

APPENDIX 3-C

Permitted and Prohibited Uses
within Study Area

Town of Ripley District Regulations

Town of Ripley Zoning Law (2017),
Appendix A¹

¹ Available at: https://www.ripleyny.org/uploads/1/2/7/4/127469110/unshaded9feb207_ripley_zoning.pdf

Town of Ripley Zoning Law

6. In the event the applicant fails to deposit requested review fee funds into the escrow account, any application for review, approval, permit, or certificates of occupancy may be withheld or suspended by the reviewing board, officer or Town employee until such monies are deposited.
7. The owners of the subject real property, if different from the applicant, shall be jointly and severally responsible to reimburse the Town of Ripley for funds expended to compensate for services rendered to the Town under this section by private engineers, attorneys or other consultants. In order for a land use application to be considered and deemed complete, the applicant shall provide written consent of all owners of the subject real property acknowledging potential land owner responsibility, under this section, for engineering, legal and other consulting fees incurred by the Town. In the event that insufficient funds have been deposited in escrow and the applicant or owners fail to reimburse the Town for such fees, the following shall apply:
 - a. The Town may seek recovery of unreimbursed engineering, legal and consulting fees by action in court of appropriate jurisdiction, and the defendants shall be responsible for the reasonable and necessary attorney's fees expended by the Town in prosecuting such action.
 - b. Alternatively, and at the sole discretion of the Town, a default in reimbursement of such engineering, legal and consultant fees expended by the Town shall be remedied by charging such sums against the real property which is the subject of the land development application, by adding the charge to and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town –assessed taxes and shall be applied in reimbursing funds from which the costs were defrayed. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be set in the notice, which shall be no less than 30 days after its mailing.

APPENDIX A - LAND USE – ZONING DISTRICT MATRIX TOWN OF RIPLEY Ripley, New York 14775

<u>District</u>	<u>Action Choices:</u>
R-1 Residential or Hamlet	N Yes, allowed abide by rules
R-2 Residential/Lakefront	R Zoning Permit Required, allowed by right
RURA Rural & Agricultural Areas	S Special Permit Required/Public Hearing
CON Recreation/Conservation	Any use or activity omitted is not allowed.
C-1 Commercial – Hamlet	
C-2 Commercial – Other	
M/I Manufacturing and Industry	

REFER TO LAND USE TABLE ON THE FOLLOWING PAGES

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
RESIDENTIAL USES								
Single-family dwelling-detached Pg119		R	R	R		S	R	S
Mobile Homes		R	S	R		S	S	S
Boarding Homes/Bed & Breakfast			S	R		R	R	
Homes for the aged		R	S	S		S	R	
Nursing Home/Rest Home		S	S	S		S	R	
Accessory apartment		R	S	R		R	R	
Duplex-attached		R	S	R		R	R	
P.U.D.			S					
Mobile Home Parks				S			S	
Cluster residential development		S	S	S			S	
Residential conversions (pg123)		S		S		S	S	R
Multiple – attached		S	S	S		S	S	
AGRICULTURE & AGRI-BUSINESS								
Agriculture land use		S	S	N				N
Agriculture buildings		S	R	R			R	R
Limited agriculture (Grapes & Orchards)		N	N	N	N	N	N	N
Farm		S	S	N			S	S
Sawmill-commercial				R			R	R
Winery			S	R			R	R
Horticulture – private		N	N	N		N	N	N
Nursery / greenhouse – commercial				R			R	
Roadside stands – general	614			S		S	S	
Roadside stands (Limited)		R	R	R		R	R	
Blacksmith Shop				R		R	R	R
Fruit processing plant				S			S	R
Micro Brewery			S	S			S	
BUSINESS RETAIL								
General retail stores				S		R	R	S
Household sale (garage sales)		N	N	N		N	N	N
Antique shop				R		R	R	
Bakery shop				R		R	R	
Catalog store				R		R	R	
Drug store				S		R	R	
Shopping center/mall				S		S	S	S
Florist shop				R		R	R	
Food supermarket				R		R	R	
Corner grocery store		S	S	S		R	R	
Gift shop		S	S	S		R	R	
Monument sales				S		R	R	
News stands				S		S	S	
Liquor store				S		S	S	
R = Zoning Permit Required - By Right N = Yes Allowed, Abide by Rules						S = Special Use Permit / Public Hearing BLANK = Any use/activity omitted is not allowed		
						TOWN of RIPLEY LAND USE TABLE		

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
BUSINESS RETAIL (CONT.)								
Building materials store				R		R	R	R
Mobile home/trailer sales				R			R	
Vehicle service station	616			S		S	S	
Auto sales/used car lot				R			R	
Farm mach./implements store				R			R	
Department/Variety store				R		R	R	
Feed & seed shop				R		R	R	
Furniture/appliance store				R		R	R	
Hardware/glass/paint store				R		R	R	
Pet store				R		R	R	
Plumbing/heating shop				R		R	R	
Rental store				S		R	R	
BUSINESS SERVICE								
General service shop		S	S	S		S	S	S
Professional/business office				R		R	R	
Bank				R		R	R	
Photography studio				R		R	R	
Funeral home		S	S	R		R	R	
Realty Office				R		R	R	
Laundry & dry cleaning shop				R		R	R	
Barber/beauty shop				R		R	R	
Restaurant			S	S		R	R	
Truck terminal				R			R	
Drive-in business				S		S	S	
Bar				S		S	S	
Hotel/motel			S	R			R	
Locksmith shop				R		R	R	
Auto body repair shop	615			S		S	R	
Vehicle repair shop				R			R	
Building contractor business				S			R	
Home occupation (Limited)		R	R	R		R	R	R
Home occupation (Standard)		S	S	S		S	S	S
Appliance repair shop				R		R	R	
Kennel business				S			S	
Animal shelter				S			S	
Animal hospital				R			R	
Car wash				S			R	
Boat storage business				R			R	
Banquet/Reception Hall (pg 117)			S	S				
R = Zoning Permit Required - By Right						TOWN of RIPLEY LAND USE TABLE		
S = Special Use Permit / Public Hearing								
N = Yes Allowed, Abide by Rules								
BLANK = Any use/activity omitted is not allowed								

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
WHOLESALE								
Wholesale business – warehouse				S		S		
Storage of materials/fuel warehouse				S		S		
MANUFACTURING & INDUSTRY								
Electronics & small parts mfg.				S			S	S
Lab & research (commercial)				S			S	S
Gravel and sand operation of over 1,000 yards/year				S				
Gravel and sand operation under 1,000 yards/year				N				
Gas/oil well		S	S	R		S	S	S
Gas compressor				S				S
Manufacturing – general				S				S
Manufacturing of food products				S				S
Vehicle dismantling yard				S				S
Machine shop (small)				R				R
Machine shop (large)				S				S
Mill structure				S				S
ESSENTIAL SERVICES								
Utilities (public (e.g., water)		R	R	R	R	R	R	R
Utilities (quasi-public)		R	R	R	R	R	R	R
Substation accessory to Manufacturing/Industry				S			S	R
PUBLIC & QUASI-PUBLIC USES								
Municipal office				R		R	R	R
School – public/private		S		S			S	
Airport/airstrip/heliport				S			R	R
Day care center		S		R		R	R	R
Library/museum/gallery		R		R			R	R
Church/rectory		R	R	R		R	R	
Meeting facility			S	S		s	S	
Large group gathering				S				
Cemetery – crematory				S			S	
Fireman Field Days		N	N	N		N	N	N
Hospital				S			S	
Clinic		S	S	S		S	S	
R = Zoning Permit Required - By Right N = Yes Allowed, Abide by Rules						S = Special Use Permit / Public Hearing BLANK = Any use/activity omitted is not allowed		
TOWN of RIPLEY LAND USE TABLE								

USE TYPE	Refer to SECT #	R-1	R-2	RURA	CON	C-1	C-2	M / I
RECREATION & ENTERTAINMENT								
Public park		S	S	S		S	S	S
Golf course – private/public				S			S	
Tennis court – private		N	N	N		N	N	N
Tennis court – public				R		R	R	
Commercial recreation				S			S	
Amusement park				S			S	
Boathouse/dock/pier – public			S	N			S	
Swimming pool – private	617	R	R	R		R	R	R
Swimming pool – public				S		S	S	S
Marinas/tackle shop				R		R	R	
Riding academy/stables				R			R	
Cabins/cottages – commercial lakeside			S	S				
Ski Area – commercial				S			R	
Private camps			R	R			R	
Travel trailer park – commercial				S			S	
Drive-in movie				S		R	S	
Theater				S			R	
Carnival/circus – temporary		S	S	R		R	R	
Rifle range/skeet/gun club				S		S	S	
Electronic game room				S		S	S	
Tent meeting		R	R	R		R	R	
Cabins/cottages-commercial			S	S			S	
CONSERVATION								
Wildlife habitat				N	N			
Forestry/lumbering/reforestation		N	N	N		N	N	N
Game farm/fish hatchery/preserve				N	N			
Wind Towers – private			S	S			S	S
Solar systems		S	S	R		S	S	R
Pond		N	N	N		N	N	N
Topsoil removal business				R				
MISCELLANEOUS								
Outdoor Storage – recreational vehicles		N	N	N		N	N	N
Garage – accessory		N	N	N		N	N	N
Parking – commercial lot	618			R		R	S	S
Parking – private	618	N	N	N		N	N	N
Private boathouse		R	R	R		R	R	R
Flea Market		S	S	R		S	R	S
Storage structure–private > 120 sq. ft.		S	S	S		S	S	S
Temporary dwelling unit		R	R	R		R	R	R
Signs	610	RNS	RNS	RNS		RNS	RNS	RNS
R = Zoning Permit Required - By Right N = Yes Allowed, Abide by Rules						S = Special Use Permit / Public Hearing BLANK = Any use/activity omitted is not allowed		
						TOWN of RIPLEY LAND USE TABLE		

[illegible]

Town of Ripley District Regulations

Town of Ripley Solar Energy Zoning Law,
Local Law 1-2021, Appendix F²

² Available at:

https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20210922060842/Content/09021343803065dd.pdf

Appendix F – Tier 3 and Tier 4* Solar Energy Systems Lot Size, Setback, and Height Requirements

ZONING DISTRICT	TIER 3 and TIER 4 SOLAR ENERGY SYSTEM ACCESSORY USE	MINIMUM LOT SIZE	MINIMUM SETBACK FROM PROPERTY LINE, (FEET)			MAXIMUM HEIGHT (FEET)
			FRONT	SIDE	REAR	
Rural Rural/Agricultural, Tier 4 Solar Energy Systems*	PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN	≥ 10 ACRES	200'	200'	200'	20'
Rural Rural/Agricultural, Tier 3 Solar Energy Systems*	PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN	≥ 10 ACRES	100'	50'	50'	20'
R-1 RESIDENTIAL (smaller lot)	NOT PERMITTED	NA	NA	NA	NA	NA
R-2 RESIDENTIAL (larger lot)	NOT PERMITTED	NA	NA	NA	NA	NA
Rec/Con Recreation/ Conservation	NOT PERMITTED	NA	NA	NA	NA	NA
C-1 COMMERCIAL (non-rural)*	PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN	≥ 2 ACRES	100'	50'	50'	20'
C-2 COMMERCIAL (rural)*	PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN	≥ 2 ACRES	100'	50'	50'	20'
(M-I) Manufacturing & Industry*	PERMITTED WITH SPECIAL USE PERMIT AND SITE PLAN	≥ 2 ACRES	100'	50'	50'	20'
M/I-A	NOT PERMITTED	NA	NA	NA	NA	NA

* In addition, Tier 4 Solar Energy Systems shall be setback a minimum of 450 feet from the exterior of any occupied residence located on a non-participating property.

**Town of Westfield District Regulations –
Agricultural (R-A) District Regulations**

Town of Westfield Town Code (1965),
Article V § 185-24³

³ Available at: <https://ecode360.com/11157817>

ARTICLE V
Residential-Agricultural (R-A) District Regulations

§ 185-24. Permitted principal uses and structures.

Permitted principal uses and structures in the Residential-Agricultural (R-A) District shall be as follows:

- A. Any use permitted and as regulated in the R-L District.
- B. Multiple-family dwellings.
- C. Agricultural, floricultural and horticultural pursuits, including but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairies, and the raising of bees, poultry and livestock, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits.
- D. Forest farming.
- E. Animal hospitals, riding stables and the keeping of small animals, including fur-bearing animal farms; provided, however, that buildings, pens or runways for the confinement of animals be at least 100 feet from any adjoining property line. The above distance restriction shall not apply to lanes, pastures or exercise tracks for horses.
- F. Private wildlife reservations or conservation projects, including the usual buildings therefor.
- G. Cemeteries, including mausoleums, provided that mausoleums shall be a distance of at least 200 feet from any street line and any adjoining residential district property and that any new cemetery shall contain a single contiguous area of at least 15 acres.
- H. Hunting camps, when located on sites of 10 acres or more.
- I. Sanitary landfill facility operated by the Town of Westfield in conjunction with the Village of Westfield and/or the Town of Ripley. **[Added 7-1-1998 by L.L. No. 1-1998]**
- J. On the obtaining of a special use permit from the Town Board in accordance with the provisions of Article XI, the following uses: **[Amended 3-7-2001 by L.L. No. 1-2001]**
 - (1) Gun club.
 - (2) Gravel pit.
 - (3) Quarry.
 - (4) Mobile home park.
 - (5) Motel and accessory use.
 - (6) Commercial recreation.

- (7) Golf course.
- (8) Riding academy.
- (9) Saw mill.
- (10) Oil wells. **[Amended 7-1-1998 by L.L. No. 1-1998]**
- (11) Livestock and farm equipment sale.
- (12) Furniture upholstery. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (13) Private airstrip. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (14) Radio communications tower. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (15) Small manufacturing concern, entirely encompassed within a dwelling or in an outbuilding, not exceeding 1,500 square feet in total area, and employing not more than one person. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (16) ⁵Major home occupations, in accordance with § 185-50B hereof. **[Amended 5-5-2010 by L.L. No. 2-2010]**
- (17) Gift and craft shop sales. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (18) Repair shop. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (19) Schools. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (20) Firemen's training grounds. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (21) Short-term parking areas and RV parking areas. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (22) Commercial storage buildings. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (23) Professional offices. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (24) Auction barns. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (25) Indoor flea markets. **[Added 7-1-1998 by L.L. No. 1-1998]**
- (26) Limited retail/wholesale business, including but not limited to pet stores and craft shops. **[Added 7-1-1998 by L.L. No. 1-1998; amended 11-4-1998 by L.L. No. 2-1998; 4-7-1999 by L.L. No. 1-1999]**
- (27) Building/construction contractor businesses. **[Added 7-1-1998 by L.L. No. 1-1998; amended 11-4-1998 by L.L. No. 2-1998]**
- (28) Bed-and-breakfast/inn. **[Added 6-2-2004 by L.L. No. 1-2004]**
- (29) Hotel. **[Added 6-2-2004 by L.L. No. 1-2004]**
- (30) Distillery/brewery/winery, including but not limited to when such use is

5. Editor's Note: Former Subsection J(16), pertaining to wind-powered structures and added 7-1-1998 by L.L. No. 1-1998, was repealed 8-7-2002 by L.L. No. 2-2002.

pursued as a farm operation under the New York State Agriculture and Markets Law. **[Added 6-6-2012 by L.L. No. 1-2012]**

(31) Restaurant. **[Added 6-6-2012 by L.L. No. 1-2012]**

(32) Outdoor flea markets. **[Added 5-1-2013 by L.L. No. 2-2013]**

(33) Storage building with outside dimensions greater than 144 square feet in size or which cannot comply with the height or lot size limitations contained in § 185-24K for such buildings. **[Added 8-6-2014 by L.L. No. 1-2014]**

K. Storage building with outside dimensions less than 144 square feet in size, provided the height thereof does not exceed the length of the longest side of the building or 30 feet, whichever is less, and the lot on which it is to be located is no smaller than that required by the zoning code for a principal structure. **[Added 8-6-2014 by L.L. No. 1-2014]**

§ 185-25. Permitted accessory structures and uses.

Permitted accessory structures and uses in the Residential-Agricultural (R-A) District shall be as follows:

- A. Any accessory use permitted and as regulated in the R-L District.
- B. Stands of a temporary nature for the display or sale of homegrown agricultural products. Existing stands of any nature used for the above purpose shall be deemed to be conforming uses as to such display and sale. Such temporary stands may be commenced and continued and existing stands continued without a building permit.
- C. Permanent stand for the sale of farm produce, subject to special permit by the Town Board. Any application for stand shall be referred to the Planning Board for its recommendation. In the event that the Planning Board shall make no recommendation within 30 days after such referral, it shall be deemed to approve such application without qualification. **[Amended 7-1-1998 by L.L. No. 1-1998]**
- D. Signs as follows:
 - (1) Same as permitted and regulated in the R-L District.
 - (2) Unlighted signs, not exceeding six square feet in area, identifying or related to the sale of homegrown agricultural products and help wanted signs.
- E. Other customary accessory uses.

§ 185-26. Minimum area requirements.

Minimum area requirements in the Residential-Agricultural (R-A) District shall be as follows:

- A. Lot sizes. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 40,000 square feet, as measured from the street right-of-way, and a width at the established building line of not less than 120 feet, subject to compliance with waste and sewage disposal requirements as prescribed by the Chautauqua County Department of Health. When a tract of land is served by

a public water supply or by public sanitary sewer facilities, or by a community water system or sanitary sewer system operated as a public utility, a one-family dwelling may be erected on a lot having an area of not less than 15,000 square feet, as measured from the street right-of-way, and a width at the established building line of not less than 80 feet. When a tract of land is served by both a community water system and a sanitary sewer system, a one-family dwelling may be erected on a lot having an area of not less than 10,000 square feet, as measured from the street right-of-way, and with a width at the established building line of not less than 75 feet. **[Amended 2-4-2009 by L.L. No. 1-2009]**

- B. Front yard depth (measured as the distance between the street right-of-way and any part of the dwelling or other buildings): 40 feet.
- C. Side yards (two required): total 25% of lot width, eight-foot minimum side yard.
- D. Rear yard: 25% of lot depth, but need not exceed 50 feet.

§ 185-27. Maximum height of principal buildings.

The maximum heights of principal buildings in the Residential-Agricultural (R-A) District shall be as follows:

- A. Farm structures: no limit.
- B. All others: 30 feet.

§ 185-28. Minimum size of principal buildings.

The minimum size of principal buildings shall be 750 square feet.

Town of Mina District Regulations

Town of Mina Zoning Law (2020),
Article IV, Sections 401 – 408 ⁴

⁴ Available at: <http://www.townofmina.info/pdfs/Town%20of%20Mina%20Zoning%202020.pdf>

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

ARTICLE IV DISTRICT REGULATIONS

SECTION 401: RESIDENTIAL (R1) DISTRICT

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

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

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

C. Uses by Right (Permit Required)

Agriculture, Limited
Apartment Above Commercial Storefront
Bed and Breakfast – Sec 638
Boathouse / Dock / Pier
Daycare Limited (Less than 5 individuals) - Sec 631
Demolition
Dwelling Unit-Single Family-Detached (Conventional/Prefabricated/Modular)
Garage
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Open Porch / Deck
Public Park / Playground
Public Utilities

Public Utilities, Quasi
Short-Term Rentals – Sec 655
Storage Structure (150 sq. feet or less) - Sec 633
Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616
Water Tower

D. Uses by Special Use Permit (Hearing Required)

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

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

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

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

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

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

3. All Other Structures

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

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

SECTION 402: AGRICULTURAL RESIDENTIAL (AR) DISTRICT

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

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

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

C. Uses by Right (Permit Required)

Accessory Building
Agricultural Building
Apartment Above Commercial Storefront
Artisan Store/Workshop
Barber / Beauty Shop / Tanning Salon
Bed and Breakfast – Sec 638
Boathouse / Dock / Pier
Daycare Limited (Less than 5 individuals) - Sec 631
Demolition
Duplex Dwelling (2 Units) - Attached

Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Financial Institution
Garage
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Laundromat / Dry Cleaning Shop
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Open Porch / Deck
Professional / Office Building
Public Park / Playground
Public Utilities
Public Utilities, Quasi
Recreational Camp (Public/Private)
Restaurant / Fast Food Restaurant - Sec 641
Short-Term Rentals – Sec 655
Storage Structure (150 sq. ft. or less) - Sec 633
Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616
Vendor, Temporary
Water Tower
Winery
Winery - Boutique
Winery - Large
Winery - Medium
Winery - Small

D. Uses by Special Use Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Adult Entertainment
Ambulance Service
Amusement Park / Theme Park / Zoo
Animal Cemetery
Animal Hospital / Veterinary Clinic
Animal Shelter
Arcade
Arts / Civic / Community / Convention Center
Auction Business
Auto sales / Used Car Lot - Sec 642

Bar
Brew Pub / Micro-brewery
Building Contractor
Cabins - Commercial
Campground - Commercial - Sec 627
Car Wash
Carnival / Circus - Temporary
Cemetery / Mausoleum
Church / Rectory
Church, Storefront
Cluster Residential Development - Sec 602
Commercial Recreation
Commercial Storage
Daycare Center (5 or more individuals) - Sec 631
Dormitory
Drive-in Business - Sec 609
Drug Store
Feed and Seed Shop
Fences / Walls - (4 ft. in height and greater) - Sec 615
Fire Hall / Fire Station
Fraternal Organization / Lodge / Civic Club / Union
Funeral Home
Furniture / Home Furnishings
Game Farm / Hatchery
Gas Station - Sec 645
Gasoline / Volatile Fuel Tank - Sec 628 & 650
General Industry
General Service Shop
General Wholesale
Golf Course (Public / Private)
Gravel Pit / Quarry / Sand Pit - Sec 618
Grocery Store / Minimart / Convenience Store
Group Home
Hardware / Glass / Paint Store / Rental Store
Health Care Facility
Health Club
Historical Society
Hotel / Motel
Kennel Business - Sec 636

Large Box Retail / Outlet Mall - Sec 605
Library
Liquor Store
Load/Unload Facility - Sec 613
Marina / Tackle Shop
Massage Establishment
Mobile Home / Trailer Sales
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Mobile Home Park
Monument Sales
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Municipal Office
Museum
Nursing Home / Convalescent Home
Pole Building/Pole Structure
Pond - Sec 610
Post Office (Public or Private)
Printing and Related Business
Radio / TV Broadcasting Station
Rental Store
Retail Business, General
Rifle / Skeet / Gun / Archery Range
School / College - Public / Private
Self Storage - Sec 613
Senior Housing (3+ Units)
Signs - Sec 614
Ski Area
Solar Structure - Sec 617
Stadium / Ice Rink / Skateboard Park
Swimming Pool (Public) - Sec 646
Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court - Private
Tennis court - Public
Theater
Truck Terminal / Truck Plaza
TV / Radio Tower - Commercial - Sec 647
TV Dish Antenna (Over 4' diameter) - Sec 616
Vehicle Repair Shop / Towing Service - Sec 644

Video Rental Store
Wildlife Habitat / Preserve
Wind Energy Conversion System - Sec 653
Wood-Burning/Coal-Burning Furnaces - Outdoor

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

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

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

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

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

3. All Other Structures

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

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

SECTION 403: LAKESIDE RESIDENTIAL (R2) DISTRICT

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

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

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

C. Uses by Right (Permit Required)

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

D. Uses by Special Use Permit (Hearing Required)

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

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

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

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

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

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

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

3. All Other Structures

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

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

SECTION 404: AGRICULTURAL (A1) DISTRICT

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

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

Agriculture
Agriculture, Limited
Boathouse / Dock / Pier
Farm
Farm, Animal - Sec 649
Farmers Market
Fences / Walls - (less than 4 ft. in height) - Sec 615
Forestry / Lumbering / Logging / Reforestation
Game Farm / Hatchery

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

C. Uses by Right (Permit Required)

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

Daycare Limited (Less than 5 individuals)- Sec 631
Demolition
Drug Store
Duplex Dwelling (2 Units) - Attached
Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Feed and Seed Shop
Financial Institution
Fire Hall / Fire Station
Fraternal Organization / Lodge / Civic Club / Union
Funeral Home
Furniture / Home Furnishings
Garage
General Service Shop
Hardware / Glass / Paint Store / Rental Store
Health Care Facility
Health Club
Heating Fuel Tank
Home Occupation - General - Sec 606
Large Group Gathering
Laundromat / Dry Cleaning Shop
Marina / Tackle Shop
Mobile Home Dwelling - Detached (Double Wide) - Sec 623
Monument Sales
Open Porch / Deck
Post Office (Public or Private)
Printing and Related Business
Professional / Office Building
Pole Building / Pole Structure
Public Park / Playground
Public Utilities
Public Utilities, Quasi
Radio / TV Broadcasting Station
Recreational Camp (Public/Private)
Restaurant / Fast Food Restaurant - Sec 641
Retail Business, General
Sawmill
Self Storage – Sec 613
Short-Term Rentals – Sec 655
Storage Structure (150 sq. ft. or less) - Sec 633

Swimming Pool - Sec 646
TV Dish Antenna (Less than 4' diameter) - Sec 616
Vendor, Temporary
Water Tower

D. Uses by Special Use Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Adult Entertainment
Airport
Amusement Park / Theme Park / Zoo
Animal Cemetery
Animal Shelter
Arcade
Arts / Civic / Community / Convention Center
Auction Business
Bar
Building Contractor
Cabins - Commercial
Campground - Commercial - Sec 627
Carnival / Circus - Temporary
Cemetery / Mausoleum
Church / Rectory
Cluster Residential Development - Sec 602
Commercial Recreation
Commercial Storage
Daycare Center (5 or more individuals) - Sec 631
Dormitory
Drive-in Business - Sec 609
Fences / Walls - (4 ft. in height and greater) - Sec 615
Fuel Storage / Distribution - Sec 650
Gas Compressor
Gas Station - Sec 645
General Industry
General Wholesale
Golf Course (Public / Private)
Gravel Pit / Quarry / Sand Pit - Sec 618
Grocery Store / Minimart / Convenience Store
Group Home
Historical Society

Hotel / Motel
Kennel Business - Sec 636
Large Box Retail / Outlet Mall - Sec 605
Library
Liquor Store
Load/Unload Facility - Sec 613
Massage Establishment
Mobile Home / Trailer Sales
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Mobile Home Park
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Municipal Office
Museum
Nursing Home / Convalescent Home
Rental Store
Rifle / Skeet / Gun / Archery Range
School / College - Public / Private
Senior Housing (3+ Units)
Signs - Sec 614
Ski Area
Solar Structure - Sec 617
Stadium / Ice Rink / Skateboard Park
Swimming Pool (Public) - Sec 646
Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court - Private
Tennis court - Public
Theater
Toxic Waste Storage - Sec 650
Truck Terminal / Truck Plaza
TV / Radio Tower - Commercial - Sec 647
TV Dish Antenna (Over 4' diameter) - Sec 616
Vehicle Dismantling / Junk / Scrap yard - Sec 620
Vehicle Repair Shop / Towing Service - Sec 644
Wind Energy Conversion System - Sec 653
Wood-Burning/Coal-Burning Furnaces - Outdoor

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

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

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

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

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

3. All Other Structures

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

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

SECTION 405: HISTORIC BUSINESS (B1) DISTRICT

- A. Purpose – To establish a separate “Historic” Business District which includes the current Main Street business area and extends north to School Street. The intent is to preserve the aesthetics, character, style, structure and historical nature of the community. This promotes

tourism and attracts visitors to the area and maintains the quaint setting of a lakeside community. The nature and style of businesses in the Historic Business District are significantly different from that of a traditional business corridor. This allows the zoning code the flexibility to address the diverse needs of the business community and regulate activities which are unique to historical development.

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

Church
Farmers Market
Fire Hall / Fire Station
Post Office
Public Utilities

C. Uses by Right (Permit Required)

Apartment Above Store Front
Arts / Civic / Community Center
Bed and Breakfast (Sec 638)
Dwelling Unit – Single-Family (Conventional)
Short-Term Rentals (Sec 655)

D. Uses by Special Permit (Hearing Required)

Artisan Store / Workshop
Accessory / Efficiency Apartment / Residential Conversion
Auction Business
Bar
Barber Shop / Beauty Shop
Boathouse / Dock / Pier
Boutique
Brew Pub / Micro Brewery
Drug Store
Financial Institution
Furniture / Home Furnishings
Garage
Health Care Facility / Physician's Office
Historical Society
Insurance Agency
Library
Liquor Store
Marina / Tackle Shop
Museum

Parking – Public
Professional / Office Building
Public Park / Playground
Real Estate Business
Recreational Area / Outdoor Courts
Restaurant – Dine-In Only (No Fast Food)
Retail Business – General (Small / Private)
Signs – Sec 614
Winery – Small

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

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

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

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

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

3. All other uses shall meet the following standards:

Minimum lot size (Square Feet)	20,000
Minimum lot width (feet)	120
Maximum lot coverage (% of lot area)	60
Minimum front yard (measured from edge of road)	50

Minimum rear yard (feet)	20
Minimum side yard (feet)	10
Maximum stories	2 ½
Maximum height (feet)	30

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

SECTION 406: COMMERCIAL BUSINESS (B2) DISTRICT

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

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

Agriculture
Agriculture, Limited
Artisan Store/Workshop
Auction Business
Auto sales / Used Car Lot - Sec 642
Drug Store
Farmers Market
Feed and Seed Shop
Fences / Walls - (less than 4 ft.in height) - Sec 615
Forestry / Lumbering / Logging / Reforestation
Furniture / Home Furnishings
Gas Station - Sec 645
Gasoline / Volatile Fuel Tank - Sec 628 & Sec 650
General Agricultural Business
Grocery Store / Minimart / Convenience Store
Hardware / Glass / Paint Store / Rental Store
Health Care Facility
Health Club
Heavy Vehicle Parking - Sec 621
Horticulture, Private
Household Sale - Sec 607
Large Box Retail / Outlet Mall - Sec 605
Liquor Store

Marina / Tackle Shop
Mobile Home / Trailer Sales
Monument Sales
Municipal Office
Outdoor Storage - Recreational Vehicle - Sec 632
Parking - Commercial Lot - Sec 612
Parking - Private - Sec 612
Pond - Sec 610
Rental Store
Retail Business, General
Roadside Stand - General - Sec 608
Roadside Stand - Limited - Sec 608
Temporary Dwelling Unit (Recreational Vehicle) - S.625
Topsoil, Removal - Sec 630
Trash - Private Property - Sec 635
Video Rental Store
Winery
Winery – Boutique
Winery – Small

C. Uses by Right (Permit Required)

Accessory Building
Ambulance Service
Animal Hospital / Veterinary Clinic
Animal Shelter
Apartment Above Commercial Storefront
Arcade
Arts / Civic / Community / Convention Center
Barber / Beauty Shop / Tanning Salon
Bed and Breakfast - Sec 638
Brew Pub / Micro-brewery
Car Wash
Church, Storefront
Daycare Limited (Less than 5 individuals)- Sec 631
Demolition
Dwelling Unit - Single family - Detached (Conventional, Prefab, Modular)
Financial Institution
Fire Hall / Fire Station
Funeral Home

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

D. Uses by Special Permit (Hearing Required)

Accessory/Efficiency Apartment / Residential Conversion
Adult Entertainment – Sec 652
Amusement Park / Theme Park / Zoo
Animal Cemetery
Bar
Building Contractor

Cabins – Commercial
Campground - Commercial - Sec 627
Carnival / Circus – Temporary
Cemetery / Mausoleum
Church / Rectory
Cluster Residential Development - Sec 602
Commercial Recreation
Commercial Storage
Daycare Center (5 or more individuals) - Sec 631
Drive-in Business - Sec 609
Farm, Animal - Sec 649
Fences / Walls - (4 ft. in height and greater) - Sec 615
Fraternal Organization / Lodge / Civic Club / Union
Fuel Storage / Distribution - Sec 650
Game Farm / Hatchery
Gas Compressor
General Industry
General Wholesale
Golf Course (Public / Private)
Gravel Pit / Quarry / Sand Pit - Sec 618
Historical Society
Hotel / Motel
Library
Load/Unload Facility - Sec 613
Massage Establishment
Mobile Home Dwelling - Detached (Single Wide) - Sec 623
Multiple Dwellings (3 - 5 Units) - Attached - Sec 604
Multiple Dwellings (6+ Units) - Attached - Sec 604
Museum
Nursing Home / Convalescent Home
Pole Building / Pole Structure
Rifle / Skeet / Gun / Archery Range
Sawmill
School / College - Public / Private
Senior Housing (3+ Units)
Ski Area
Short Term Rental – Sec 655
Solar Structure - Sec 617
Swimming Pool (Public) - Sec 646

Temporary Dwelling Unit (Mobile Home) - Sec 626
Tennis court – Private
Tennis court – Public
Toxic Waste Storage - Sec 650
Truck Terminal / Truck Plaza
TV / Radio Tower - Commercial - Sec 647
TV Dish Antenna (Over 4' diameter) - Sec 616
Wildlife Habitat / Preserve
Wind Energy Conversion System - Sec 653
Winery – Large
Winery – Medium
Wood-Burning/Coal-Burning Furnaces – Outdoor

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

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

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

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

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

3. All other uses shall meet the following standards:

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

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

SECTION 407: SUNNYSIDE BUSINESS (B3) DISTRICT

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

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

Agriculture
Parking - Private - Sec 612

C. Uses by Right (Permit Required)

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

D. Uses by Special Permit (Hearing Required)

Accessory Building
Drive-In Business - Private - Sec 609
Fences / Walls - Sec 615
Garage
Retail Business – Private
Short Term Rental (STR) – Sec 655
Signs – Sec 614

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

1. Single family dwellings. (Excluding structures which house or are intended to house

more than one family unit) shall meet the following standards:

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

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

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

3. All other uses shall meet the following standards:

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

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

SECTION 408: SHADYSIDE BUSINESS (B4) DISTRICT

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

of the business district in a manner which is in concert with the character of the surrounding residential neighborhood, and preserves the beauty and integrity of the lakeshore.

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

Agriculture

C. Uses by Right (Permit Required)

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

D. Uses by Special Permit (Hearing Required)

Accessory Building
Boathouse / Dock / Pier
Cabins – Commercial
Campground - Commercial - Sec 627
Commercial Recreation
Fences / Walls - (4 ft. in height and greater) - Sec 615
Garage
Parking – Commercial – Sec 612
Pole Building / Pole Structure
Signs – Sec 614
Swimming Pool (Public) - Sec 646
Tennis court – Public

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

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

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

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

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

3. All other uses shall meet the following standards:

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

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

ARTICLE V GENERAL PROVISIONS

SECTION 501: ACCESS TO PUBLIC STREET

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

SECTION 502: CONTIGUOUS PARCELS

When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for

**Town of Chautauqua Residential –
Agricultural (R-A) District Regulations**

Town of Chautauqua Town Code (1977),
Article VI § 143-28⁵

⁵ Available at: <https://ecode360.com/8381078>

ARTICLE VI
Residential-Agricultural (R-A) District

§ 143-28. Permitted principal uses and structures. [Amended 1-12-1981 by L.L. No. 1-1981]

Permitted principal uses and structures in the R-A District shall be as follows:

- A. Any principal uses and structures permitted and as regulated in R, R-L and R-R Districts. **[Amended 9-16-1985 by L.L. No. 5-1985]**
- B. Agricultural, floricultural and horticultural pursuits, including but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairies and the raising of bees, poultry, and livestock, together with all customary buildings and other structures necessary for the production, storage and sale of the products of such pursuits. Noncommercial storage buildings, whether used for agricultural purposes or not, shall be permitted as of right. **[Amended 7-7-2003 by L.L. No. 2-2003]**
- C. Forest farming.
- D. Animal hospitals, dog kennels, riding stables and the keeping of small animals, including fur-bearing-animal farms; provided, however, that buildings, pens or runways for the confinement of the animals be at least 100 feet from any adjoining property line. The above distance restriction shall not apply to lanes, pasture or exercise tracts for horses.
- E. Private wildlife reservations or conservation projects, including the usual buildings therefor.
- F. Hunting camps.
- G. Gas and oil wells as restricted in section § 143-52.
- H. On the obtaining of a special use permit from the Town Board in accordance with the provisions of Article XII, the following uses: **[Amended 1-12-1981 by L.L. No. 1-1981; 8-13-1984 by L.L. No. 6-1984; 8-11-1986 by L.L. No. 3-1986; 12-12-1988 by L.L. No. 3-1988]**
 - (1) Golf courses.
 - (2) Antique shops.
 - (3) Multiple-family dwellings.
 - (4) Condominiums.
 - (5) Commercial recreation.
 - (6) Motels and accessory uses.
 - (7) Mobile home parks.
 - (8) Trailer courts.
 - (9) Campgrounds.

- (10) Cottage courts.
- (11) Livestock sales. **[Added 10-11-1990 by L.L. No. 4-1990]**
- (12) Riding academies.
- (13) Sawmills.
- (14) Gun clubs.
- (15) Airstrips and accessory uses.
- (16) Gravel pits.
- (17) Communication towers. **[Amended 6-9-1997 by L.L. No. 1-1997]**
- (18) Cemeteries.
- (19) Commercial storage buildings other than as authorized in § 143-28B. **[Amended 7-7-2003 by L.L. No. 2-2003]**
- (20) Ski tows, skiing, cross-country skiing, tobogganing and sledding facilities. **[Added 2-8-1993 by L.L. No. 1-1993]**
- (21) Country inns.
- (22) Professional offices, including the offices of not-for-profit organizations or associations.
- (23) Construction debris transfer station as defined in § 143-3B and located on a parcel of at least five acres. **[Added 3-12-1990 by L.L. No. 1-1990]**
- (24) Day-care center, which shall not be treated as a home occupation subject to § 143-63. **[Added 10-11-1990 by L.L. No. 4-1990]**
- (25) Gift and craft shops, including the sale of wines and spirits. **[Added 7-10-2006 by L.L. No. 1-2006]**
- (26) Auction barns. **[Added 7-10-2006 by L.L. No. 1-2006]**
- (27) Refreshment stands dispensing food and beverages incidental and accessory to the operation of any other permitted commercial, recreational, or agricultural use. **[Added 7-10-2006 by L.L. No. 1-2006]**
- (28) Manufacturing/light industry/business office, within a building or group of buildings, provided such use does not employ more than 15 people and does not pollute the environment beyond the boundaries of the land on which it is located, create excessive noise, vibration, lights or odor, create a fire or explosion hazard, nor generate excessive traffic on neighboring roads. **[Added 2-12-2007 by L.L. No. 3-2007]**
- (29) Wind energy facilities, in accordance with § 143-53.1. **[Added 5-12-2008 by L.L. No. 3-2008]**
- (30) Wedding or private event facility, in accordance with § 143-65.1 hereof. **[Added 7-8-2019 by L.L. No. 1-2019]**

§ 143-29. Permitted accessory structures and uses.

Permitted accessory structures and uses in the R-A District shall be as follows:

- A. Any accessory uses and structures permitted as regulated in the R and R-L Districts, except that there shall not be a limitation on private garages as set out in § 143-12A. **[Amended 9-8-1997 by L.L. No. 5-1997]**
- B. Stands of a temporary nature for the display or sale of homegrown agricultural products. Existing stands of any nature used for the above purpose shall be deemed to be conforming uses as to such display and sale. Such temporary stands may be commenced and continued and existing stands continued without a building permit.
- C. Permanent stands for the sale of homegrown products subject to special permit by the Town Board. Any application for stands shall be referred to the Board of Appeals for its recommendation. In the event that the Board of Appeals shall make no recommendation within 30 days after such referral, it shall be deemed to approve such application without qualification.
- D. Signs as follows:
 - (1) Same as permitted and regulated in the R and R-L Districts.
 - (2) Unlighted signs of a temporary nature, not exceeding 32 square feet in area, identifying or related to the sale of homegrown agricultural products and help-wanted signs for the premises on which located.
 - (3) A sign not exceeding 72 square feet in area advertising business or services, but such sign must be erected at least 10 feet back from the street or road right-of-way. **[Amended 4-10-1978 by L.L. No. 1-1978; 10-9-1989 by L.L. No. 1-1989]**
- E. An advertising sign may not be erected closer than 500 feet from any other advertising sign, whether or not located on the same property. **[Added 10-9-1989 by L.L. No. 1-1989]**

§ 143-30. Minimum area requirements.

Minimum area requirements in the R-A District shall be as follows:

- A. Lot sizes. Every single-family or two-family detached dwelling of other permitted structure not being accessory to a detached dwelling located on the property, hereafter erected, shall be located on a lot having an area of not less than one acre, as measured from the street right-of-way, and a width at the established building line of not less than 100 feet, subject to compliance with waste and sewage disposal requirements as prescribed by the Chautauqua County Department of Health. When a tract of land is served by public sanitary sewer systems or by a community sanitary sewer system operated as a public utility, a single-family detached dwelling may be erected on a lot having an area of not less than 30,000 square feet, as measured from the street right-of-way, and width at the established building line of not less than 100 feet. When a tract of land is served by both a community water system and a sanitary sewer system, such single-family detached dwelling may be erected on a lot having an area of not less than 20,000 square feet, as measured from

the street right-of-way, and with a width at the established building line of not less than 75 feet. [Amended 6-22-1987 by L.L. No. 4-1987; 10-9-1989 by L.L. No. 1-1989; 9-22-2005 by L.L. No. 3-2005]

- B. Front yard depth shall be 40 feet, measured as the distance between the street right-of-way and any part of the dwelling or other buildings.
- C. Side yards (two required) shall total 25% of lot width; the minimum side yard shall be eight feet.
- D. Rear yard shall be 25% of lot depth or 40 feet, whichever is less.
- E. No farm structures, other than stands mentioned in preceding section, shall be constructed within 40 feet of the street or road right-of-way.

§ 143-31. Minimum size of dwelling. [Amended 10-30-1986 by L.L. No. 6-1986; 9-9-1991 by L.L. No. 1-1991; 7-14-1997 by L.L. No. 2-1997; 9-8-2008 by L.L. No. 6-2008]

The minimum size of a dwelling shall be 800 square feet of enclosed living space, except that a seasonal hunting camp located in a residential agricultural district on a parcel of land containing 10 or more acres of land shall be a minimum size of 300 square feet and a maximum size of 500 square feet.

Village of Sherman District Regulations

Village of Sherman Zoning Law (2009),
Article IV, Sections 401 – 404 ⁶

⁶ Available at: https://5fff6357-d116-40cc-9304-0c847fc0d99e.filesusr.com/ugd/341c45_b71223a66f514f18a698f3a510b67b02.pdf

328.11-2-31, 328.11-2-35, 328.14-1-06, 328.14-1-07, 328.14-1-08, 328.14-1-09, 328.14-1-10, 328.14-1-11, 328.14-1-12, 328.14-1-13, 328.14-1-14, 328.14-1-15, 328.14-1-16, 328.15-1-07,

C2..... Highway Commercial – shall include all of the following parcels:

328.11-2-31, 328.11-2-35, 328.11-2-39, 328.11-2-40, 328.11-2-41, 328.11-2-33.1, 328.11-2-34, 328.15-1-02, 328.15-1-03, 328.15-1-04, 328.15-1-05, 328.15-1-06, 328.15-1-07, 328.15-1-08, 328.15-1-09, 328.15-1-10, 328.15-1-11, 328.15-1-12, 328.15-1-13

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

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

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

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

C. Where district boundaries are so indicated that they are approximately parallel to the center lines, or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance as given, such dimension shall be determined by the use of the scale shown on said zoning map.

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

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

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

ARTICLE IV DISTRICT REGULATIONS

SECTION 401 Residential (R1) District

A. Purpose - R1 Districts are established to primarily provide for new single-family residential development or to protect existing neighborhoods from encroachment of all other uses.

B. Uses by Right (Permit Required)

Single-family dwelling-detached (conventional, prefab, modular)

Two-family dwelling-detached (conventional, prefab, modular)

Municipal office

Garage-accessory

Customary accessory use

Storage structure in accordance with Section 640

Open porch/deck
Demolition

C. Uses by Special Use Permit (Hearing Required) - All other potential land uses shall be subject to special use permit requirements and potential site plan requirements as specified in this Local Law.)

Signs in accordance with Section 637
Fences/walls in accordance with Section 616
Boarding homes/bed & breakfast in accordance with Section 604
Homes for the elderly
Nursing home/rest home
Multiple dwellings-attached to 4 units in accordance with Section 603
Cluster residential development in accordance with Section 602
Household sale (garage sale) in accordance with Section 607
Utilities (quasi-public) e.g., telephone
School -public / private
Daycare center (in accordance with NYS regulations)
Library /museum/ gallery
Church/rectory
Tennis court-private use
Swimming pool-private use in accordance with Section 613
Solar system in accordance with Section 619
TV dish antenna in accordance with Section 618
Home Occupation in general
Home Occupation in accordance with Section 605
Fraternal Meeting Facility
Large Group Gathering
Land Applications - Sludge (must comply with DEC Regulations)
Recreational and Entertainment - golf course - private/public
Tennis Court
Commercial parking Lot
Gasoline/volatile fuel tank

D. Uses Requiring No Permit (Requires Compliance with Law) - Select uses do not require a Zoning Permit. However, the Enforcement Officer should be contacted prior to commencing any action to ensure that the use qualifies as not requiring a permit and that this Law as well as other Laws will be complied with.

Horticultural-Private
Recreational Vehicle/Trailer storage in accordance with Section 635
Farm Animals in accordance with Section 627
Junk Vehicles in accordance with Section 622
TV Dish Antennae in accordance with Section 618

E. Area Standards - Also refer to the following: Section 405 (Substandard Sized Lots), Section 507 (Established Front Yards)

	<u>Single-Family Units</u>		<u>Nonresidential Uses</u>	
	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Square Feet)	15,000	.....	15,000	.....

Minimum Lot Width (Feet).....	100	.....	100
Maximum Lot Cover (% of Lot Area)	30%	.....	30%
Minimum Front Yard* (Feet From Street Edge).....	35	.....	50
Minimum Side Yard (Feet).....	25	.....	15
Minimum Rear Yard (Feet).....	35	.....	15
Maximum Height (Feet).....	30	.....	15
Minimum Floor Space (Sq. Ft. - Living Space).....	1, 000	.....	30

* Property owners also have the option of utilizing existing front line established by neighboring properties should that existing front line deviate from the bulk regulations cited above.

SECTION 402 Commercial District (C1)

A. Purpose - The C1 District is established to protect and foster the existing retail and service business and enable it to better meet the needs of both residents and visitors. Portions of this district should be oriented toward pedestrian-oriented businesses. Additional uses for this district have the purpose of promoting variety of retail, service, and wholesale uses which are vehicle oriented in addition to light industrial uses not associated with nuisances or large utility systems. A major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and discouraging chaotic strip development.

B. Uses Permitted by Right (Permit Required).

- Single-family dwelling-detached (conventional, prefab, modular)
- Two-family dwelling-detached (conventional, prefab, modular)
- Municipal office
- Garage-accessory
- Customary accessory use
- Storage structure
- Demolition
- Signs in accordance with Section 637
- Open porch/deck
- Fences/walls in accordance with Section 616

C. Uses by Special Use Permit (Hearing Required) All other potential land uses shall be subject to special use permit requirements and potential site plan requirements as specified in this Local Law.)

- Household sale (garage sale) in accordance with Section 607
- Flea market in accordance with Section 608
- General Service shop
- Utilities (quasi-public) (e.g., telephone)
- School-public/private
- Daycare center (in accordance with NYS regulations)

Church/rectory
Theater
Electronic game room
Solar system in accordance with & Section 619
Signs in accordance with Section 637
Heavy vehicle parking (at residential dwelling) in accordance with Sections 614 and 625
TV dish antenna in accordance with Section 618
General Limited Industry
Large Group Gathering
Fraternal Meeting Facility
Cemetery Crematoria
Land Application - Sledge (must comply with DEC Regulations)
Swimming Pool/Private
Riding Academy/Stable
Carnival/Circus Temporary
Electronic Game Room
Tent meeting
Rifle Range Skeet/Gun Club
Parking Lot Commercial
Load/Unload Facility
Heavy TV Radio Tower/Commercial
Gasoline volatile fuel tank
Farm Animals
Road Side Stands
Parking/Commercial Lot in accordance with Section 614
Library/Museum/Gallery
Load/Unload facility in accordance with Section 615
General Agricultural Business
Nursery Commercial
Greenhouse Commercial
Home Occupation

D. Uses Requiring No Permit (Requires Compliance with Law) - Select uses do not require a Zoning Permit. However, the Enforcement Officer should be contacted prior to commencing any action to ensure that the use qualifies as not requiring a permit and that this Law as well as other Laws will be complied with.

Horticultural-Private
Recreational Vehicle/Trailer storage in accordance with Section 635
Farm Animals in accordance with Section 627
Junk Vehicles in accordance with Section 622
TV Dish Antennae in accordance with Section 618

E. Area Standards - see the following sections: Substandard Sized Lots, Established Front Yards, and Municipal/County Utility Systems.

	<u>Single-Family Units</u>		<u>Nonresidential Uses</u>	
	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size (Square Feet)	15,000		15,000	
Minimum Lot Width (Feet)	100		100	
Maximum Lot Cover (% of Lot Area)	30%		30%	
Minimum Front Yard* (Feet From Street Edge).....	35	35	50	50
Minimum Side Yard (Feet)	25	15	25	15
Minimum Rear Yard (Feet)	35	15	50	25
Maximum Height (Feet)	30	15	30	30
Minimum Floor Space (Sq. Ft. - Living Space)	1, 000			

* Property owners also have the option of utilizing existing front line established by neighboring properties should that existing front line deviate from the bulk regulations cited above.

SECTION 403 Highway Commercial District (C2)

A. Purpose - The purpose of the C-2 District is to promote retail and service uses, many of which may be large in size for the use of residents and visitors. At the same time, a major goal is to protect and enhance the community by encouraging aesthetically appealing businesses with safe ingress and egress and prohibiting chaotic strip development.

B. Uses by Special Use Permit (Hearing Required)

- Outlet Mall
- Storage Facility
- Hotel/Motel
- Signage
- Nursing Home/Rest Home/Health Center
- Medical Center
- Winery
- Building Material/Home Improvement Store
- Specialty Shop
- Large Box Retail
- Educational Facility
- Medical Research
- Light Manufacturing

Warehouse/Trans-shipment Center
 Wind Power Electrical Generating Equipment & Facilities
 Solar Energy System in accordance with Section 619

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

Home Occupation
 Solar Energy System
 Outdoor Storage-recreational vehicle (in accordance with Section 635)
 Parking – private in accordance with Section 614
 Storage – accessory structures in accordance with Section 640
 Travel Trailer in accordance with Sections 610,631,635
 Signage in accordance with Section 637
 Junk Vehicles in accordance with Section 622
 Fences/walls in accordance with Section 616
 Heavy vehicle parking in accordance with Section 625

D. Area Standards

<u>ALL USES (i.e. Highway Commercial)</u>	<u>Primary Use</u>	<u>Accessory Use</u>
Minimum Lot Size (Square Feet)	15,000	
Maximum Lot Coverage (% of Lot Area)	40%	---
Minimum Front Yard (Feet from Street Edge)	50	50
Minimum Side Yard (Feet)	20	10
Minimum Rear Yard (feet)	50	25
Maximum Structure Height (feet)	40	20

SECTION 404 Rural Residential District (R2)

A. Purpose - Districts are established to provide for the development of large lot rural properties for residential, limited agricultural and selected commercial uses. This district has an abundant supply of vacant land much of which is rural in character.

B. Uses Permitted By Right (Permit Required)

Single-family Dwelling-detached (conventional, prefab, modular)
 Two-family dwelling-detached (conventional, prefab, modular)
 Agricultural buildings (subject to discussion)
 Temporary retail outlet in accordance with Section 608
 Boat storage business
 Garage-accessory
 Customary accessory use
 Storage structure
 Signs in accordance with Section 637
 Open porch/deck
 Fences/walls in accordance with Section 616
 Demolition
 Agricultural Land Use
 Agricultural Buildings
 Unlimited Agriculture
 General Agricultural Business
 Roadside stand-general
 Farm Animals
 Road Side Stands

C. Uses by Special Use permit (Hearing Required) All other potential land uses shall be subject to special use permit requirements and potential site plan requirements as specified in this Local Law.)

- Mobile homes in accordance with Section 628
- Boarding homes/bed & breakfast in accordance with Section 604
- Mobile home parks in accordance with Section 629
- Cluster residential development in accordance with Section 602
- Nursery/greenhouse-commercial
- Roadside stand-general
- Roadside stand-limited
- Blacksmith shop
- Household sale (garage sale) in accordance with Section 607
- Flea market in Accordance with Section 608
- Gravel & sand operation in accordance with Section 620
- Mill structure
- Utilities (quasi-public) (e.g., telephone.)
- School -public/private
- Airport/airstrip/heliport in accordance with Section 633
- Daycare center (in accordance with NYS regulations)
- Library/museum/gallery
- Church/rectory
- Fraternal meeting facility
- Tennis court-private use
- Swimming pool-private use in accordance with Section 613
- Riding academy/stable
- Ski area-commercial-cross country
- Recreation camp-private
- Windmills-private in accordance with Section 617
- Parking Commercial lot in accordance with Section 614
- Solar system in accordance with Section 619
- Signs in accordance with Section 637
- Fences/walls in accordance with Section 616
- Heavy vehicle parking (at residential dwelling) in accordance with Section 625
- TV dish antenna in accordance with Section 618
- Temporary mobile home in accordance with Section 631
- TV radio tower-commercial in accordance with Section 617
- Food Processing Plant
- Animal Farm
- Winery
- Sawmill
- General Limited Industry
- Nursing home/rest homes
- Homes for the Elderly
- Gasoline/Volatile fuel tank in accordance with Section 632

Any other use available in Districts R1 or C1 by special use permit pursuant to the same requirements.

D. Uses Requiring No Permit (Requires compliance with Law) - Select uses do not require a Zoning Permit. However, the Enforcement Officer should be contacted prior

to commencing any action to insure that the use qualifies as not requiring a permit and that this Law as well as other Laws will be complied with.

Horticultural-Private

Recreational Vehicle/Trailer storage in accordance with Section 635

Farm Animals in accordance with Section 627

Junk Vehicles in accordance with Section 622

TV Dish Antennae in accordance with Section 618

E. Area Standards - see the following sections: Substandard Sized Lots Established Front Yards, and Municipal/County Facility Systems.

	<u>Single-Family Units</u>		<u>Nonresidential Uses</u>	
	Primary Use	Accessory Use	Primary Use	Accessory Use
Minimum Lot Size				
(Square Feet)	15, 000		15,000	
Minimum Lot Width				
(Feet)	100	60	100	60
Maximum Lot Cover				
(96% of Lot Area)	30%	40%	30%	40%
Minimum Front Yard*				
(Feet From Street Edge)	35	35	35	35
Minimum Side Yard				
(Feet)	25	15	25	15
Minimum Rear Yard				
(Feet)	35	15	35	15
Maximum Height				
(Feet)	30	15	35	35
Minimum Floor Space				
(Sq Ft -Living Space)	1, 000			

	<u>Multiple-Family Units</u>	
	Primary Use	Accessory Use
Minimum Lot Size	15,000	+5, 000
(Base Square Feet Per Unit)	120	+6
Minimum Lot Width		
(Base Feet Per Unit)	100	35
Maximum Lot Coverage		
(% of Lot Area)	25	+1
Minimum Front Yard*		
(Feet From Street Edge)		
Minimum Side Yard		
(Base Feet Per Unit)	15	+1
Minimum Required Yard		
(Feet)	+15	

	<u>Multiple-Family Units</u>	
	<u>Primary</u>	<u>Accessory</u>
	<u>Use</u>	<u>Use</u>
Attached		
Maximum Structure Height		
(Feet)	35.....	15
Minimum Floor Space		
(Sq. Ft.-Living Space)	35.....	35
Standard Housing	1000	
Elderly Housing	600	

* Property owners also have the option of utilizing existing front line established by neighboring properties, should that existing front line deviate from the bulk regulations cited above.

SECTION 405 Existing Substandard Sized Lots

A. Purpose - This section has the purpose of providing flexibility to the administration of this Zoning Law by allowing certain substandard lots to have structures placed on them without the need for an Area Variance.

B. Conditions - An allowable use may be placed on a substandard sized lot existing and officially recorded at the time of enactment of this Zoning Law without an Area Variance if the following conditions are met:

1. At the time of enactment of this Law, the substandard parcel was not contiguous with another parcel in the same ownership. Note that, if contiguous substandard lots under single ownership do exist, they must be combined to create a conforming or more conforming lot with respect to minimum lot size and minimum lot width.
2. The substandard lot is not less than 75% of all of the lot applicable area standards to include minimum lot size, minimum lot width, minimum front yard, minimum side yard, and minimum rear yard for the district in which the use is proposed to be located.
3. The County Health Department approves the substandard lot where municipal utilities are not accessible.
4. If Condition B2 cannot be met but B3 has been accomplished, then the applicant can request an Area Variance from the Zoning Board of Appeals (see Variance Section) which will be granted if "Practical Difficulties" are shown to exist.

SECTION 406 Visibility at Intersections

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

SECTION 407 Interpretation of Permitted Uses

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