATEMENT OF INTENT. The Town Board recognizes that sand, gravel, rock and mineral resources within its area are necessary and beneficial to the economy of the Town and welfare of its citizens. To provide utilization of these resources in a manner compatible with nearby residential areas

and to insure restoration of commercial excavation areas the following regulations are hereby established:

Except when incidental to the construction of a building on the same lot, the excavation, processing sand, gravel, clay or other natural mineral deposits, or the quarrying of any kind of rock formation hereafter is subject to the following conditions:

A. The applicant shall prepare a written application, which shall include, but not be limited to the following:

1. The applicant's plan of operation
2. An environmental impact statement
3. A plan for restoration and rehabilitation of the excavated area
4. Any other information requested by the Town of Mohawk Zoning Board of Appeals or the Town of Mohawk Town Board

B. The application shall be submitted to the Town of Mohawk Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a public hearing and forward a written recommendation to the Town of Mohawk Town Board within thirty days. This report will not be binding on the Town Board, but will be advisory in nature.

C. The Town of Mohawk Town Board upon receipt of the recommendations of the Zoning Board of Appeals shall conduct a public hearing. Before issuing a permit for such use, the Town Board must find that such excavation or quarrying will not endanger the stability of adjacent land or structures nor constitute a detriment to the public health and welfare, convenience or safety by reason of excessive noise, dust, traffic or other condition.

D. The Town Board upon approval of a permit, may specify any reasonable requirements to safeguard the public health, safety and welfare, including the following conditions:

1. The slope of material in such topsoil, sand, gravel, clay earth shall not exceed the normal angle of repose of such
2. The top and the base of such slope shall not be nearer than 100 feet of any property line or right-of-way of any street or highway.
3. The requirement of a performance bond to assure the rehabilitation of a commercial excavation sites.

SECTION 28 - Dumps and Junkyards.

A. No dump shall be established hereafter and no garbage, rubbish, refuse or other waste material shall be dumped or deposited in any area within 200 feet from any highway, lake, stream or property line or to 500 feet from any existing dwellings. A permit for any dump shall be obtained from the Town of Mohawk Town Board, subject to any additional regulations the Board may prescribe and to any conditions that the Board may impose in connection with a particular permit.

B. No junkyard shall be established or maintained within 200 feet from any highway or property line. A permit for any junkyard shall be obtained from the Town of Mohawk Town Board subject to any additional regulations the Board may prescribe and to any conditions that the Board may impose in connection with a particular permit. Any of the uses referred to in this Section shall be subject to the requirement that such dumping or junkyard will not be objectionable by reason of dust, fumes, odors, smoke, vermin or otherwise detrimental to the public health or safety and will not interfere with drainage so as to be injurious to adjacent land or buildings.

C. The storage or abandonment of one or more unregistered motor vehicles not in operational condition for six months, shall be deemed a junkyard, which would require a permit. A recreational vehicle stored on ones property, is included in this regulation but only if the recreational vehicle is unregistered and/or non-operational for a period of more than twelve months.

D. REMOVAL PROCEDURE

1. Any junk motor vehicle as defined herein, and or parts therefrom, may be removed from the premises on which same is located by the Town of Mohawk in the manner herein provided.
2. The enforcement officer upon detecting a junk motor vehicle and/or parts therefrom shall serve written notice, either by registered carrier or in person, on the person owning the premise on which the same are located and any other person known to be lessee thereof or otherwise in occupancy or possession thereof ordering such persons to remove the same or cause the same to be removed therefrom within twenty (20) days of the date of such service. Such notice shall also contain a description of the premises and said junk vehicle, a statement as to the location thereon of a junk motor vehicle and/or parts therefrom, reference to this ordinance and to the fact that the location of such junk motor vehicle and/or used parts therefrom on such premises is in violation of this ordinance. If such premises are owned by more than one person, personal service on any one of such owners shall suffice; however, as to the owner not personally served with such notice, or if no owner can be located upon whom to make personal service, the enforcement officer shall mail such notice to owners not personally served or to the owner, if no owner was personally served, by registered mail to their last known address as shown on the latest Town assessment roll. Notice in similar manner shall be given to all known lessees and persons otherwise in occupancy or in possession of the premises.
3. At the expiration of twenty (20) days after the service or mailing of such notice if such junk motor vehicle and/or used parts therefrom have not been removed, the enforcement officer shall report such fact to the Town of Mohawk Town Board in writing. Such report shall recite the violation, the notice given as required herein and the failure. to comply therewith, and may include or refer to photographs of such junk motor vehicle and/or used parts therefrom and of the premises upon which they are located. Such report and any such photographs shall be filed in the Town Clerk's Office. The enforcement officer shall then lodge a complaint with the Town Justice of the Town of Mohawk charging any person in violation of this law with an offense against this Ordinance.

E . PENALTIES

1. Every person convicted of violating this law shall for a first conviction thereof be punished by a fine of not more than two hundred fifty (250) dollars or by imprisonment for not more than twenty (20) days or both such fine and imprisonment; for a second conviction within eighteen (18) months thereafter such person shall be punished by a fine of not more than five hundred (500) dollars or by imprisonment for not more than sixty (60) days or by both imprisonment and such fine; upon a third or subsequent conviction within eighteen months after the first conviction, such person shall be punished by a fine of not more than one thousand (1000) dollars or by imprisonment of not more than ninety (90) days or by both such fine and imprisonment.
2. In addition to the above penalties, or in place of them, the Town Justice may order the removal of such junk motor vehicle and/or used parts therefrom. Any expense to the Town of Mohawk in accomplishing such removal, including but not limited to towing, storage, etc., may be assessed on the real property from which such travel trailer or motor home and/or used parts therefrom were removed and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged as other town charges. Any violation of this law may also be enjoined pursuant to law.

ARTICLE IX- OFF-STREET PARKING AND LOADING

SECTION 29- Automobile Parking Facilities.

Where one or more motor or other vehicle recurrently parks by reason of the use and occupancy of any premises, there shall be provided on or in convenient connection therewith adequate garage or vehicular parking spaces for the number and in proportion to the size of the vehicles which so park, the minimum to be not less than one hundred eighty square feet per automobile, in addition to driveway and backing and turning space. The recurrent parking of any such vehicle on the right-of-way of a highway or the impeding of traffic or creating of traffic hazards by the parking of any such vehicle shall be prima facie evidence of the failure to provide adequate and suitable garage or parking space on or in convenient connection with such premises. Other than in a business or industrial district, provision shall be made for adequate parking space back of the required front yard.

Parking requirements for certain uses are specified in Schedule B. For uses not specified, the Board of Appeals shall establish parking requirements, after recommendation of the Planning Board.

For any building having more than one use, parking shall be required for each use.

SECTION 30- Off-Street Loading.

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.

SCHEDULE "B"
OFF-STREET PARKING

USE

- | | |
|---|---|
| 1.Dwellings | 8.Theatre or other place
of assembly |
| 2.Rooming house, tourist home, hotel, motel | 9.Hospital |
| 3.Administrative, professional
eleemosynary, governmental or utility
office | 10.Nursing or convalescent
home |
| 4.Funeral Home | 11.Retail store or bank |
| 5.Church | 12.Shopping center |
| 6.Elementary school | 13.Clubs and restaurants |
| 7.High School | 14.Bowling alley |

- 15. Wholesale, storage, freight terminal or utility use
- 16. Industrial or manufacturing use
- 17. Home occupation

SPACES REQUIRED)

- 1 space for each dwelling unit
- 1 space for each guest room
- 1 space for each 400 sq.ft. of floor space

10 spaces, plus space for all employee and resident personnel.

- 1 space for each 8 seating spaces in main assembly room
- 2 spaces for each classroom
- 4 spaces for each classroom
- 1 space for each five seating spaces.

- 1 space for each two beds
- 1 space for each four beds

1 space for each 250 sq.ft. of floor space, devoted to customer use.

3 sq.ft. for each sq.ft. of retail area.

1 space for each three customer seats.

5 spaces for each alley

1 space for each 1,000 sq.ft. of gross floor space

1 space for each two employees on the maximum working shift.

1 space for each client or patient at any one time.

ARTICLE X: NON-CONFORMING USES

SECTION 31- Continuation

The lawful use of any land or building existing at the time of adoption of this law may be continued although such use does not conform to the provisions of this law. Any such building may be reconstructed or structurally altered and the non-conforming use thereby changed, provided the following conditions prevail.

SECTION 32- Non-Conforming Use of Buildings

A. Reconstruction or Alteration. A non-conforming building may not be reconstructed or altered during its life to exceed fifty (50) percent of its fair value, unless such building is changed from a non-conforming to a conforming use as defined by this law.

B. Restoration. A building, non-conforming as to use, which has been damaged by fire or other causes to the extent of seventy-five (75) percent of its fair value shall not be repaired or reconstructed except in conformance with the regulations of the District in which such building is located.

C. Discontinuance. When a non-conforming use has been discontinued for a period of eighteen (18) months, any future use of such building, shall conform to the regulation for the District in which it is located.

D. Changes. A non-conforming use may not be changed to another non-conforming use under the provisions of this Section.

E. Completion of Building. Any building lawfully under construction at the time of enactment of this law may be completed.

F. Exception. A non-conforming mobile manufactured home in an R-2 zone may be replaced with a mobile manufactured home in two sections or more to be placed on approximately the same site on the plot. A permanent masonry perimeter foundation will be required to fully enclose the area between the unit and ground level.

SECTION 33- Non-Conforming Use of Land

The non-conforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of adoption of this law. A non-conforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of adoption of this law. A non-conforming use of land shall not be changed to another non-conforming use. If a non-conforming use of land is discontinued for a period of eighteen (18) consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

ARTICLE XI: SANITARY REGULATIONS

SECTION 34

A. A separate and independent waste disposal system shall be provided for in new construction for individual household systems. No septic tank, absorption field, seepage pit, chemical toilet, privy, pipe or other means for the disposal or discharge of sewage or sink wastes shall be installed anywhere in the Town of Mohawk except as herein provided.

B. In addition to the individual aspects of the sewage treatment systems discussed in this law, the design and construction of all individual sewage treatment systems shall conform with New York State Department of Health standards as filed with the New York State Secretary of State, 10NYCRR Appendix 75-A, and any amendments or revisions thereto, more commonly known as "Waste Treatment Handbook, Individual Household Systems" (Waste Treatment Handbook, from hereon referred to as the "Handbook"), a copy of which is on file at the Town Clerk's Office.

SECTION 35- General Standards:

A. Only sewage may be discharged into the onsite sewage disposal system. Surface and subsurface water including, roof, cellar, foundation, and storm drainage shall be excluded from such Systems and shall be disposed of so they will in no way affect the septic system.

B. No leaching facilities shall be located under driveways, roads, parking areas, or areas subject to heavy loading unless approved by the Code Enforcement Officer.

C. No leaching facility will be permitted within two hundred (200) feet of the shoreline of a lake, pond or active stream if the percolation rate is less than three (3) minutes per inch or less.

D. Any alternative system must be designed in accordance with approved standards by a licensed professional engineer and a specific variance must be obtained from the Zoning Board of Appeals.

E. The design capacity of the sewage systems shall be calculated as provided for in the "Waste Treatment Handbook" with the following exception to septic tank capacity:

F. All septic tank capacities will be based on the number of household bedrooms, including an expansion attic, which is to be considered as an individual bedroom, and percolation test results. The minimum size of an approved septic tank for the Town of Mohawk for any zone shall be 1000 gallons of working capacity. Homes with more than three (3) bedrooms shall be guided by the following table. Based on percolation test results, the Enforcement Officer shall have the authority to require a larger septic tank than reference in the table below, and he may also require a leaching field be installed with larger dimensions than planned.

NUMBER OF BEDROOMS

MINIMUM CAPACITY (in gallons)

1,2,or 3	1,000
4	1,200
5 or more	1,250

G. All building sites constructing new sanitary septic systems and existing sites considering rehabilitation of the septic tank, leach field, etc. (restoring the existing septic system to its original state, condition or proper function) must have a percolation test performed at the site as described in the "Handbook". A permit is not required to make minor repairs to the septic system that does not directly disturb the septic tank and/or the leaching areas (i.e. replacing or repairing the drain line from the house to the septic tank, having the septic tank pumped by authorized service). The time for the stabilization rate of percolation is the basis for determining the absorption or leaching area required for the proposed sewage system. The results of the percolation test can then be applied to the "Required Absorption Area" tables in the "Handbook" to determine the necessary size of the leaching area. An investigation of subsoil conditions and a percolation test shall be made in conformance with the procedures described in the New York State Department of Health's "Waste Treatment handbook" or in an amended and revised edition of the Handbook".

SECTION 36- Sewage Flows

A. The design capacity of sewage systems shall be calculated as provided for in the "Handbook" as long as the minimum septic tank requirements as set forth in the above table have been met. Discharge into the sewage system shall be limited to wastes from plumbing fixtures. As required by the "Handbook", salt wastes from water softeners and surface and subsurface water shall be excluded from the sewage disposal system.

All other aspects of the sewage system, including but not limited to the distribution devices, tile field, seepage pits, maintenance, installation shall conform to the "Handbook's" requirements.

SECTION 37- Application Procedure

A. No installation, alteration or extension of any septic tank, absorption field, seepage pits, chemical toilet, privy, pipe or other discharge of sewage or sink wastes shall be begun on new installations, or rehabilitation or reconstruction of existing installation, nor shall construction or erection of any structure or the placement of any mobile or modular home intended for human occupancy be commenced until an application is filed with and approved by the Town Code Enforcement Officer. All applications for disposal system must be made only by the owner or lessee of the lot, which the system is proposed, or by his duly authorized agent or assign.

B . A permit is needed for any modifications, alterations, extensions of, or repairs to, an existing on-site sewage disposal system.

C. This law has application to single and two family dwellings only and does not apply to community, public, industrial, multiple family (more than two) dwellings, subdivisions or other sewage disposal systems.

D. All applications shall be submitted to the Code Enforcement Officer and include such information as the Town Board and/or Code Enforcement Officer shall require including the following:

1. The name and address of the applicant.
2. A copy of the tax map section with the specific location of the property on which the construction, alteration, repair or extension is proposed.
3. A plan of the proposed disposal system with substantiating data indicating that the minimum standards set forth in this law would be complied with.
4. A sketch of the property showing the location of the proposed disposal system construction, alteration, repair, or extension and including delineation of the property lines and sources of water supply for the property and adjoining properties.
5. Evidence to demonstrate to the satisfaction of the Code Enforcement Officer that there is no public sewer available into which the sewage can be discharged from plumbing facilities in the proposed site, or that it is impracticable to discharge sewage from on-site plumbing facilities into a public sewer system.
6. A percolation test is required for the site of a proposed leaching facility. The percolation rate shall be determined by the methods described in the New York State Department of Health's "Waste Treatment Handbook-Individual Household Systems", a copy of which is on file at the Town Clerk's Office.
7. Site data which might affect, or be affected by, the proposed system include but are not limited to specifications regarding soil types, topography, depth to seasonal high groundwater, depth to impervious material, depth to bedrock and distance to surface bodies of water. The determination of depth to seasonal high groundwater shall be made in the months of March, April, May or June, within six (6) weeks of the time that the frost leaves the ground. All determinations shall be accompanied by a statement of the testing methods used as well as the basis for the determination.
8. It shall be the duty of the applicant to notify the Enforcement Officer when the installation of the disposal system is ready for inspection.

NO SUCH INSTALLATION SHALL BE COVERED UNTIL IT HAS BEEN APPROVED

E. The Code Enforcement Officer may verify any and/or all results of such tests and require supporting information from the applicant necessary for his review and approval. When his discretion warrants, the Enforcement Officer shall request an individual designated by the Town Board to conduct

any and all tests he deems necessary to complete his review. When this case is necessary, all charges will be assumed by the applicant.

F. The Code Enforcement Officer shall determine whether or not an application is complete. The Code Enforcement Officer shall have the authority to require certification or re-testing to verify information submitted as part of the application.

G. The Code Enforcement Officer may conduct such investigations, examinations, tests and site evaluations as he deems necessary to verify information contained in an application for a disposal system building permit, and the applicant or owner of the land on which the system is proposed shall grant the Enforcement Officer or his agents permission to enter on his land for these purposes.

H. The Code Enforcement Officer shall not issue an approval for a disposal system unless all pertinent site data has been submitted, verified and certified as required by this law; all permit fees have been paid, and the Enforcement Officer has determined that the alteration, repair or construction as proposed in the application complies with all specifications contained in this law.

I. The Code Enforcement Officer may, by written notice, order all further work stopped on any individual sewage disposal system which is being constructed or installed in violation of this law.

ARTICLE XII: SIGN REGULATIONS

SECTION 39- Procedures for sign Permits: No person shall erect, or enlarge or structurally alter any sign, or sign structure, except those exempt under this law (Section IV.A), without first obtaining a permit therefor from the Enforcement Officer. Application for the permit shall be made according to the following regulations.

A. Applications for sign permits shall be obtained from the Town Clerk, by the owner, lessee or erector and be accompanied by a drawing showing dimensions, proposed design, the legend, colors, lighting, materials, structural details, and a tape or plot location map delineating the location of buildings, parking areas, other signs on the same property, frontage of each unit, and or any fences or other obstructions in relation to the designated location of the proposed sign. Lessee or erector applicants shall evidence approval of owner for such erections.

B. It shall be the duty of the Enforcement Officer upon filing of an application for a permit to examine such plans, specifications and if necessary, the building or premises upon which the sign is proposed to be erected. If it shall appear that the proposed sign is in compliance with all the requirements of this law and all other laws, the Enforcement Officer shall issue a permit for the proposed sign.

C. No permit issued under the terms under this section shall be transferable to any person prior to the installation of the sign.

D. A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of six (6) months after the date of issue of the permit and/or is not completed within eight (8) months.

SECTION 40- General Provisions

The following regulations shall apply to all signs:

A. All signs shall be properly maintained. Such signs together with their supports shall be kept in good repair. The display surfaces shall be kept neatly painted at all times. The Town Board may order the removal of any sign that is not maintained in accordance with the provisions of this code.

B. No sign, or any portion thereof, shall be permitted which rotates, flutters or moves. This section is not meant to prohibit vehicular signage such as a sign attached to a bus or a lettered vehicle.

C. The height of a sign and its structure may not exceed twenty (20) feet, except for roof sign, which may not exceed eight (8) feet in height, measured from the bottom of the sign to the highest point on the top. **EXCEPTIONS TO THIS ARE BILLBOARD AND DIRECTORY SIGNS.**

D. All signs shall have sufficient horizontal and vertical clearance so as to provide clear and unobstructed visibility for vehicles entering and leaving the highway.

E. All signs shall be securely attached to a building or to other structures which are judged to be structurally sound by the enforcement officer.

F. Permitted signs may be located anywhere on the premises except as restricted herein.

G. Illuminated signs or lighted devices may be permitted provided that such signs employ lighting of constant intensity. No sign shall be illuminated by, or contain, flashing, intermittent, rotating or moving lights except to show time and temperature.

H. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance to adjoining premises. No illuminated sign located on a lot adjacent to or across the street from any residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours.

I. No sign shall be erected in such a manner as to confuse or obstruct the view of any traffic sign, signal or device, or obstruct the visibility for vehicles entering or exiting highways or bear words such as "warning", "stop", "go slow" or similar words.

- J. No sign of any size or description, except traffic signs placed by public agencies, may be erected, placed, maintained or extended into the right of way of any street or highway.
- K. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. Nor shall any sign be attached to any fire escape.
- L. No sign shall obstruct the view of any other sign from the roadway.
- M. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, tree or other surface located on public property.
- N. No sign shall bear or contain statements, words or pictures of any obscene or pornographic nature.
- O. No sign shall emit sounds or odors.
- P. Banners, pennants and sandwich board signs shall be permitted at the opening of a new business in Business and Manufacturing districts only for a total of thirty (30) days, after which time they shall be removed.

SECTION 41- Specific Sign Regulations

A. Permit Exempt Signs.

The following types of signs may be erected and maintained without permits and fees, providing signs comply with the general requirements or the sign regulations and additional regulations listed below.

1. Historical markers, tablets and statues, memorial signs and plaques, names of buildings and dates of erection, when cut into masonry surface or when constructed of bronze, stainless steel, or similar materials; and emblems installed by government agencies, religious or nonprofit organizations; not exceeding thirty-two (32) square feet.
2. Flags and insignia of any government except when displayed in connection with a commercial promotion.
3. Directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding six (6) square feet per face.
4. Non-illuminating warning, private drive, posted or no trespassing signs, not to exceed two (2) square feet per face.
5. Number and nameplates identifying residents, mounted on a house, apartment or mailbox, not exceeding two (2) square feet in area.

6. Lawn signs identifying residents, not exceeding six (6) square feet per side. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support with no advertising message thereon.

7. Private-owner merchandise sale signs for garage sales and actions, not exceeding fourteen (14) days. No such sign shall exceed six (6) square feet.

8. Temporary non-illuminated "for sale", "for rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a residential zoning district, one sign not exceeding six (6) square feet per side. In a business or commercial district, one sign not exceeding thirty-two (32) square feet, set back at least fifteen (15) feet from all property lines and streets. All such signs shall be moved within ten (10) days after such sale, lease or rental of the premises. No more than two (2) such signs may be placed upon the property.

9. One temporary sign for a roadside stand selling agricultural produce grown on the premises in season, provided that such sign not exceed sixteen (16) square feet in each side and be set back at least fifteen (15) feet from the public right-of-way.

10. Directional signs for meetings, conventions, and other assemblies, not to exceed six (6) square feet.

11. One non-illuminated sign, not exceeding sixteen (16) square feet in the residential districts nor thirty-two (32) square feet in the non-residential districts, listing the architect, engineer, contractor, and/or owner on premises where construction, renovation, or repair is in progress. Such signs shall be removed within ten (10) days upon completion of the work.

12. Political posters, banners, promotional devices and similar signs not exceeding thirty-two (32) square feet providing:

(a) Placement shall not exceed forty-five (45) days prior to an election or 10 days after an election.

(b) The names of the person(s) responsible for the removal of the sign shall be identified on the sign.

13. Temporary signs advertising a special event for a school, charitable, or civic organization provided that such signs not exceed thirty-two (32) square feet and are removed within two (2) days after the event.

14. Temporary, non-illuminated signs, banners or other promotional devices advertising a special price or promotion for a product. Such signs shall not be displayed longer than twenty-eight (28) days.

15. Any sign advertising the price of fuel placed above a fuel pump at a gasoline or service station. Such sign shall not exceed four (4) square feet.

16. Any temporary sign(s) advertising a certain type of crop located upon an agricultural operation. Such temporary sign(s) shall be removed after the crop has been harvested, and such sign shall not be greater than sixteen (16) square feet.

17. Changing the advertising copy or message of an existing approved (permitted) painted or printed sign, changeable copy sign or similar approved sign.

18. Painting, repainting, cleaning or normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face, provided that it is due to a change caused by breakage and/or deterioration of the face, but not for the substitution of a new different advertisement.

B. Wall Signs.

1. Wall signs shall not extend beyond the ends or over the top of the walls to which attached.

2. Wall signs shall not extend more than twelve (12) inches from the face of the building to which attached.

3. Wall signs shall have a total surface area not exceeding thirty (30) percent of the total area of the wall to which the signs are attached.

4. The total area of individual letters printed on or attached to the wall, spelling out individual words or sentences shall be the entire area within a perimeter composed of not more than two (2) squares, rectangles, circles, ovals or other geometrical shapes, which enclose each block of letters.

C. Projecting Signs.

1. No projecting sign may be higher than the roof line.

2. The exterior edge of a projecting sign shall, extend not more than eight (8) feet from the building face.

3. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet, six (6) inches.

4. No part of a projecting sign shall extend onto vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of seven (7) feet, six (6) inches.

5. No projecting sign may be larger than sixty-four (64) square feet.

6. No projecting sign shall be closer than fifteen (15) feet from the corner of a building located at a street intersection.

7. No projecting sign may be closer than twenty (20) feet to any other projecting sign.

8. In determining the total area of a projecting sign only the width and length of one side of the sign is used.

D. Free-Standing Signs.

1. No free standing sign structure shall be located closer than twenty-five (25) feet from any side property line.

2. If for any reason the property line is changed at some future date, any free standing sign made non-conforming thereby must be relocated within ninety (90) days to conform to the minimum setback requirements.

3. No free-standing sign shall be more than twenty (20) feet in height above road level or finished grade, whichever is greater. Such height shall be measured vertically from the established average grade directly below the sign, to the highest point of the sign, including supporting structures.

4. No free-standing sign shall extend over or into the public right-of-way.

5. Free-standing signs under which pedestrian walkway or driveway passes must have a ten (10) foot vertical clearance.

6. The surface area of a free-standing sign shall not exceed one-hundred thirty (130) square feet, on either side of the sign.

7. No free-standing sign shall be located closer than, fifty (50) feet of another free-standing sign.

8. In determining the total area of a free-standing sign, only the length and width of one side of the sign is used.

E. Portable Signs.

Portable signs are not allowed except where a new business, or a business in a new location awaiting installation of a permanent sign, may utilize a portable sign for a period of not more than sixty (60) days or until installation of a permanent sign, whichever comes first. Such a portable sign must be of solid construction and may not be larger than thirty-two (32) square feet.

F. Roof Signs.

1. Each business establishment or commercial use shall be permitted one (1) roof sign.

2. Such sign shall be securely attached to the roof or eaves of the structure.

3. Such sign shall have a total surface area not exceeding one (1) square foot in area for each linear foot of frontage of the building establishment on the principal street on which the building fronts.

4. No roof sign shall be larger than one-hundred (100) square feet in area.
5. No roof sign shall exceed eight (8) feet in height or extend more than four (4) feet above the roof line.
6. In determining the total area of a roof sign, only the width and length of one side of the sign is used.

G. Billboards.

1. No billboards may be erected within the Town limits.

H. Miscellaneous Types

1. V-Type

All signs may be single faced or double faced. On double-faced and/or 'V-type signs the angle of the vertex of the sign shall not exceed five (5) degrees.

2. Free Standing Letters or Numerals

Signs, consisting of free standing letters, numerals, or other representations shall be considered wall or roof signs whichever being applicable. Sign area shall be measured as the area in square feet of the smallest geometric figure that would enclose the free standing letters, numerals or other representation and any intervening spaces.

SECTION 42- Districts and their uses.

A. Signs permitted in Residential and Agricultural Districts (R-1, R-2, A) are as follows:

1. Those signs listed under Section IV, A (exempt signs which require no permit), and the following signs which do require a permit:

2. Where home occupation is permitted by the Zoning law, nameplate or professional signs may be used to identify the home occupation. Such sign shall not exceed six (6) square feet in area and may be building mounted or ground mounted.

3. Signs or bulletin boards customarily incident to places of worship, libraries, museum, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not to exceed thirty-two (32) square feet may be erected for each entrance on a different street or highway.

4. For multiple dwellings or apartment developments, signs advertising availability of several dwelling units, not exceeding sixteen (16) square feet. One (1) such sign shall be permitted for each entrance on a different street or highway.

5. Signs for recreational areas, day camps, golf clubs, ski areas, and other similar facilities permitted by the zoning law shall be permitted, not to exceed thirty-two (32) feet. One (1) such sign shall be permitted for each entrance on a different street or highway.

6. Signs necessary for the identification, operation or production of a public utility, not exceeding thirty-two (32) square feet, may be erected on the premises of such public utility.

7. A sign stating the name of an agricultural operation or the owners of the same, located upon the premises. Such sign shall not exceed sixteen (16) square feet.

8. For multiple dwellings or apartment developments, signs stating the name of the dwelling or development not to exceed thirty-two (32) square feet, one (1) sign shall be permitted for each entrance on a different street or highway.

9. A sign necessary for identification of a nonconforming business located in a residential district. Such sign may not exceed thirty-two (32) square feet in area.

10. A group sign stating the name of local religious, social or civic organization not exceeding thirty-two (32) square feet in size.

B. Signs permitted in Business, Manufacturing and Natural Products Districts (B-1, B-2, M-1, N-P) are as follows:

1. All applicable signs allowed in residential and agricultural districts are permitted in business, commercial and manufacturing districts.

2. Business Signs

Business sign(s) shall be located on the same premises as the business or profession to which they refer (as defined in Section II), and shall not be located closer than the street right, of way.

(a) The total cumulative area of all signs permitted in a single business or commercial lot shall be no more than three (3) square feet of sign area per lineal foot of building frontage but in no case shall exceed three hundred (300) square feet, whichever is less.

(b) A minimum total cumulative sign area of thirty two (32) square feet shall be permitted regardless of building frontage for a single lot.

(c) A business located on a single lot may erect or install any type of sign allowed under these regulations (ex. wall sign, roof sign, -free standing sign, projecting sign) provided that the individual regulations for those signs as stated under section IV are met.

SECTION 43- Construction Standards

All signs shall meet the appropriate standards of the New York State Uniform Fire Prevention Building Code (9 NYCRR 1200).

SECTION 44- Design Guidelines

A. General Provisions.

1. Signs should be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics should relate with and not cover architectural features and should be in proportion to them.

2. Signs should be appropriate to the types of activities they represent.

3. Layout should be orderly and graphics should be of simple shapes such as rectangle, circle or oval.

4. The number of colors used should be the minimum consistent with design.

5. Illumination should be appropriate to the character of the sign and surroundings.

6. Groups of related signs should express uniformity and create a sense of harmonious appearance.

7. Sign panels and graphics should be tasteful and conform to generally accepted standards of the community. If the Zoning Enforcement Officer determines that a proposed or existing sign fails to meet these design guidelines he/she may request the Zoning Board of Appeals (ZBA) to review it. The ZBA may instruct the Enforcement Officer not to issue the permit or they may instruct him that the proposed or existing sign is in violation of the above criteria.'

SECTION 45- Nonconforming Signs

Any nonconforming sign needing major repair requires that a new permit be obtained and must be reconstructed and brought into conformance with this law.

SECTION 46- Removal of Signs

Any sign, existing on or after the effective date of this law, which no longer advertises an existing business or product, shall be removed.

- A. If the Enforcement Officer shall find that any sign regulated in this law is not used, is abandoned, unsafe or insecure, or is a menace to the public, the inspector shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of notice. If the sign is not removed or repaired

within said time period, the enforcement officer shall revoke the permit issued for such sign. The Town Board may order the removal of the sign and assess the landowner for all costs incurred for such service.

- B. The TownBoard may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.

ARTICLE XIII: ADMINISTRATION

SECTION 47- Enforcement

This law shall be enforced by the Enforcement Officer designated by the Town Board. The Enforcement Officer shall in no case grant any building permit where the proposed erection, alteration, relocation, or use would be in violation of any provision of this law. The Enforcement Officer shall make inspections of buildings or premises necessary to carry out his duties. No permit or certificate of occupancy required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of this law, or as except in compliance with the provisions of this law, or as directed by the Board of Appeals under the provisions of Article XIII.

SECTION 48- Building Permit.

A. No building except accessory farm buildings shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit thereof has been issued by the Enforcement Officer or by the Board of Appeals wherever it is provided in this law that the approval of the Board of Appeals is required.

B. No such permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angle's of the lot to be built upon, the exact size and location of the building or accessory buildings to be erected, relocated or altered and such other information as may be necessary to determine and provide for the enforcement of this law. Each application shall state the purpose for which the structure of land is to be used and a general description of the type of construction.

C. The Enforcement Officer shall act upon all applications for building permits within a reasonable time. He shall issue or refuse to issue such permits. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing, and shall state the reasons for said refusal. The fee for any such permit shall be as-determined by the Town Board from time to time.

D. The building permit must be displayed in the front yard of the premises.

E. Expiration: Every building permit issued shall become void after the expiration of one calendar year immediately following the date of issuance, and any further work on any premises after the expiration date or extension period of such building permit has passed shall constitute a violation of this law.

Prior to such expiration date, the applicant may either apply to the Enforcement Officer for a new building permit or for an extension of the expiration date of the original building permit.

SECTION 49- Certificate of Occupancy

No land shall be used or occupied and no building hereafter erected, altered or extended, shall be used or changed in use until a certificate of occupancy shall have been issued by the Enforcement Officer. Under such rules as may be established by the Board of Appeals, a temporary certificate of occupancy for not more than 30 days for a part of a building may be issued by the Enforcement Officer. For previously existing construction, the Enforcement Officer may, on request, issue such a certificate if he determines that the use of the building in question meets the requirements of the law.

A certificate of occupancy shall be issued only if the proposed use of the building or land conforms to the provisions of this law and to the plot plan, purpose and description for which the permit was issued. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within ten (10) days from the date of application, Saturdays, Sundays, and legal holidays excepted.

SECTION 50- Violations

Violations of this law shall be subject to the provisions of applicable law. Upon determination by the Enforcement Officer that a violation of this law exists, he shall send by first class mail or deliver in person written notice to the last known owner of record of the property, as determined by the assessment records, informing said owner of the violation of specific provisions of this law and stating that action is to be taken by said owner to remove such violation in twenty (20) days; or proceedings to compel compliance with the law will be instituted. Any violation of this law may also be enjoined pursuant to law.

ARTICLE XIV: BOARD OF APPEALS

SECTION 51- Creation, Appointment and Organization

A Board of Appeals is hereby created. Said Board shall consist of seven members appointed by the Town Board. The Town Board shall also designate the Chairman. The Board of Appeals shall prescribe rules for the conduct of its affairs.

SECTION 52- Powers and Duties

The Board of Appeals shall have all the powers and duties prescribed by law and by this law, which are more particularly specified as follows:

A. Interpretation. Upon appeal from a decision of the Enforcement Officer to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Special Permits. To issue special permits for any of the uses for which this law requires the obtaining of such permits from the Board of Appeals.

No special permit shall be granted by the Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. The Board of Appeals shall find that:

1. It is reasonable necessary for the public health or general interest or welfare determined by the assessment records, informing said owner of the violation of specific provisions of this law and stating that action is to be taken by said owner to remove such violation in twenty (20) days; or proceedings to compel compliance with the law will be instituted. Any violation of this law may also be enjoined pursuant to law.

2. It is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities.

3. The off-street parking spaces required are adequate to handle expected use.

4. Neighborhood character and surrounding property values are reasonable safeguarded.

5. Use thereof will not cause undue traffic congestion or create a traffic hazard.

C. Variances:

1. Use Variances: The Zoning Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement this local law, shall have the power to grant use variances as defined herein. A use variance is defined as: The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

No such variance shall be granted by a board from the decision or determination without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located (1) the applicant cannot realize a reasonable return provided that 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; (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 be self-created.

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

2. Area Variances: The Zoning Board of Appeals shall have the power, upon an appeal from a decision of determination of the administrative official charged with enforcement of this local law, to grant are variances as defined herein. An area variance is defined as: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the are variance.

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

- D. Imposition of Conditions: The Zoning Board of Appeals shall, in granting of both use and 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 this local law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

SECTION 53- Procedure

- A. All applications for variances shall be in writing on forms established by the Zoning Board of Appeals. They are available from the Town Clerk.
- B. Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.
- C. Upon receipt of the completed application, the Zoning Board of Appeals shall

1. Schedule a public hearing within 62 days;
 2. Arrange publication of notice of public hearing in the Town's official newspaper so that notice is published at least five days prior to the date of the public hearing;
 3. Notify the applicant of the date of the public hearing at least 15 days in advance of such hearing;
 4. Refer application to the County Planning Board as required by General Municipal law Section 239-m if required, and notify them at least five days in advance of the public hearing;
 5. Complete SEQR Process
- D. The applicant shall notify by certified mail, return receipt required, all landowners within 500 feet of the applicant's parcel.
- E. Within 62 days of the close of the Public Hearing, the Zoning Board of Appeals shall render a decision. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals' findings and decision must be sent to the County Planning Board.
- F. Every decision of the Zoning Board of Appeals shall be by resolution, each of which will contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk by case number under one or another of the following headings: Interpretations, Use Variances and Area Variances; together with all documents pertaining thereto. The Zoning Board of Appeals shall notify the Town Board of each variance granted under the provisions of this law.

ARTICLE XV: AMENDMENTS

SECTION 54- Amendments, How Initiated.

The Town Board may, from time to time, on its own motion, amend, supplement, repeal or change the regulations or district boundaries established by this law.

Whenever the owners of fifty (50) percent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged to the Town Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Town Clerk.

The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions of the regulations. Within ninety (90) days from the time such resolution is filed with the Town Clerk it shall be the duty of the Town Board to vote on such proposed amendment.

SECTION 55- Referral of Amendments to Town and County Planning Boards.

All proposed amendments, supplements or changes originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Town Planning Board shall submit its report within thirty (30) days after receiving such referral. Failure of the Planning Board to report within the required time may be deemed to be approval of the proposed amendment. Referrals shall be made to the Montgomery County Planning Board in accordance with Article 12B of the General Municipal Law.

SECTION 56- Hearing on Proposed Amendments.

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The notice of hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request of the Town Board.

SECTION 57- Adoption of Amendment.

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend* the Zoning law except as described in Section 50 Protest Petition.

SECTION 58- Protest Petition.

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of the twenty (20) percent of more of the area of the land included in such proposed change, or by the owners of twenty (20) percent of more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet or more from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of three-fourths of the Town Board.

ARTICLE XVI: MISCELLANEOUS

SECTION 59- Periodic Review of Zoning Law.

From time to time, at intervals of not more than five (5) years, the Planning Board shall re-examine the provisions of this law and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

SECTION 60- Validity.

The validity of any section or provision of this law shall not invalidate any other section or provision thereof.

SECTION 61- Interpretation

In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standard shall govern.

SECTION 62- When Effective.

This law shall take effect upon filing with the Secretary of State.