

**ARTICLE 14
GENERAL PROVISIONS**

SECTION 14.01 INTRODUCTION

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise addressed.

SECTION 14.02 WITHHOLDING OF APPROVAL

The Planning Board, Zoning Board of Appeals and/or Town Board may withhold granting of approval of any use, special use, site plan, planned unit development plan, variance or other approval required by this Ordinance pending approvals which may be required by state, county or federal agencies or departments.

SECTION 14.03 PRINCIPAL BUILDING, STRUCTURE OR USE

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, office complexes, planned unit developments or an operating farm.

SECTION 14.04 REGULATIONS ON ACCESSORY DWELLINGS

1. Additional dwelling units shall be permitted in an accessory building if the unit is occupied by a caretaker or employees of an operating farm.
2. Accessory dwelling units are not permitted in the residential districts, except for legal nonconforming dwellings existing at the time this Ordinance was adopted. Accessory dwelling units are not permitted in the commercial districts, except for legal nonconforming dwellings existing at the time this Ordinance was adopted, a caretaker's quarters or housing used exclusively by security or custodial personnel, located within the principal building.

SECTION 14.05 ACCESSORY BUILDINGS (UTILITY SHEDS AND GARAGES)

With the exception of operating farms, all accessory buildings permitted by this Zoning Ordinance shall be subject to the following regulations:

A. Relation to Principal Building

Accessory buildings are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted in the particular zoning district. No accessory building shall be utilized unless the principal building to which it is accessory is occupied or utilized.

B. Restrictions on Placement

Accessory buildings shall not be erected in any right-of-way, access easement, front yard or required side yard.

In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Board approves the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Board shall consider the impact of headlights and views from nearby public streets and adjacent properties.

C. Required Setbacks (Attached)

Where the accessory building is structurally attached to the principal building, it shall be subject to all the regulations applicable to principal buildings.

D. Required Setbacks (Detached)

Detached accessory buildings shall be subject to the setback requirements as specified in Schedule B for each specific zoning district and must also be at least ten (10) feet from any other accessory building or public street right-of-way line and at least twenty-five (25) feet from the boundary of a wetland regulated by the NYS Department of Environmental Conservation (DEC) or the federal government.

E. Maximum Lot Coverage in Residential Districts

The combined square footage of all accessory buildings shall occupy a maximum of twenty-five percent (25%) of the available rear yard area.

F. Maximum Height

The maximum allowable height of an accessory building shall be subject to the height requirements as specified in Schedule B for each specific zoning district.

G Drainage

The placement and design of any accessory building or structure shall not have a significant impact on storm water runoff. The Town Zoning Enforcement Officer may require grading plans or a sketch plan to ensure compliance with this provision.

H. Maximum Number

There shall be a maximum of one (1) garage and a maximum of two (2) total detached accessory buildings on any lot.

I. Restrictions on Use

Accessory buildings shall not be occupied for dwelling purposes nor used for any

business profession, trade or occupation.

SECTION 14.06 ACCESSORY STRUCTURES: Swimming Pools

A. Fencing Requirement

A fence or similar enclosure shall be erected and maintained around any swimming pool greater than two (2) feet in depth in accordance with New York State regulations.

B. Relationship of Height to Setback Requirements

Swimming pools and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be located at least six (6) feet from any property line. Where the elevation of the pool or surrounding deck, walk or similar accessory is greater than two (2) feet above grade at any point or in the case of an in-ground pool, the setback shall be as specified in Schedule B for each zoning district.

C. Restriction from Front Yard

Swimming pools shall not be located in any front yard.

D. Permits

A permit shall be applied for and issued by Town Zoning Enforcement Officer prior to the excavation or construction of any swimming pool greater than two (2) feet in depth. If deemed necessary, the Town Zoning Enforcement Officer may require the construction of a dry well for the discharge of water from the pool. The application shall be accompanied by any documentation deemed necessary by the Town Zoning Enforcement Officer. A final inspection and approval by the Town Zoning Enforcement Officer must be obtained prior to the use of the swimming pool.

SECTION 14.07 ACCESSORY STRUCTURES: Fences

Fences are permitted subject to the following regulations:

A. Permits

The erection, construction or alteration of any fence shall require a fence permit and shall be approved by the Town Zoning Enforcement Officer for compliance with the provisions of this Ordinance. Operating farms are exempt from this provision.

B. Location in Front Yards

Fences may be located in a front yard of any lot of record up to a maximum height of three and one-half (3 ½) feet, provided that for corner lots adequate sight distance is provided as described in Section 14.xx. Fences shall be of approved materials, of design as to be non-sight obscuring and of a type listed below:

1. Post and Rail
2. Split Rail
3. Picket
4. Wrought Iron
5. Chain Link
6. Other types of fences must be approved by the Planning Board prior to placement in a front yard area.

C. Location in Other Yards

A fence may be erected in any side or rear yard of a lot of record, provided the fence does not obscure sight distance for motorists on the street or exiting driveways and is setback at least twenty (20) feet from any public street right-of-way.

D. Measurement of Height

The height of a fence shall be considered to be the distance from the ground to the top of the fence posts at every point along the fence. Fences may not be constructed on top of bermed areas.

E. Wood Fence (Privacy Fence) Standards

Wooden fences may be erected in a side or rear yard on any lot of record provided the fence does not extend beyond the front building line or into the required front yard setback, whichever is greater. Wooden fences shall be a maximum of six (6) feet in height.

F. Chain Link Standards

No chain link fence shall hereafter be erected in any required side or rear yard area on any lot of record in excess of six (6) feet in height measured from the surrounding grade at every point along the fence line. Wire fences shall not exceed four (4) feet in height, except on operating farms.

G. Setbacks

Any permitted fence erected in a side or rear yard may be located directly on the property line. Any permitted fence erected in any front yard may be no closer to the property line than the distance specified in Schedule B for each zoning district.

H. Orientation of Finished Side

If a fence is only finished on one (1) side, the finished side of a fence shall face the exterior of the lot. Posts shall be placed on the interior of the fence.

I. Restrictions on Barbed Wire

Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except for the following:

1. Barbed wire may be permitted for an animal enclosure in conjunction with a permitted farming or stable operation.
2. Barbed wire cradles may be placed on top of security fences enclosing public utility buildings or storage yards.
3. Barbed wire may be used where deemed necessary by the Zoning Board of Appeals in the interests of public safety or protection of private property.

J. Maintenance

All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard or nuisance. Any fence which is not maintained, as determined by the Town Zoning Enforcement Officer, shall be removed or replaced (any required fence shall be replaced).

SECTION 14.08 ACCESSORY STRUCTURES: Private Stables

Any private stable operated in the Town of Schuyler shall conform to the following regulations:

- A. Private stables shall only be permitted as accessory uses to a principal residential use in the R-2 and R-A districts.
- B. The property on which a private stable is to be located shall have a minimum area of five (5) acres.
- C. The property on which the stable is to be located shall have a minimum of two (2) acres of productive land for the first horse and one (1) acre of productive land for each additional horse.
- D. Interior confinement areas shall be a minimum of one hundred (100) square feet per horse and shall be located a minimum of three hundred (300) feet from any adjacent residentially used or zoned property.
- E. Approval from the Zoning Board of Appeals shall be required for any private stable located or proposed to be located on any property with an area of less than twenty (20) acres.
- F. The property owner shall submit an application to the Zoning Enforcement Officer, which shall include a building plan (drawn to scale), site plan and detailed operation plan.
- G. The plan shall include an area providing daily exercise, interior building layout and provisions for the storage and/or disposal of manure.
- H. Private stables which are accessory to an operating farm shall be exempt from the regulations of this section.

**SECTION 14.09 ACCESSORY STRUCTURES: Satellite Dish Antenna and
Telecommunications Transmission Towers**

A. Purpose and Intent

1. To promote safety and prevent hazards to persons and property resulting from accidents involving antenna or antenna facilities which could fall from structural mountings due to wind load, snow load or other factors.
2. To promote utilization of ground mounting for antenna facilities where reasonably feasible and to encourage multiple uses of existing transmission towers whenever possible.
3. To control the location and require screening of ground-mounted facilities to maintain architectural integrity and aesthetic quality of property improvements and preserve property values.
4. To exclude from provisions of this section, conventional VHF and UHF television antennae and any apparatus of a licensed amateur radio operator, based upon the finding that there is relatively minor concern for wind and snow load issues due to an established safety record and there has been an historical acceptance of such facilities from architectural and aesthetic standpoints.
5. To exclude from provisions of this section, transmission towers used solely for the dispatching of essential municipal services including police, fire, public works and emergency medical services
6. To promote and protect the public health, safety and welfare by the exercise of Town police powers in relation to the property owners right to construct and use antenna towers and reception antennae to send and/or receive signals without unreasonable restriction.

B. Regulations for Residential Uses

The following regulations shall apply to all satellite dish antennae accessory to residential uses located in the R-1, R-2, R-M and R-A districts and to all satellite dish antennae accessory to residential uses in the C-H, C-I and C-T districts.

1. A satellite dish antenna not exceeding twenty-four inches (24") in diameter may be erected on any size lot in any residential or commercial district without obtaining a permit from the Town Zoning Enforcement Officer.
2. A satellite dish antenna larger than twenty-four inches (24") in diameter may be erected on any lot in the R-1, R-2, R-M and R-A districts and on any residentially used lot in the C-H, C-I and C-T districts, subject to issuance of a permit by the Town Zoning Enforcement Officer. A satellite dish antenna larger than twenty-four inches (24") in diameter shall be subject to the following, so as to be cosmetically acceptable for all adjoining landowners:

- a. All satellite dish antennae shall be located a minimum distance of fifteen (15) feet from any side or rear lot line.
- b. Only one satellite dish antenna more than twenty-four inches (24") in diameter may be erected on any lot located in the R-1, R-2, R-M and R-A districts.
- c. The applicant shall present documentation of the possession of any required federal or state license or permit.
- d. The owner of the satellite dish antenna shall assume complete liability in case of damage to person or property.
- e. No part of the satellite dish antenna shall exceed twelve (12) feet in height, as measured from the ground.
- f. A satellite dish antenna more than twenty-four inches (24") in diameter may not be located in any front yard or corner lot fronting on more than one street.
- g. A satellite dish antenna shall be located and designed to reduce the visual impact from surrounding properties at street level and from public streets.

C. Regulations for Commercial Uses

The following regulations shall apply to all satellite dish antennae accessory to commercial uses in the C-H and C-I districts, all satellite dish antenna and telecommunications transmission towers accessory to commercial uses in the C-T district and all satellite dish antenna accessory to any legal non-conforming commercial uses in any zoning district.

1. A satellite dish antenna not exceeding twenty-four inches (24") in diameter may be erected on any size lot in any district without obtaining a permit from the Town Zoning Enforcement Officer.
2. A satellite dish antenna larger than twenty-four inches (24") in diameter may be erected on any lot in the C-H, C-I and C-T districts and telecommunications transmission towers may be erected on any lot in the C-T district, with a permit from the Town Zoning Enforcement Officer, following review and approval by the Zoning Board of Appeals and subject to the following conditions:
 - a. All satellite dish antennae shall be located a distance from any side or rear lot line equal to or greater than the height of the antenna, but in no case shall be less than twenty (20) feet.
 - b. A satellite dish antenna may not be located in any front yard or corner lot fronting on more than one street.

- c. No telecommunications transmission tower may be located closer to any property line than a distance equal to one half of its total height, provided the applicant submits engineering information the tower is self-collapsing.
 - d. Any guy anchorage or similar device shall be located no closer to any property line than twenty (20) feet.
3. An application for the installation of a satellite dish antenna or a telecommunications transmission tower shall include the following information:
 - a. A site plan depicting the proposed location of the antenna or tower in relation to all existing buildings, structures, improvements and landscaping on the lot.
 - b. A drawing showing the proposed method of installation of the antenna or tower.
 - c. A structural engineering analysis of the proposed antenna or tower.
 - d. A maintenance program for the proposed antenna or tower, if requested by the Town Building Inspector.
 - e. An application fee, to be determined by the Town Board.
4. When reviewing a request for a satellite dish antenna or a telecommunications transmission tower, the Zoning Board of Appeals shall address the following:
 - a. The location of the proposed antenna or tower in relation to the existing buildings and structures on the site.
 - b. The location of the proposed antenna or tower in relation to any other existing antenna or towers on the same or adjacent properties.
 - c. In the case of satellite dish antenna, the visibility of the proposed antenna from any adjacent residentially zoned and used property.
 - d. In the case of telecommunications transmission towers, the location of the proposed tower in relation to all property lines.
 - e. In the case of telecommunications transmission towers, the provision of suitable protective anti-climb fencing around any proposed tower and accessory attachments.
 - f. In the case of telecommunications transmission towers, the proposed lighting for the tower.
5. In the event that a satellite dish antenna or telecommunications transmission tower becomes functionally obsolete and/or is no longer being utilized, the

antenna or tower shall be removed within a period of six (6) months.

SECTION 14.10 SITE DRAINAGE

No person shall construct any building, structure or improvement or install fill or landscaping in such a manner as to divert the natural drainage of water from their property onto an adjacent property.

SECTION 14.11 ACCESS TO APPROVED STREET

In any district, a lot to be used for building purposes shall have direct frontage on an approved street.

SECTION 14.12 LOTS IN TWO DISTRICTS

Where a district boundary line divides a lot in single ownership at the time of adoption of said district line, the regulations for the more restrictive portion of such lot shall extend a maximum of one hundred (100) feet into the less restrictive portion, provided the lot has frontage on a street in the more restrictive district.

SECTION 14.13 DRIVE-IN SERVICES

Any drive-in services facility shall be located at least sixty (60) feet from any private right-of-way and the business shall be located on a property at least two hundred (200) feet from any residential district boundary.

SECTION 14.14 AREA AND HEIGHT REGULATIONS (Lots, Yards and Buildings)

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A for Principal Buildings and Schedule B for Accessory Structures and in the regulations in this Article.

A. Lots of Less than the Required Dimensions

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 principal use permitted 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 adoption of this Ordinance and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimensional requirements.

B. Area Regulations

Lots that are not serviced by either public water and/or public sewer must have the minimum area as indicated by use with a minimum frontage of one-hundred fifty (150)

feet.

C. Reduction of Lot Area

The minimum yards and open spaces, including lot area per dwelling unit, required by this Ordinance 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 Ordinance.

D. Corner Lot

On a corner lot in any district, a yard shall be provided on each street equal in depth to the required front yard in that district. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a Permit.

E. Front Yard Exceptions

The minimum front yard setback of all principal buildings hereafter constructed within a residential district shall conform with Schedule A for the district in which the property is located and in addition shall not be less than the average front yard setback of all principal buildings in the block for a distance of 300 feet on each side of such 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 fifty (50) feet from the district boundary line in the less restrictive 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 restrictive district. If deemed necessary, the Zoning Board of Appeals may require a planting buffer/screen at least ten (10) feet wide to be located in an easement in the commercial district.

G. Yard Encroachments Permitted

The following elements of structures are not considered in determining yard requirements:

1. Uncovered paved terraces and patios.
2. Special structural elements such as cornices, chimneys, gutters, eaves and similar structural features.

3. Fire escapes or open stairways which project into the yard a maximum of six and one-half (6.5) feet.

H. Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, fire and hose towers and cooling towers.
3. Those structural extensions deemed necessary for appropriate building design, such as cornices or parapet walls, which may extend a maximum of six and one-half (6.5) feet above the height limitations and shall have no window openings.

I. Minimum Lot Width

No new lot shall be created unless said lot complies with all of the dimensional standards, including lot area and width, of the zoning district in which said lot is located.

J. Calculation of Lot Coverage

In the calculation of lot coverage, no adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.

K. Building Grades

1. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from said premises.
2. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade on the vacant lot and on the adjoining lots shall be used in determining the grade around the new building and the yard around the new building.
3. The final grade shall be approved by the Town Zoning Enforcement Officer.
4. For the purposes of defining the finish floor elevation, the average elevation between two structures shall be used; if it is not possible to determine the average, the Zoning Enforcement Officer will determine the finished floor elevation.

SECTION 14.15 CLEAR VISION AREAS

All corners at an intersection of two public streets or at a private road intersection with a public street shall maintain a clear vision zone free of buildings, fences, walls, signs, structures and landscaping between a height of thirty (30) inches and six (6) feet above the centerline elevation of the intersecting streets within a triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points twenty-five (25) feet distant from the point of intersection, measured along said lines. An open fence may have a maximum height of thirty-six (36) inches in a clear vision zone. Exempting pre-existing structures, buildings and walls, pre-existing conditions affected by this Section cannot be "grandfathered" due to the serious impact on pedestrian and motorist safety. All nonconforming situations must be corrected within twelve (12) months from the date of adoption of this ordinance.

SECTION 14.16 TEMPORARY STORAGE BUILDINGS

Temporary storage buildings may be erected on any lot in the Town of Schuyler subject to the following conditions:

- A. The building must meet the requirements specified for garages in Schedule B for the district in which it is located.
- B. The building may be erected for a maximum of twelve (12) months. An additional six (6) months may be allowed upon approval from the Zoning Board of Appeals, provided the property owner can demonstrate some hardship which would require the allowance of the additional time.
- C. A permit from the Town of Schuyler Zoning Enforcement Officer is required prior to the erection of any temporary storage building.

SECTION 14.17 BEEKEEPING

The keeping of bees and beehives for the purposes of harvesting honey, beeswax or other by-products, whether for personal use or for commercial sale, shall be permitted provided that no beehive shall be located closer than two hundred (200) feet from any residential or outdoor oriented commercial uses.

SECTION 14.18 HOME OCCUPATIONS

The Town of Schuyler recognizes that historically people have utilized their homes for limited non-residential purposes, also known as home occupations. However, the Town is also concerned about maintaining the integrity of its residential areas and wants to ensure that all home occupations are limited in scope and activity. In essence, a home occupation is allowed only where it is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

A. Applicability

Home occupations are allowed in all districts in the Town of Schuyler **contingent upon continued compliance** with the provisions of this Article.

B. Home Occupation Permit

Prior to the establishment of any home occupation in the Town of Schuyler, a "Home Occupation Permit" must first be obtained from the Town of Schuyler Zoning Enforcement Officer. This permit is renewable every four (4) years upon satisfactory proof that the requirements of this Article have been, and will be, continuously followed. Any home occupation that has operated illegally under the present Town of Schuyler Zoning Ordinance will continue to be an illegal use unless a Home Occupation Permit is obtained.

C. General Requirements

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards:

1. Home occupations must be clearly incidental to the use of the dwelling as a residence.
2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
3. The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, or vibrations.
4. The home occupation may increase vehicular traffic flow and parking by no more than one (1) additional vehicle at a time. No more than ten (10) customers or clients shall come to the dwelling unit for services or products during any one day. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
5. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
6. One (1) non-illuminated nameplate, not more than two (2) square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall display only the name and occupation of the resident on the premises.
7. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater extent or frequency than would normally be generated in a similarly

zoned residential district.

8. The professional office of a physician, dentist, lawyer, engineer, architect and other similar professions as a home occupation shall be allowed to employ no more than one (1) individual who is not a resident of the premises on which the home occupation is conducted:
9. All other permitted home occupations shall be allowed to employ only the residents of the premises on which the home occupation is conducted.
10. The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations:
 - a. Medical clinics and hospitals.
 - b. Animal hospitals or commercial kennels.
 - c. Minor or major auto repair, painting of vehicles, trailers or boats.
 - d. Private clubs.
 - e. Concrete, excavation, or similar contractors.
 - f. Trailer rental.
 - g. Restaurants and tea rooms.
 - h. Welding or machine shops.

This list does not include every use that is prohibited as a home occupation. If there is any question on the part of the Zoning Enforcement Officer as to whether the proposed home occupation can reasonably be expected to comply with the provisions of this Article, he can submit the application to the Zoning Board of Appeals for review. The Zoning Board of Appeals can then either approve the home occupation, approve the home occupation with additional conditions, or deny the request, stating in writing the reasons why the home occupation cannot meet the requirements of this Article.

D. Fees

The Town of Schuyler may establish a schedule of fees for the administration, issuance and enforcement of a home occupation permit. This will include the actual cost of reviewing applications, conducting site inspections, investigating complaints, and renewing permit applications.

E. Revocation of Home Occupation Permits

The right to conduct a home occupation in a place of residence is contingent upon the continuous compliance with the requirements of this Article. The failure to do so will result in the immediate revocation of the Home Occupation Permit by the Town Zoning Enforcement Officer. Another permit cannot be applied for unless it can be proven that the requirements of this Article can and will be met during the period that the permit is in effect.

SECTION 14.19 RESIDENTIAL LIVING AREA REQUIREMENTS

Minimum living areas measured from exterior faces of exterior walls, exclusive of garages and unenclosed porches, shall be shown in Table 14-1 below. The floor area of a split level or split foyer dwelling shall be the sum of the ground level living area of each such floor.

TABLE 14 - 1

ZONING DISTRICT	BUILDING STORIES	MINIMUM LIVING AREA PER DWELLING UNIT
R-1 & R-2 Residential Districts	One	864 sq. ft. per first floor
R-1 & R-2 Residential Districts	More Than One	720 sq. ft. per first floor
Single Family Dwelling in an R-M District	One	864 sq. ft. per first floor
Single Family Dwelling in an R-M District	More Than One	720 sq. ft. per first floor
R-A, Residential-Agricultural District	One	960 sq. ft. per first floor
R-A, Residential-Agricultural District	More Than One	800 sq. ft. per first floor
Manufactured Homes		600 sq. ft.

SECTION 14.20 TEMPORARY OCCUPANCY

Temporary occupancy of a basement or cellar may be permitted during construction of a dwelling for a period of up to three (3) years. This time period may be extended by the Zoning Board of Appeals for up to two (2) years at a time, if the applicant can demonstrate hardship

which has prevented the completion of the construction.

SECTION 14.21 OBJECTIONABLE ELEMENTS

No permitted, accessory or specially permitted use shall be operated or designed in a manner which creates any of the following substances, conditions and elements in such amount, detectable at the property line, as to adversely affect the surrounding properties.

- A. Fire, explosive or other such hazard.
- B. Noise or vibration.
- C. Smoke, dust, dirt or other form of air pollution,
- D. Electrical or other disturbance.
- E. Glare

SECTION 14.22 OFF-STREET PARKING AND LOADING REQUIREMENTS

- A. Applicability

Compliance with the off-street parking regulations shall be required under the following conditions:

1. For all buildings and uses established after the effective date of this Ordinance.
2. Whenever use or intensity of use of a building, structure or lot is changed, parking facilities shall be provided or increased as may be required by this Ordinance.

All off-street parking facilities required by this Ordinance shall be subject to site plan review and approval as specified in Article 13. Once approved, the total number of spaces or the size of individual spaces shall not be reduced without written approval from the Planning Board.

NOTE: The provisions of this Section shall not be deemed to apply to motor vehicle storage or display parking areas associated with a motor vehicle sale or rental establishment, except as may be required elsewhere in this Ordinance.

- B. Location

1. Off-street parking for multi-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or on a lot or parcel within three hundred (300) feet of the use being served, provided the lot being used for parking is under the same ownership and has the same zoning classification as the lot being served.

2. Off-street parking for commercial, office, multi-family residential and institutional uses may only be located in a side, rear or non-required front yard, and may not be located within twenty-five (25) feet of a single-family residentially or agriculturally zoned or used property, nor within ten (10) feet of any road right-of-way line.

C. Landscaping/Screening

Perimeter and interior landscaping for off-street parking facilities may be required by the Planning Board during the site plan review process. A landscaped buffer strip or solid fence shall be provided in any instance where off-street parking for a non-residential use abuts a residentially used or zoned property.

D. Accessibility

All uses where twenty (20) or more off-street parking spaces are required by the provisions of this Section shall be required to provide off-street parking spaces for the physically challenged. Such parking spaces shall be provided in accordance with the following requirements:

1. Location

Parking spaces for the physically challenged that serve a particular building shall be the spaces located closest to the nearest accessible entrance on an accessible route.

2. Parking Spaces

Parking spaces for the physically challenged shall be at least nine feet, six inches (9'6") in width and shall have an adjacent access aisle a minimum of five (5) feet wide. Two accessible parking spaces may share a common access aisle. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

3. Signage

Accessible parking spaces shall be identified by a sign and suitable permanent markings on the paved surface indicating parking reserved for the physically challenged only.

4. Requirements

The number of parking spaces for the physically challenged shall be included in the required number of parking spaces and shall be in accordance with the following table.

TABLE 14-2

TOTAL NUMBER OF PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
20 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1,000

E. Residential Parking

Off-street parking spaces in residential districts shall consist of a parking strip, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve. Residential off-street parking spaces shall be located whenever possible in the side or rear yard.

F. Minimum Required Spaces by Use

1. Definition of Floor Area

For the purposes of determining required number of parking spaces, "floor area" shall mean the Gross Floor Area (GFA), unless otherwise noted.

Where the floor area measurement is specified as Gross Leasable Floor Area, (GLFA) or usable area, parking requirements shall apply to all internal building areas excluding the floor area used for storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are yet undefined, leasable floor area shall be considered to be eighty five percent (85%) of the gross floor area.

2. Units of Measure

a. Fractional Spaces

When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half ($\frac{1}{2}$) may be disregarded, while a fraction of one-half ($\frac{1}{2}$) or more shall be counted as one space.

b. Employee Parking

Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.

c. Bench Seating

In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.

d. Stacking Space

Each required drive-through waiting or stacking space shall be twenty-four (24) feet long and nine (9) feet wide.

3. General

a. Where a given use or building contains a combination of uses as set

forth in the following table, parking shall be provided on the basis of the sum of the required spaces for each use.

- c. Where the required number of parking spaces is not set forth for a particular use in the following Sections, the maximum requirement for the general type of use that is involved shall govern.
- d. Where there is no similar general type of use listed, the Planning Board shall determine the required number of spaces to be provided.

G. Schedule of Off-Street Parking Requirements

USE	NUMBER OF PARKING SPACES REQUIRED
One and two-family dwellings	2.0 spaces per each dwelling unit
Three and four-family dwellings	1.5 spaces per each dwelling unit
Manufactured Homes	2.0 spaces per each manufactured home
Home Occupations	1.0 space per each client or patient
Administrative, professional, medical, governmental or utility office	1.0 space per each two hundred (200) square feet of gross floor area
Religious Institutions	1.0 space per each three (3) seats or six (6) linear feet of pews
Elementary and Junior High Schools	1.0 space per each instructor, employee or administrator, plus drop-off areas for school buses, plus one space per four (4) seats in any assembly hall, gymnasium, auditorium or outdoor arena
Senior High Schools	1.0 space per each instructor, employee or administrator, plus five (5) spaces per each classroom, plus drop-off areas for school buses, plus one space per four (4) seats in any assembly hall, gymnasium, auditorium or outdoor arena
Hospitals, Nursing Homes	1.0 space per each four (4) beds, plus 1.0 space per each employee

Banks	1.0 space per each two hundred fifty (250) square feet of gross leasable floor area (GLFA), plus 2.0 spaces per each ATM, plus 4.0 stacking spaces per each drive through window
Retail and Wholesale Sales Establishments, Convenience Stores	1.0 space per each two hundred fifty (250) sq.ft. of gross leasable floor area (GLFA)
USE	NUMBER OF PARKING SPACES REQUIRED
Motor Vehicle Service Station	2.0 spaces per each service bay (pump island), plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 sq. ft. devoted to sales of automotive goods or convenience items
Motor Vehicle Repair Stations	3.0 spaces for employees on the peak shift, but not less than 2.0 spaces for each lubrication stall, rack, pit, or similar service area, plus 2.0 waiting spaces for each service bay
Motor Vehicle Washing Establishment	2.0 spaces, plus 1.0 designated space per each employee on peak shift, plus 12.0 stacking spaces per bay for an automatic car wash or 3.0 stacking spaces per bay for a self-serve car wash
Personal Service Establishments	2.5 spaces per each chair/workstation
Funeral Home	15.0 spaces per each viewing room, plus spaces for each employee and for each business vehicle
Outdoor Recreation Establishments	

Driving Range Miniature Golf Course Golf Course Batting Cages	2.0 spaces per each tee 1.0 space per each course hole 6.0 spaces per each hole 3.0 spaces per each batting cage
Indoor Recreation Establishments Bowling Alley Theater Arcade	5.0 spaces per each alley 1.0 space per each two (2) persons of the maximum allowable capacity, as determined by the Fire Chief 1.0 space per each fifty (50) sq.ft. Of GLFA, with a minimum of six (6) spaces
Wholesale, Storage, Warehouse or Distribution Facility Truck Terminals	1.0 space per each one thousand (1000) sq. ft. of gross floor area
Machine Shops, Welding Shops Light Manufacturing Uses Cold Storage or Meat Packing Plants Development or Research Center Dairy Processing Plant	1.0 space per each two (2) employees on the peak shift, plus 1.0 space per each business vehicle
Wayside Stands	5.0 spaces, plus 1.0 space per each 100 sq.ft of floor area

H. Off-street Loading Areas

1. Applicability

At least one off-street loading space shall be provided for each commercial or institutional establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet. One additional loading space shall be provided for each additional square feet of gross floor area (GFA). Space for off-street loading shall be in addition to space for off-street parking.

Each off-street loading space shall be subject to the following minimum requirements:

- a. Each loading berth shall not be less than twelve (12) feet wide, thirty-

three (33) feet long and fourteen (14) feet in height.

- b. Space for such berth may occupy any part of any required side or rear yard, except that no such berth shall be located closer than fifty (50) feet to any residential district or use.

SECTION 14.23 SIGN REGULATIONS

The purpose of this section is to protect the public health, welfare and safety by regulating all types of signage in the community. It is intended that these regulations will improve communications within the community, protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and promote the development of a more enjoyable and pleasing community. It is further intended to reduce sign distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space and curb the deterioration of natural beauty and community environment.

A. DEFINITIONS

SIGN: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located outdoors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public.

ADVERTISING SIGN: Any sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

BUSINESS SIGN: Any sign placed on or in front of a building or on the premises to designate the name and nature of the business, profession or tradesman occupying the building or premises upon which the sign appears.

CONSTRUCTION SIGN: A sign identifying the individuals or companies involved in the design, construction, demolition, financing or development of a project, when erected on the property where the project is located.

DIRECTIONAL SIGN: A non-business sign displayed for the direction or convenience of the public in connection with a use on the lot on which it is erected, including, but not limited to signs which identify rest rooms, telephones, freight/delivery entrances, parking areas and public walkways.

DIRECTORY SIGN: A freestanding sign which lists the names and types of businesses or professions of the occupants of a shopping center or office building.

DOUBLE-FACED SIGN: Any sign with two faces back to back that cannot be viewed from the same point.

ERECT: To build, construct, hang, place, suspend or affix and shall also include the

painting of wall signs.

FREESTANDING SIGN: A detached sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a detached sign which is erected on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign.

HOME OCCUPATION SIGN: A sign advertising an approved home occupation conducted within a dwelling unit.

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

INSTITUTIONAL SIGN: A sign which identifies the use of a building or property as institutional in nature. Institutional uses include schools, religious institutions and day care centers and child care centers operated in conjunction with and accessory to either of the above uses.

NAMEPLATE SIGN: A sign used solely for showing the name and address of the occupant of a residential structure on the lot on which it is displayed.

NEIGHBORHOOD SIGN: A sign, located on privately or jointly owned property and not in the public right-of-way, which identifies the entrance into a specific neighborhood, subdivision or development.

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

PROJECTING SIGN: Any sign, other than a wall sign, suspended from or supported by a building or sign structure and projecting therefrom.

REAL ESTATE/SUBDIVISION SIGN: A temporary sign used to advertise the availability, lease, rental or sale of the lot or structure on which it is displayed.

SIGN FACE AREA: The surface area of any sign that is within view of a public right-of-way, visible from any one point of view. The sign face area includes the entire surface within the frame of the sign, and is determined by taking the area of the smallest rectangle that can be placed over the entire sign. Both faces of a double-faced sign shall be used to determine sign face area.

TEMPORARY SIGN: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time, and advertising an event which is intended to occur over a limited duration.

SIGN HEIGHT: Is the vertical distance, measured in feet after sign erection, from the average grade elevation to the highest point of a sign face, frame or post, whichever is higher.

WALL (FACIA MOUNTED) SIGN: 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, and not extending more than fifteen (15) inches from the face of such wall.

B. GENERAL PROVISIONS

The following provisions shall apply to all signs located in all zoning districts in the Town of Schuyler:

1. All signs shall be constructed in accordance with New York State Uniform Fire Prevention and Building Code, shall be maintained in a good condition, shall be kept free of defects or hazards and shall not be allowed to become dilapidated or deteriorated. Excessively weathered or faded signs shall be removed or put into a good state of repair. All non-operative or broken interior lighted illuminated signs shall be repaired.
2. No sign shall be erected on a property without the owners permission.
3. No sign requiring a permit shall be erected before the permit is obtained.
4. No sign shall be erected or maintained in such a manner as to project over or above any street or property line. No sign shall be erected in any public right-of-way.
5. Signs shall not be erected or maintained in any location or manner which may constitute a hazard to public safety, health or welfare or may hinder or block the view of an operator of a motor vehicle on any street.
6. A permit is required for all signs except those identified as being exempt or "not requiring a permit". Town Planning Board Site Plan Review is required for all signs with a sign area of one hundred (100) square feet or more.
7. Any sign requiring a permit shall have a sign label permanently affixed to it. The label shall include the following information: the Town's sign permit number, the date the permit was issued, the name, address and telephone number of the person or persons responsible for the maintenance and the property owner's name, address and phone number (if different from above). The design, size and location of the label shall be reasonable and be determined by the Town. The cost to install and maintain the sign label is the responsibility of the person or persons to whom the sign permit was issued.
8. Signs may be erected or maintained only in connection with permitted uses.
9. No signs shall be erected or maintained on the roof or eave of any building.
10. Flashing, rotating, revolving, reflecting, intermittent, portable or mobile signs shall be prohibited.
11. Illumination of signs shall be so arranged so as to prevent direction thereof upon a public street or adjacent premises that may constitute a traffic hazard or public nuisance.
12. No freestanding sign shall exceed twenty-five (25) feet in height.
13. No sign shall be painted, pasted or similarly posted directly upon the surface of any

wall, fence or standard facing the side of any adjoining lot located in any residential district.

14. Signs painted, erected, affixed or maintained on any bench, tree, stone or any natural object in the public right-of-way shall be prohibited.
15. Signs and sign structures attached to the wall of any building shall not extend above the roof line of said building, except as may be otherwise provided for herein.

C. SIGNS EXEMPT FROM REGULATION

The following types of signs shall not be subject to the provisions of this Article:

1. Signs of a duly constituted governmental body, including, but not limited to, traffic and similar regulatory devices, legal notices or warnings at railroad crossings.
2. Flags or emblems of political, civic, charitable, educational or religious organizations.
3. Memorial or historical signs or markers.
4. Snipe signs erected on a parcel ten acres or larger with a sign area no larger than one square foot used for the purpose of a no trespassing or posted notification. This sign must be erected and maintained in conformance with NYS Department of Environmental Conservation regulations.
5. Signs of a holiday theme during the months of December and January providing that no audible or lighting device is placed, directed or beamed upon a street, or another parcel or causes glare, reflection or sound that may constitute a traffic hazard or public nuisance.

D. SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following types of signs may be erected and maintained in the Town of Schuyler without a permit from the Town Zoning Enforcement Officer Inspector, provided such signs comply with the general requirements of this Ordinance and other conditions specifically imposed by this Article.

1. Nameplate Signs
 - a. There shall be one (1) nameplate sign for each family occupying a single or two-family residential structure.
 - b. The maximum sign face area of a nameplate sign shall be two (2) square foot.
 - c. The maximum height to the top of a freestanding nameplate sign shall be five (5) feet.
 - d. The maximum height to the top of a wall mounted nameplate sign shall be twelve (12) feet or the height of the first level of the structure, whichever is

lower.

- e. The required minimum setback for nameplate signs shall be ten (10) feet from all property lines, unless the sign is attached to a mailbox within the public right-of-way.

2. Real Estate and Subdivision Signs

- a. A real estate sign may only be erected on the property advertised in the sign message as being that property for sale or lease.
- b. A subdivision sign may be erected on any portion of the property to be subdivided and sold.
- c. The sign face area of any real estate sign shall not exceed six (6) square feet for properties located in residential districts.
- d. The sign face area of any real estate sign shall not exceed twenty-four (24) square feet for properties located in all other districts.
- e. The sign face area of any subdivision sign shall not exceed sixteen (16) square feet for properties located in residential districts.
- f. The sign face area of any subdivision sign shall not exceed thirty-two (32) square feet for properties located in all other districts.
- g. Not more than one (1) real estate or subdivision sign shall be placed upon a property, except for the following:
 - i. If a property fronts on more than one street, one (1) sign may be erected on each frontage.
 - ii. If a property has more than two hundred (200) feet of continuous frontage on one street, one (1) sign may be placed every two hundred (200) feet along the property frontage.
- h. Real estate signs shall be removed from the property within fourteen (14) days of the sale or lease of same.
- i. Subdivision signs shall be removed from the property within thirty (30) days of the sale of seventy-five percent (75%) of the lots in the originally approved subdivision.

3. Construction Signs

The sign face area of construction signs shall not exceed sixteen (16) square feet per sign face or thirty-two (32) square feet in total sign face area per lot. This type of sign may be erected no earlier than thirty (30) days prior to the start of construction and shall be removed no later than fourteen (14) days after construction is completed, and in no case shall exceed one hundred eighty (180) days total on the property.

4. Directional Signs

Small signs displayed for the direction or convenience of the public, including, but not limited to, signs which identify rest rooms, telephones, freight/delivery entrances, parking areas and public walkways, with sign face area not exceeding four (4) square feet per sign and a total sign face area of twenty (20) square feet per lot.

5. Event Signs

Signs announcing a campaign drive, election or other event of political, civic, charitable, educational or religious organizations. Such signs shall not exceed twelve (12) feet in height or thirty-two (32) square feet in sign face area and shall be removed within ten (10) days following the end of the campaign, the election or the event.

6. Neighborhood Signs

One neighborhood sign, not to exceed thirty-two (32) square feet in area, shall be permitted for the purposes of identification of a neighborhood, subdivision or development. This sign shall not be located in the public right-of-way and there shall be only one such sign permitted for each neighborhood, subdivision or development.

E. SIGNS PERMITTED BY ZONING DISTRICT

1. RESIDENTIAL DISTRICTS (R-1, R-2, R-A, R-M)

A. Single-Family, Two-Family and Multi-Family Dwellings

Only nameplate, real estate/subdivision, construction and event signs and signs associated with a home occupation are allowed accessory to single-family, two-family and multi-family dwellings and manufactured homes. (NO SIGN PERMIT REQUIRED)

B. Family Day Care Homes, Group Family Day Care Homes, Bed and Breakfasts

Only one (1) externally illuminated freestanding or fascia mounted sign is permitted on a property. The maximum sign face area shall not exceed two (2) square feet and the height to the top of such sign shall not exceed five (5) feet. The sign shall be setback from all property lines a minimum of eight (8) feet. (SIGN PERMIT REQUIRED)

C. Religious Institutions, Hospitals and Nursing Homes, Schools, Day Care and Child Care Centers (Operated in conjunction with and accessory to a religious institution or school)

One (1) externally illuminated freestanding or fascia mounted identification sign not to exceed thirty-two (32) square feet in sign face area is permitted. The height to the top of the sign shall not exceed eight (8) feet and the sign shall be set back from all property lines a minimum of ten (10) feet. If the property in question has frontage on more than one street, a separate sign may be erected on each frontage. (SIGN PERMIT REQUIRED)

D. Nurseries, Manufactured Home Parks

One (1) externally illuminated freestanding or fascia mounted business identification sign not to exceed sixty-four (64) square feet in sign face area is permitted. The height to the top of the sign shall not exceed ten (10) feet and the sign shall be set back from the front property line a minimum of ten (10) feet and from the side property lines a minimum of fifteen (15) feet. (SIGN PERMIT REQUIRED)

E. Agricultural Operations

One (1) externally illuminated freestanding or fascia mounted sign advertising an operating farm or the sale of agricultural products grown or produced on the property may be erected, not exceeding thirty-two (32) square feet in sign face area or eight (8) feet in height. The sign shall be setback from all property lines a minimum of eight (8) feet. (SIGN PERMIT REQUIRED)

F. All Other Principally and Specially Permitted Uses in the R-1, R-2, R-A and R-M Zoning Districts

Any sign to be erected accessory to a principally permitted or specially permitted use in all residential districts shall be governed by the standards of the commercial district regulations. Any sign erected accessory to a legal nonconforming use in all residential districts shall require Site Plan Review by the Planning Board. (SIGN PERMIT REQUIRED)

NOTE: ADVERTISING SIGNS ARE NOT PERMITTED IN RESIDENTIAL DISTRICTS

2. COMMERCIAL DISTRICTS (C-H, C-I)

- a. Single-Family and Two-Family Dwellings, Family Day Care Homes, Group Family Day Care Homes, Bed and Breakfasts, Manufactured Homes, Religious Institutions, Schools, Day Care and Child Care Centers (Operated in conjunction with and accessory to a religious institution or school)

The regulations covering signs permitted accessory to these uses are the same as specified for the residential districts.

- b. All Other Permitted and Specially Permitted Uses

The following requirements shall apply to all signage accessory to permitted commercial uses in the C-H and C-I zoning districts (SIGN PERMIT REQUIRED FOR ALL BUSINESS SIGNS):

- i. Area

The total sign face area, in square feet, of all business signs on a lot in the C-2, Highway Commercial district shall not exceed two times (2x) the lineal feet of street frontage. Only one freestanding business sign, not to

exceed three hundred (300) square feet in sign face area, shall be permitted for each zoning lot and will be located fronting on the principal street.

ii. Projection

No sign, when attached to the wall of a building, shall project more than thirty-six (36) inches from the face of the wall of such building.

iii. Height

The height to the top of a business sign in the C-H and C-I districts, whether freestanding or fascia mounted, shall not exceed twenty-five (25) feet and no business sign shall extend more than five (5) feet above the roof line of any building.

iv. Setback

All business signs in the C-H and C-I districts shall be setback a minimum of fifteen (15) feet from the front property line and twenty (20) feet from both side property lines.

c. Shopping Centers, Office Buildings

For shopping centers and office buildings with three (3) or more tenants, one freestanding directory sign, in addition to those allowed under the previous subsection (b) above, shall be permitted subject to the following conditions (SIGN PERMIT REQUIRED FOR ALL DIRECTORY SIGNS):

i. Conflict

A directory sign shall not be permitted on any lot where a freestanding business sign exists.

ii. Content

Such sign shall advertise only the name and location of such shopping center or office building, and the name and type of business or profession of each occupant of the shopping center or office building. A message board may be incorporated as part of a shopping center directory sign.

iii. Area

The sign face area, in square feet, of a directory sign in the C-H and C-I districts shall not exceed two times (2x) the lineal feet of street frontage on such zoning lot, not to exceed a maximum gross sign face area of three hundred (300) square feet.

iv. Height

The maximum height to the top of a directory sign shall not exceed twenty-five (25) feet.

v. Setback

All directory signs shall be setback a minimum of fifteen (15) feet from the front property line and twenty (20) feet from both side property lines.

3. C-T (COMMERCIAL-TELECOMMUNICATIONS DISTRICT) & F-P (FLOODPLAIN DISTRICT)

a. All Permitted Uses

The following requirements shall apply to all signage accessory to any permitted and specially permitted uses in the C-T and F-P zoning districts (SIGN PERMIT REQUIRED):

i. Area

The total sign face area, in square feet, of all business signs on a lot in the C-T, Commercial-Telecommunications and F-P Floodplain districts shall not exceed sixty (60) square feet.

ii. Projection

No sign, when attached to the wall of a building, shall project more than twelve (12) inches from the face of the wall of such building.

iii. Height

The height to the top of a business sign in the C-T and F-P districts, whether freestanding or fascia mounted, shall not exceed fifteen (15) feet and no business sign shall extend above the roof line of any building.

iv. Setback

All business signs in the C-T and F-P districts shall be setback a minimum of twenty (20) feet from the front property line and twenty-five (25) feet from both side property lines.

NOTE: ADVERTISING SIGNS ARE NOT PERMITTED IN THE C-T, COMMERCIAL-TELECOMMUNICATIONS AND F-P FLOODPLAIN DISTRICTS

4. ADVERTISING SIGNS

The following regulations shall apply to all advertising signs in the Town of Schuyler:

- a. Advertising signs shall be considered a specially permitted use and shall require the issuance of a special use permit.
- b. Advertising signs shall only be allowed in the C-H and C-I zoning districts.
- c. No advertising sign shall be permitted within two hundred (200) feet of a public street, within three hundred (300) feet of any residential property, within five hundred (500) feet of another advertising sign or within seven hundred fifty (750) feet of any park, school, church, government building or similar institutional use.
- d. No advertising sign shall exceed twenty-five (25) feet in height from ground level or four hundred (400) square feet in sign face area.
- e. No advertising sign shall be painted upon the surface area of any building.
- f. No advertising sign shall be erected on the top of any building.
- g. All advertising signs shall have a minimum setback of twenty (20) feet from the front property line and thirty (30) feet from both side and rear property lines.
- h. The name of the person(s) erecting and maintaining such sign shall be plainly marked on such sign in a manner prescribed by the Codes Enforcement Officer.

5. ADMINISTRATION

a. Application for Permit

Application for a sign permit shall be made in writing on forms provided by the Zoning Enforcement Officer and shall contain the following information:

- i. Name, address and telephone number of the applicant and the owner of the property (if different).
- ii. Location of the building or real property upon which the sign is to be attached or erected.
- iii. A drawing (to scale) shall be submitted which shows the lettering, symbols, materials, colors, and/or pictorial matter composing the sign.
- iv. The method of illumination, if any, and the position of lighting or other extraneous devices.
- v. Written consent of the property owner (if different from the applicant), or a copy of a contract between the applicant and property owner.

b. Fees

The applicant, upon issuance of a sign permit, shall pay to the Town a fee in

accordance with the following schedule:

TO BE DETERMINED BY THE SCHUYLER TOWN BOARD

SECTION 14.24 MAINTENANCE OF PROPERTY

- A. All properties within the Town of Schuyler shall be maintained in a manner which conforms with the Property Maintenance Code of New York State and the New York State Fire Prevention Code, or their successor(s). The exterior area of the property shall be maintained in a manner so as not to cause measurable depreciation in property values. No property used for commercial purposes shall have any outdoor accumulation of used machinery, equipment, parts, appliances, electronic equipment, including, but not limited to, other miscellaneous items of property collected for, or as a result of, the dismantling, salvaging, and/or sale of those items or the parts thereof. The Zoning Board of Appeals, however, may grant a special use permit for a Materials Storage Area, pursuant to the provisions of Article 15 of this Ordinance. A 12 month (one year) "grandfather" clause will be allowed to provide existing businesses with an adequate time period in which to fully comply with the ordinance.
- B. No property owner in the Town of Schuyler shall allow the grass in the front yard of their property to exceed a height of ten (10) inches. Any property owner found in violation of this regulation shall be notified in writing by the Zoning Enforcement Officer and given fourteen (14) days to correct the violation. If the property owner does not comply within the allotted time, the Town of Schuyler may cut the grass and bill the cost of the cutting to the property owner by adding it to the owner's next tax bill.

SECTION 14.25 SANITATION

- A. Pursuant to the authority vested in the Commissioner of Health by Section 201(1)(I) of the Public Health Law, Appendix 75-A of Part 75 of the Administrative Rules and Regulations contained in Chapter II of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, is REPEALED in its entirety and replaced by a new Appendix 75-A.
- B. Storm and Surface Drainage
1. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.
 2. Storm drainage shall be conveyed to an adequate and approved system of storm water disposal where available. Storm drains shall not discharge onto the sidewalk, street or adjacent property in such a manner as to create a nuisance or hazard.
- C. Garbage & Refuse
1. The Rules and Regulations of the State of New York and the Oneida-Herkimer County Solid Waste Management Authority shall govern the collection, storage, handling and disposal of garbage and refuse.

2. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
3. In multi-family dwellings, it shall be prohibited to store or accumulate garbage or refuse in public halls or stairways.

D. Pests

1. Grounds, buildings and structures shall be maintained free of vermin and rodents. Extermination of such pests shall be by a method which conforms to generally accepted practices.

SECTION 14.26 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

A. MANUFACTURED HOMES

1. All manufactured homes located or installed after the effective date of this Ordinance or its amendments shall comply with the State Code for Construction and Installation and Standards, Rules and Regulations for Manufactured Homes, effective January 15, 1974, and as it may be amended.
2. A permit shall be required for any addition or alteration to the manufactured home and such permit shall include a provision for removing the structural addition at such time as the manufactured home is removed or relocated, unless a Certificate of Compliance is granted.
3. An approved metal, wood, vinyl or other suitable skirting or framing, properly ventilated and attached shall enclose that area from the bottom of the floor line of the manufactured home to the ground.

B. MANUFACTURED HOME PARKS

All proposed manufactured home parks shall be subject to and developed in accordance with the provisions of this Ordinance, particularly Article 13, Site Plan Review and the following regulations:

1. A manufactured home park shall have a minimum lot size of five (5) acres.
2. Within the manufactured home park, the minimum distance between individual manufactured homes shall be thirty (30) feet. This minimum distance shall be maintained with regard to any additions, structures and/or projections from the main building, except that unenclosed steps, awnings and one utility shed are exempt from this thirty (30) foot minimum requirement.
3. Replacement of manufactured homes in existing parks will only be permitted where existing clearance limits are maintained or the thirty (30) foot minimum requirement is met, whichever is less.

4. Utility sheds in a manufactured home park shall be restricted to a maximum area of ten (10) feet long by ten (10) feet wide by eight (8) feet in height and shall be located a minimum of seven (7) feet from the manufactured home. A building permit shall be obtained prior to commencing construction.
5. A building permit shall be required for any addition or alteration to the manufactured home and such permit shall include a provision for removing the structural addition at such time as the manufactured home is removed or relocated.
6. Sanitary Facilities
 - a. Water and Sewer

All water supply and sewage disposal systems shall be approved by the New York State Department of Health and/or the Department of Environmental Conservation, as is applicable.
 - b. Storm and Surface Drainage

The standards of Section 14.25B shall apply.
 - c. Garbage and Refuse Disposal

The standards of Section 14.25C shall apply.
6. Utility and Fuel Installations
 - a. All wiring, fixtures and appurtenances shall be installed and maintained in accordance with the specifications and regulations of the local utility company. Whenever possible, electrical transmission and other utility lines shall be placed below ground.
 - b. Liquefied petroleum gas systems designed and installed in conformity with NFPA 58, Storage and Handling of Liquefied Petroleum Bases, are deemed to meet the requirements of this Ordinance.
 - c. Equipment for flammable liquids designed and installed in conformity with NFPA 30, Flammable and Combustible Liquids Code, is deemed to meet the requirements of this Ordinance.
7. Roadways
 - a. All internal roadways within a manufactured home park shall have a paved or stone course maintained in a dust-free manner. The minimum width of such roads shall be twenty-two (22) feet for two-way traffic and fifteen (15) feet for one-way traffic.

- b. There shall be no dead-end streets in any manufactured home park. A cul-de-sac or “Y” turnaround will be provided in accordance with those provisions set forth in the Town Subdivision Regulations.
- c. No manufactured home shall be located within twenty (20) feet of any internal roadway or within fifty (50) feet of a public road right-of-way.

8. Off-street Parking

A minimum of two (2) off-street parking spaces shall be provided for each manufactured home lot in the manufactured home park. This parking space shall be located on the manufactured home lot and not within the required road and shoulder area.

9. Recreation Area

An open space area of at least ten (10) percent of the total land area of the park and suitable for recreation and play purposes shall be designated on the site plan and shall be an integral part of any proposed manufactured home park. No such open space area shall be placed in any designated floodplain or wetland.

10. Improvements

Each manufactured home owner-tenant shall be required to screen the area between the ground and the bottom of the manufactured home with suitable, properly ventilated skirting, within ninety (90) days after location in the manufactured home park. Notification of such requirement shall be the responsibility of the manufactured home park operator.

11. Records

- a. Each manufactured home within the manufactured home park shall bear a readily identifiable number.
- b. Each manufactured home park shall contain an office on the premises in which shall be maintained a book recording the names of each household head and the manufactured home number.

12. Permits

No manufactured home park shall be established in the Town until a Permit has been applied for and granted in compliance with this Ordinance. Site Plan Review and approval by the Town Planning Board is required for such a Permit to be issued. Application for a Permit to develop and operate a manufactured home park shall be made in accordance with the procedures outlined in Article 13 of this Ordinance. In addition, the applicant shall provide proof of approval of the County and State Health Departments with regard to all matters under their jurisdiction.

13. License

- a. The manufactured home park owner shall not permit occupancy of any manufactured home in the park until a license to operate has been issued.
- b. After such time that all conditions specified for the establishment of the manufactured home park , including site plan approval from the Planning Board, have been met, the Zoning Enforcement Officer shall issue an initial operating license.
- c. All licenses shall be effective until December 31 of the calendar year of their issuance. An application for renewal of an operating license, accompanied by the required application fee, shall be made to the Town Clerk at least thirty (30) days prior to the expiration date of the previous license. Upon recommendation of the Zoning Enforcement Officer, the Town Board shall authorize or deny such license in accordance with the requirements set forth in this section.
- d. A temporary license to operate may be requested by the park owner prior to completion of the park. The Zoning Enforcement Officer may, upon approval of the completed portion, issue a temporary operating license for a specified number of homes. The Zoning Enforcement Officer may, from time to time, re-issue the temporary operating license increasing the number of manufactured homes specified for occupancy.
- e. All temporary operating licenses shall be effective until December 31 of the calendar year of their issuance. An application for renewal of a temporary operating license shall be made to the Town Clerk at least thirty (30) days prior to the expiration date of the previous license. Upon recommendation of the Zoning Enforcement Officer, the Town Board shall authorize or deny such license in accordance with the requirements set forth in this section.
- f. Licenses shall not be transferred or reassigned and become void upon the transfer or change of ownership of the property.
- g. If the Town Board, upon inspection, finds that a licensed manufactured home park is not being maintained in a clean and sanitary condition or that such manufactured home park is not being operated in conformance with the provisions of this Ordinance, it shall serve an order, in writing, upon the holder of such license or the person in charge of such manufactured home park. The order will state that corrective action with regard to the conditions specified therein shall commence within ten (10) days of the service of such order and be completed within thirty (30) days. If after the expiration of such period, such conditions remain unchanged or are not corrected in accordance with the order of the Board, the Board shall an order, in writing, upon the holder of such license or the person in charge of such manufactured home park to appear before the Town Board at a time and place to be specified in

such notice, and show cause why such license should not be revoked. The Town Board may, after a hearing, revoke such license if the holder has violated the regulations applicable to such manufactured home park or any of the other provisions of this Ordinance. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of a manufactured home park and all occupants shall be removed therefrom.

SECTION 14.27 ADULT ORIENTED USES

For regulations governing adult oriented uses, please refer to Local Law No. 1 of 1997.

SECTION 14.28 PRIVATE MOTOR VEHICLE SALES

Motor vehicles may be sold on premises other than by a registered dealer at a registered place of business in the Town of Schuylers subject to the following conditions:

- A. There shall be no more than one (1) vehicle offered for sale at a time.
- B. A maximum of five (5) vehicles may be sold on the premises in any twelve (12) consecutive month period.
- C. A permit shall be required for the sale of a motor vehicle under this section.
 - 1. An application for a permit shall be made to the Town Clerk, and shall include the following information:
 - a. The name of the person offering the vehicle for sale.
 - b. h. The address of the premises where the vehicle will be offered for sale.
 - c. The name of the property owner, if different from the seller.
 - d. The make, model, color and vehicle identification number of the motor vehicle.
 - e. There shall be no charge for a permit.
 - 2. A permit will be valid for a period of one year.
 - 3. A separate permit shall be required for each vehicle offered for sale.
 - 4. The permit shall be prominently displayed on the vehicle offered for sale so as to be readily visible from the highway.
- D. A motor vehicle offered for sale under this section shall be located no closer than fifteen (15) feet from the property line.

- E. The residential motor vehicle sales permit shall be prominently displayed on the vehicle offered for sale so as to be readily visible from adjacent roadways.
- F. Any motor vehicle offered for sale on a residential property shall be located no closer than fifteen (15) feet from any front or side property line.