

At a Meeting of the Town Board of Manheim, New York, pursuant to Public Notice, held at the Town Building at Hendrick's Manor on Route 167 in said Town on the <sup>15TH</sup> 28th day of <sup>MAY</sup> November, 1972 <sup>75</sup>

John Sabatello a Member of such Board moved that the proposed <sup>"Subdivisor Regulations"</sup> Zoning Ordinance for this Town prepared and filed by the Planning Board, presented herewith be enacted and adopted by the Town Board of Manheim as the <sup>"Subdivisor Regulations"</sup> "Zoning Ordinance of the Town of Manheim".

Vote of Town Board (Aye) (~~Nay~~) Charles R. Dolge Supervisor  
*absent* (Aye) (~~Nay~~) George M. Lyon Justice of Peace  
(Aye) (~~Nay~~) John A. Sabatello Justice of Peace  
(Aye) (~~Nay~~) Frederick W. Doerrler Councilman  
(Aye) (~~Nay~~) Robert F. Cook Councilman

Dated November 28, 1972

Edith H. Burton  
Edith H. Burton  
Town Clerk

*Meeting closed at 9:00 P.M.*

1/2/72  
TOWN OF MANHEIM ZONING ORDINANCE

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Z O N I N G   O R D I N A N C E ,   T O W N   O F   M A N H E I M ,   N E W   Y O R K

ARTICLE I :   E N A C T I N G   C L A U S E ,   T I T L E ,   P U R P O S E S ,   A P P L I C A T I O N

Section 101   E N A C T I N G   C L A U S E

Pursuant to the authority conferred by Chapter 62, Article 16 of the Town Law of the State of New York, the Town Board of the Town of Manheim hereby adopts and enacts as follows:

Section 102   T I T L E

This Ordinance shall be known as the "Zoning Ordinance of the Town of Manheim, New York."

Section 103   P U R P O S E S   O F   T H E   Z O N I N G   O R D I N A N C E

The purposes of this Zoning Ordinance, regulations, and zoning districts as outlined on the zoning map are to provide for orderly growth in accordance with a comprehensive plan, to lessen congestion in the streets, to secure safety from fire, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and to promote the health, safety and general welfare of the public.

The Zoning Ordinance, regulations and zoning districts have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

Section 104   A P P L I C A T I O N   O F   R E G U L A T I O N S

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended and no land, building or structure or part thereof shall be occupied or used unless in conformity with the regulations specified for the district in which it is located. Nothing herein contained shall require any change in plans or construction of a building for which a permit has been issued.

Section 105   V A L I D I T Y

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision.

Section 110    DEFINITIONS

As used in this Ordinance the following words shall have these meanings:

**ACCESSORY USE OR BUILDING:** Use or building customarily incidental and subordinate to principal use or building, and located on the same lot.

**AGRICULTURAL USE:** Land containing at least two acres which is used for raising livestock or agricultural products, including farm structures and storage of agricultural equipment; riding and boarding stables; and as an accessory use, sale of agricultural products raised on the property.

**ALTERATION:** Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment.

**BASEMENT:** Story partly underground. A basement shall be counted as a story if vertical distance between basement ceiling and average grade level of adjoining ground is more than six feet.

**BOARDING HOUSE:** Owner-occupied dwelling wherein more than three people are sheltered for profit.

**BUILDING:** Structure having a roof supported by columns or walls and intended for shelter or enclosure of persons, animals or chattels.

**BUILDING AREA:** Total of areas taken on a horizontal plane at main finished grade level of principal building and all accessory buildings excluding uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

**BUILDING FRONT LINE:** Line parallel to front lot line transecting that point in the building face which is closest to front lot line. This face includes porches but does not include steps.

**BUILDING HEIGHT:** Vertical distance measured from average elevation of proposed finished grade at front of building to highest point of roof for flat and mansard roofs, and to average height between eaves and ridge for other types of roofs.

**BUILDING LINE WIDTH:** The width of a lot measured between property lines, along the building front line.

**CAMP:** Land on which are located one or more cabins, trailers, shelters, houseboats or other accommodation for seasonal or temporary living purposes, excluding mobile homes.

**CLUB:** Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit. Includes YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accommodation.

**COMMUNITY CENTER:** Meeting hall, place of assembly, museum, art gallery, library, not operated primarily for profit.

**COVERAGE:** That percentage of lot area covered by building area.

**DRIVE-IN SERVICE:** Building or use where a product is sold to, or a service performed for customers while they are in or near their motor vehicle.

**DUMP:** Land used for disposal by abandonment, dumping, burial, burning or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DWELLING UNIT:** Building or part thereof used as living quarters for one family. The terms "dwelling," "one-family dwelling," "two-family dwelling," or "multiple family dwelling" shall not include a motel, hotel, boarding house, tourist home, mobile home, camp or similar structure.

**DWELLING, ONE-FAMILY:** Detached building used as living quarters by one family.

**DWELLING, TWO-FAMILY:** Building used as living quarters by two families living independently of each other.

**DWELLING, MULTIPLE FAMILY:** Building used as living quarters by three or more families living independently of each other.

**FAMILY:** One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five unrelated members.

**GASOLINE STATION:** Building or land used for sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing vehicles, but not including painting or body repairs.

**HOME OCCUPATION:** Accessory use of a service character conducted within a dwelling by residents thereof, which is clearly secondary to dwelling use for living purposes and does not change the character or have any exterior evidence of such use except a business sign, and which conforms to the following additional conditions:

Home occupations shall be carried on wholly within the principal or accessory building. Not more than one person outside the family shall be employed. There shall be no exterior storage of materials used in the occupation.

Home occupation includes antique sales, artist, babysitting, barber, beautician, cooking, drafting, dressmaking, electrical, radio and television repair, furniture refinishing, laundering, photographer, upholsterer, and other trades and businesses of similar nature.

Home occupation shall not include animal hospital, commercial stable or kennel, convalescent home, garage or repair of motor vehicles, mortuary, music or dancing instruction to groups, or restaurant.

**HOSPITAL:** Sanitarium, clinic, rest home, nursing home, convalescent home, home for aged, and any other place for diagnosis and treatment of human ailments.

**JUNK YARD:** Land or building used for collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for collecting, wrecking, dismantling, storage, salvaging or sale of machinery parts or vehicles not in running condition.

**KENNEL:** Land or building used for harboring four or more dogs over six months old.

**LOADING SPACE:** Off-street space at least twelve feet wide by forty feet long used for temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.

**LOT:** Land occupied or which may be occupied by a building and its accessory uses, together with such open spaces as are required, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be determined by the Planning Board to be adequate as a condition of the issuance of a building permit for a building.

**LOT AREA:** Total area within property lines, excluding any part thereof lying within the boundaries of a street, or proposed street.

**LOT, CORNER:** Lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if tangents to the curve at points of intersection of side lot lines intersect at an interior angle of less than 135 degrees.

**LOT DEPTH:** Mean horizontal distance from street line of the lot to its opposite rear line measured at right angles to the building front line.

**LOT FRONTAGE OR WIDTH:** Distance measured across width of the lot at the required building front line.

**NONCONFORMING USE:** Use of land or structure which does not comply with all regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment or amendment of this Ordinance.

**OWNER:** Person or persons holding title to the property.

**PARKING SPACE:** Off-street space at least nine feet wide by twenty-two feet long used for temporary location of one licensed motor vehicle. Such space shall have access to a street or alley.

**PROFESSIONAL RESIDENCE-OFFICE:** Residence in which the occupant has a professional office which is clearly secondary to one-family dwelling use for living purposes and does not change the residential character, and where not more than one person outside the family is employed.

**RELIGIOUS INSTITUTION:** Church, temple, parish house, convent, seminary and retreat house.

RESIDENTIAL USE: One-family dwelling, two-family dwelling, multiple family dwelling, professional residence-office and mobile home.

RETAIL STORE: Enclosed restaurant, store for sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

SCHOOL: Parochial, private and public school, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

SIGN: Any device, structure, building or part thereof, for visual communication used for the purpose of bringing the subject thereof to the public's attention.

SIGN, ADVERTISING OR BILLBOARD: Sign which directs attention to a business, industry, professional, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same lot.

SIGN, BUSINESS: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including "For Sale or Rent" signs.

STREET: Public way for vehicular traffic which affords principal means of access to abutting properties.

STREET LINE: Right of way line of a street as dedicated by a deed or record. Where the street width is not established, the street line shall be considered to be thirty feet from center line of street pavement.

TOURIST HOME: Owner-occupied dwelling in which overnight accommodation is provided for transient guests for profit.

USE, PERMITTED: Use specifically allowed in the district, excluding illegal and nonconforming uses.

YARD: Space on a lot not occupied with a building. Porches shall be considered as part of the main building and shall not project into a required yard.

YARD, FRONT: Yard between front lot line and front line of a building extended to side lot lines. Depth of front yard shall be measured from street line to front line of building.

YARD, REAR: Yard between rear lot line and rear line of a building extended to side lot lines. Depth of rear yard shall be measured from rear lot line to rear line of building.

YARD, SIDE: Yard between principal building or accessory building and a side lot line, and extending through from front yard to rear yard.

ARTICLE II : ENFORCEMENT, ADMINISTRATION AND AMENDMENTS

Section 201 ENFORCEMENT

This Ordinance shall be enforced by the Zoning Enforcement Officer.

Section 202 FEES FOR PERMITS, ZONING CHANGES AND VARIANCES

Fees may be charged for permits issued, and for processing of applications for zoning changes and variances.

Section 203 ZONING PERMIT

1. No building or structure shall be erected, added to, or structurally altered until a zoning permit has been issued by the Zoning Enforcement Officer.
2. The Zoning Enforcement Officer shall not grant a zoning permit where the proposed construction, alteration or use thereof would be in violation of this Ordinance.
3. The Zoning Enforcement Officer shall issue a zoning permit only after the site plan has been approved by the Planning Board, except in the case of one or two-family dwellings.

Section 204 CERTIFICATE OF OCCUPANCY

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy has been issued by the Zoning Enforcement Officer in accordance with provisions of this Ordinance.

Section 205 VIOLATIONS AND PENALTIES

Any violation of this Ordinance is an offense punishable by a fine not exceeding fifty dollars. Each week's continued violation shall constitute a separate offense.

Section 206 COMPLAINTS OF VIOLATIONS

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, signed, and shall be filed with the Zoning Enforcement Officer who shall properly record such complaint and immediately investigate.

Section 210 PROCEDURE FOR AMENDMENTS

1. Regulations, districts and boundaries established by this Ordinance may be amended or repealed after official notice has been given and a public hearing has been held by the Town Board as required by law.
2. Each petition requesting a change of zoning regulations or district boundaries, shall be typewritten, signed by the owner, and filed in triplicate, and accompanied by the required fee.
3. Every such proposed amendment shall be referred to the Planning Board for a report before the public hearing.
4. Planning Board may require a plan of proposed development for which a zoning district change is sought, to assist in their understanding of the case.

ARTICLE III : BOARD OF APPEALS

Section 301 CREATION AND ORGANIZATION

A Board of Appeals shall be appointed in accordance with Section 267 of the Town Law.

Section 302 POWERS AND DUTIES

The Board of Appeals shall have all the following powers and duties:

1. Interpretation: Upon appeal from a decision, to decide questions involving interpretation of any provision of this Ordinance.
2. Special Permits: To issue special permits required by this Ordinance.
3. Variances: To vary strict application of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No variance shall be granted which permits a use otherwise not permitted in that district. In granting any variance, the Board shall prescribe conditions that it deems necessary or desirable.

No variance in the strict application of any provision of this Ordinance shall be granted by the Board unless it finds:

- a. Strict application of the Ordinance would produce undue hardship and that the hardship is not self-created, nor an economic hardship.
- b. The hardship is unique and is not shared by all properties alike in the immediate vicinity of the property and the district.
- c. The variance would observe the spirit of the Ordinance and would not change the character of the district, be injurious to the neighborhood or otherwise be detrimental to public welfare.
- d. The variance would observe the intent of the comprehensive plan.
- e. The variance is the minimum necessary to grant relief.

Section 303 PROCEDURE FOR INTERPRETATION, SPECIAL PERMIT OR VARIANCE

1. Board of Appeals shall act in strict accordance with the procedure specified by the Town Law and by this Ordinance. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the Ordinance involved, and shall set forth the interpretation claimed, use for which special permit is sought, or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
2. At least thirty days before date of public hearing, the secretary shall transmit to the Planning Board a copy of the application and notice of hearing. Planning Board shall submit a report of its advisory opinion prior to the hearing. Failure of the Planning Board to submit a report shall be deemed to signify approval of application.
3. Every decision of the Board of Appeals shall be by resolution, which shall contain a full statement of their findings of fact in the case, and shall be recorded in their minutes.

Section 310 SPECIAL PERMITS

In every case where a Special Permit is required by this Ordinance, the Board of Appeals shall issue such Permit only after:

1. Referral to the Planning Board for their recommendation and receipt of their report, and
2. A public hearing has been held by the Board of Appeals.

Section 311 REQUIRED PLAN

An application for a Special Permit shall be accompanied by three sets of preliminary plans, and other descriptive matter to portray clearly intentions of the applicant. These documents shall become a part of the record. Such plans shall show location of all buildings, parking, access and circulation, open space, landscaping, and other information necessary to determine if the proposed special use meets requirements of this Ordinance.

Section 312 STANDARDS FOR SPECIAL USES

The Planning Board may recommend that additional standards be imposed on the special use to provide adequate safeguards to protect the health, safety, morals or general welfare of the public, and for preservation of the general character of the neighborhood in which such proposed special use is to be placed, to minimize possible detrimental effects of use on adjacent property.

Section 313 STANDARDS APPLICABLE TO ALL SPECIAL USES

The Board of Appeals may issue a Special Permit only after it has found that all the following standards and conditions have been satisfied.

1. Location, size of use and structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with orderly development of the district.
2. Location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, or impair their value.
3. Special use shall not conflict with any master plan, or part thereof.
4. Operations of any special use shall not be more objectionable to nearby properties than would be the operations of any permitted use.
5. No Special Permit shall be issued for a use on a property where there is an existing violation of this Ordinance.

ARTICLE IV : ZONING DISTRICT REGULATIONS, ZONING MAP

Section 401 ESTABLISHMENT OF ZONING DISTRICTS

The Town of Manheim is hereby divided into the following zoning districts:

Planned Development, PD	Commercial, C
Agricultural-Limited Development, A-LD	Industrial, IN
Agricultural - 120,000, AG 120	
Agricultural - 60,000, AG 60	

Section 402 ZONING MAP

The zoning districts are shown, defined and bounded on the zoning map accompanying this Ordinance. The zoning map is hereby made a part of this Ordinance and shall be on file in the office of the Town Clerk.

Section 403 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

1. Questions concerned with the exact location of district boundary lines as shown on the zoning map shall be resolved by the Board of Appeals.
2. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than fifty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 405 STANDARDS FOR MULTIPLE-FAMILY DWELLING UNITS IN PLANNED DEVELOPMENT DISTRICTS

In Planned Development Districts where specifically permitted by the Town Board, multiple-family dwelling units may be constructed to the following regulations:

Lot Area Minimum:	5,000 sq. ft., plus an additional 3,000 sq. ft. each 1 bedroom unit 3,500 sq. ft. each 2 bedroom unit 4,500 sq. ft. each 3 or more bedroom unit.
Building Line Minimum:	120 feet
Lot Depth Minimum:	150 feet
Front & Rear Yard Minimum:	40 feet
Side Yard Minimum:	25 feet each
Coverage Maximum:	20 percent
Maximum Units Per Building:	Twelve
Building Height Maximum:	Three stories or 35 feet, whichever is less; accessory buildings 15 feet.
Supplementary Regulations:	1. As set forth in Article V hereof. 2. No multiple-family dwelling units are permitted in basements. 3. Approved water supply and sewage disposal systems required. 4. Site plan approval required.

#### Section 410 PLANNED DEVELOPMENT DISTRICTS, PD

Provision is included for Planned Development Districts to permit establishment of areas in which diverse residential, commercial and industrial uses may be brought together as a compatible and unified plan of development which is in the interest and general welfare of the public.

Area, yard, coverage, height and supplementary regulation requirements shall be comparable to minimum requirements in appropriate residential, commercial or industrial zoning districts for each specific use, except where the Planning Board finds that it is in the public interest to modify these requirements.

#### Section 411 SITE PLANS

The owner shall submit three sets of site plans of the proposed development to the Planning Board for review, as required in Section 502.

#### Section 412 FINDINGS REQUIRED

The Planning Board shall recommend the approval, approval with modifications, or disapproval of the site plans. The Planning Board may recommend to the Town Board establishment of a Planned Development District provided that they find facts submitted with the plans establish that:

1. Uses proposed will not be detrimental to present and potential surrounding uses.
2. Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
3. The proposed zoning change is in conformance with the intent of the comprehensive plan.
4. Existing and proposed streets are suitable and adequate to carry anticipated traffic within, and in the vicinity of the proposed district.
5. Existing and proposed utility services are adequate for proposed development.
6. Each phase of the proposed development, as proposed to be completed contains the required parking spaces and landscaped areas necessary for creating and sustaining a desirable and stable environment.

#### Section 413 PUBLIC HEARING

1. Town Board may amend the zoning map after holding a public hearing, but such action shall have the effect only of granting permission for development of the specific proposal, in accordance with the site plans approved by the Town Board. An appropriate notation to that effect shall be made on three sets of plans. One set shall be retained by the Town Clerk.
2. Planned development approval by the Town Board shall be secured by the owner for each phase of development.

Section 420 AGRICULTURAL-LIMITED DEVELOPMENT A-LD

The following uses are permitted in Agricultural-Limited Development Districts A-LD:

1. Agricultural use
2. Outdoor recreation
3. Wildlife refuge
4. Reservoir
5. Accessory use

Section 421 AGRICULTURAL-LIMITED DEVELOPMENT A-LD, Uses Requiring Special Permit

The following uses are permitted after issuance of a Special Permit in Agricultural-Limited Development Districts A-LD:

1. One-family dwelling built in conformance to State Building Construction Code
2. Club
3. Public utility facility
4. Riding stable and sales
5. Cemetery
6. Parking lot for a special event
7. Quarry
8. Aircraft landing field
9. Temporary office for real estate sales
10. Kennel
11. Animal hospital, veterinary clinic, provided that any structures housing animals shall be at least two hundred feet from any residential district.

Section 422 AGRICULTURAL-LIMITED DEVELOPMENT A-LD Area, Yard, Coverage, Height, Supplementary Regulations

Lot Area Minimum: 120,000 square feet

Lot Depth Minimum: 300 feet

Building Line Width Minimum: 200 feet

Front Yard Minimum: 50 feet

Rear Yard Minimum: 50 feet

Side Yard Minimum: 30 feet each side

Coverage Maximum: 5 percent

Building Height Maximum: One story or 20 feet, whichever is less.  
No height limit for agricultural uses.

Supplementary Regulations: 1. As set forth in Article V hereof.  
2. In flood plain areas as determined by Planning Board, erection of permanent buildings and structures is prohibited.

Section 430 AGRICULTURAL 120,000 AG 120

The following uses are permitted in Agricultural 120,000 Districts, AG 120:

1. Agricultural and forest use
2. One-family dwelling built in conformance to State Building Construction Code
3. School
4. Religious institution
5. Community center
6. Wildlife refuge
7. Enclosed storage
8. Accessory use

Section 431 AGRICULTURAL 120,000, AG 120, Uses Requiring Special Permit

The following uses are permitted after issuance of a special permit in Agricultural 120,000 Districts, AG 120:

1. Home occupation
2. Professional residence-office
3. Hospital
4. Club
5. Outdoor recreation
6. Riding stable and sales
7. Quarry
8. Airport or aircraft landing strip
9. Public utility facility

Section 432 AGRICULTURAL 120,000, AG 120, Area, Yard, Coverage, Height, Supplementary Regulations

Lot Area Minimum:	120,000 square feet
Building Line Width Minimum:	200 feet
Lot Depth Minimum:	300 feet
Front Yard Minimum:	50 feet
Rear Yard Minimum:	50 feet
Side Yard Minimum:	30 feet each side
Coverage Maximum:	10 percent
Building Height Maximum:	Two stories or 30 feet, whichever is less. No height limit for agricultural uses.
Supplementary Regulations:	<ol style="list-style-type: none"><li>1. As set forth in Article V hereof.</li><li>2. Site plan approval required for non-residential uses.</li></ol>

Section 440 AGRICULTURAL 60,000, AG 60

The following uses are permitted in Agricultural 60,000 Districts, AG 60:

1. Agricultural and forest use
2. One-family dwelling built in conformance to State Building Construction Code
3. School
4. Religious institution
5. Community center
6. Wildlife refuge
7. Enclosed storage
8. Accessory use

Section 441 AGRICULTURAL 60,000, AG 60 Uses Requiring Special Permit

The following uses are permitted after issuance of a special permit in Agricultural 60,000 Districts, AG 60:

1. Home occupation
2. Professional residence-office
3. Hospital
4. Club
5. Outdoor recreation
6. Riding stable and sales
7. Quarry
8. Airport or aircraft landing strip
9. Public utility facility

Section 442 AGRICULTURAL 60,000, AG 60 Area, Yard, Coverage, Height, Supplementary Regulations

- |                              |   |
|------------------------------|---|
| Lot Area Minimum:            | 60,000 square feet  |
| Building Line Width Minimum: | 150 feet  |
| Lot Depth Minimum:           | 200 feet  |
| Front Yard Minimum:          | 50 feet   |
| Rear Yard Minimum:           | 50 feet   |
| Coverage Maximum:            | 10 percent  |
| Building Height Maximum:     | Two stories or 30 feet, whichever is less.<br>No height limit for agricultural uses.  |
| Supplementary Regulations:   | <ol style="list-style-type: none"><li>1. As set forth in Article V hereof.</li><li>2. Site plan approval required for non-residential uses.</li></ol> |

Section 450 COMMERCIAL C

The following uses are permitted in Commercial District C:

1. Shopping center
2. Retail store or service
3. Personal service
4. Business office
5. Restaurant, bar
6. Hotel, motel
7. Indoor recreation
8. Community center
9. Private club
10. Sale of new products, produce goods and equipment
11. Wholesale distribution service
12. Motor vehicle, mobile home, boat, farm and contractors equipment sales
13. Freight or trucking terminal
14. Public utility facility
15. Gasoline service station
16. Car wash
17. Enclosed accessory uses
18. Other commercial uses upon the finding that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.

Section 451 COMMERCIAL C, Area, Yard, Coverage, Height, Supplementary Regs

- Lot Area Minimum: 60,000 square feet
- Building Line Width Minimum: 150 feet
- Front Yard Minimum: 75 feet
- Side Yards Minimum: 15 feet each
- Rear Yard Minimum: 10 percent of the lot depth
- Coverage Maximum: 30 percent
- Building Height Limit: 35 feet
- Supplementary Regulations:
1. As set forth in Article V hereof.
  2. Site plan approval by Planning Board is required.
  3. There shall not be more than one entrance and one exit per establishment upon any public highway, and distance between entrance and exit, if separated, shall be not less than 100 feet.
  4. No entrance or exit shall be closer than 150 feet to an intersection of two public highways.

Section 460 INDUSTRIAL IN

The following uses are permitted in Industrial Districts, IN:

1. Enclosed manufacturing industries
2. Enclosed warehouse or wholesale use
3. Public utility structure
4. Enclosed service and repair
5. Machinery and transportation equipment, sales, service and repair
6. Enclosed industrial processes and service
7. Freight or trucking terminal
8. Contractor's yard
9. Garage
10. Parking
11. Accessory building use

Section 461 INDUSTRIAL, IN, Uses Requiring Special Permit

The following uses are permitted after issuance of a Special Permit:

1. Gasoline station, car wash
2. Aviation landing field
3. Quarry
4. Other industrial uses upon the finding that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.

Section 462 INDUSTRIAL, IN, Area, Yard, Coverage, Height, Supplementary Regs

- |                              |  |
|------------------------------|--|
| District Area Minimum:       | 50 acres   |
| Lot Area Minimum:            | 20,000 square feet   |
| Building Line Width Minimum: | 100 feet   |
| Lot Depth Minimum:           | 150 feet   |
| Front Yard Minimum:          | 40 feet  |
| Rear Yard Minimum:           | 50 feet abutting residential and agricultural districts  |
| Side Yard Minimum:           | 50 feet abutting residential and agricultural districts  |
| Coverage Maximum:            | 35 percent   |
| Building Height Maximum:     | Three stories or 45 feet, whichever is less  |
| Supplementary Regulations:   | <ol style="list-style-type: none"><li>1. As set forth in Article V hereof.</li><li>2. Site plan approval by Planning Board required.</li></ol> |

## ARTICLE V : SUPPLEMENTARY REGULATIONS

### Section 501 SITE PLAN REVIEW AND APPROVAL

The Planning Board, at a regular public meeting of the Board, shall review and approve, or approve with modifications, all permitted uses listed as requiring site plan approval, before a permit is issued.

### Section 502 SUBMISSION OF SITE PLAN AND SUPPORTING DATA

The owner shall submit a site plan and supporting data prepared by an architect, landscape architect, engineer, land surveyor or planner, and shall include the following information presented in drawn form and accompanied by a written text:

1. Survey of the property, showing existing features, including contours, large trees, buildings, structures, streets, utility easements, rights of way, land use; zoning and ownership of surrounding property.
2. Site plan showing proposed lots, blocks, building locations, land use areas.
3. Traffic circulation, parking and loading spaces, and pedestrian walks.
4. Landscaping plans, including site grading, landscape design, and open areas.
5. Preliminary architectural drawings for buildings to be constructed.
6. Preliminary engineering plans, including street improvements, storm drainage system, public utility extensions, water supply and sanitary sewer facilities.
7. Engineering feasibility studies of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
8. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas.
9. A description of the proposed uses, including hours of operation, number of employees, expected volume of business, and type and volume of traffic expected to be generated.

### Section 503 SITE PLAN APPROVAL

The Planning Board shall review the site plan and supporting data before approval or approval with stated conditions is given, and take into consideration the following:

1. Harmonious relationship between proposed uses and existing adjacent uses.
2. Maximum safety of vehicular circulation between the site and street network.
3. Adequacy of interior circulation, parking and loading facilities with particular attention to vehicular and pedestrian safety.
4. Adequacy of landscaping and setbacks in regard to achieving maximum compatibility and protection to adjacent residential districts.

Should changes or additional facilities be required by the Board, final approval of the site plan shall be conditional upon the satisfactory compliance by the owner to the changes or additions.

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

### Section 504 PERFORMANCE BOND AS A CONDITION OF SITE PLAN APPROVAL

The Planning Board may require as a condition of site plan approval that the owner file a performance bond in such amount as they determine to be in the public interest, to insure that the proposed development will be built in compliance with the accepted plans.

## Section 510 OFF-STREET PARKING SPACE REQUIREMENTS

For every building hereafter erected, altered or changed in use, there shall be provided off-street parking spaces at least as set forth below. A required driveway shall be at least twenty feet clear in width, except for one and two-family dwellings. Except for one and two-family dwellings, all off-street parking spaces are to be arranged so that all backing movements take place within the parking area and not in a public street.

1. Residential Uses:
  - a. One and two-family dwellings and conversions; two parking spaces for every dwelling unit.
  - b. Multiple family dwellings; five parking spaces for every three dwelling units.
  - c. Professional residence-office; three parking spaces, plus one additional parking space for every two hundred square feet of office area.
2. Hotel, Motel, Tourist Home, Boarding House:  
Three parking spaces, plus one space for every guest room.
3. Dormitory, Fraternity, Sorority, Nurses' Home, Hospital:  
Three parking spaces, plus one space for every two beds.
4. Places of Public Assembly:  
One parking space for every five seats; or one parking space for every one hundred square feet of floor area.
5. Business, Professional and Medical Offices:  
Three parking spaces, plus one space for every two hundred square feet of office area.
6. Commercial and Business; in groups over 20,000 sq.ft. of business floor area:  
One parking space for every one hundred square feet of business area.
7. Commercial and Business; individual establishments on separate lots:  
One parking space for every motor vehicle used directly in the business, plus one parking space for every two hundred square feet of business area.
8. Restaurant, Eating and Drinking Establishments:  
One parking space for every one hundred square feet of floor area.
9. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses:  
One parking space for every motor vehicle used directly in the business, plus additional parking as required by the Board.
10. Unspecified Uses:  
As required by the Board based upon use intensity, turnover, customers, employees, and vehicles used.

## Section 511 OFF-STREET LOADING SPACE REQUIREMENTS

Every building occupied for the purpose of business or industry shall provide adequate space for loading and unloading of vehicles off the street.

## Section 512 SPECIAL PARKING AND LOADING SPACE REQUIREMENTS

Planning Board under their powers of site plan review and approval may modify requirements for parking and loading spaces and:

1. Require additional spaces if they find the requirements insufficient.
2. Require fewer spaces if they find the requirements excessive.
3. Permit spaces for separate uses to be combined in one parking lot.

The Board shall take into account existing parking spaces in the vicinity of the proposed development.

## Section 520 LANDSCAPING REQUIREMENTS

Following are the minimum landscaping requirements:

1. Where any land use in non-residential districts abuts land in any residential district, a strip of land at least fifteen feet in width shall be maintained by the owner as a landscaped area in front, side and rear yards which adjoin these other districts.
2. Where any permitted non-residential land use, multiple-family development or mobile home park abuts any land use in a residential district, a strip of land at least fifteen feet in width shall be maintained as a landscaped area in front, side and rear yards which adjoin these uses.
3. In an industrial or commercial district each use shall have a strip of land at least fifteen feet in width in any required front yard and at least five feet in width in any required rear and side yards which shall be maintained as a landscaped area.
4. In a planned development district as required by the Planning Board.
5. Landscaping shall be installed and maintained in a healthy growing condition in front, side and rear yards and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover.

## Section 530 PERFORMANCE STANDARDS

In all districts, uses are not permitted which exceed the following standards measured at individual property line. The Planning Board under its powers of site plan review and approval shall decide whether uses meet the standards. All uses shall meet New York State air and water pollution standards and shall not:

1. Emit noise in excess of 70 decibels, dbA.
2. Emit any odor which is considered offensive.
3. Emit dust or dirt which is considered offensive.
4. Emit any smoke, in excess of Ringlemann Chart No. 2.
5. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
6. Cause, as a result of normal operations, a vibration which creates displacement of 0.003 of one inch.
7. Create glare by lighting or signs which could impair the vision of a driver of any motor vehicle.
8. Cause a fire, explosion or safety hazard.
9. Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water.

## Section 531 USES NOT PERMITTED

In all districts the following uses are not permitted: junk yards, machinery wrecking yards, dumps; manufacture or bulk storage of fuels and explosives; unenclosed manufacturing or processing of goods and materials; except in industrial districts after issuance of a Special Permit.

## Section 532 LANDFILL

In any district the dumping of refuse and waste material for landfill is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Zoning Enforcement Officer.

#### Section 540 MOBILE HOMES

No person shall park a mobile home on any public or private property, except in accordance with this Ordinance as follows:

1. In an approved mobile home park.
2. In a district specifically zoned to permit mobile homes as living accommodation.
3. In an approved mobile home sales lot.

#### Section 541 MOBILE HOME PARK PERMIT

1. No person shall construct or operate a mobile home park without first obtaining a permit and site plan approval.
2. Application for a mobile home park permit shall be made to the Board, and shall be accompanied by a site plan in accordance with Section 501 et. seq.
3. The Board may accept the plans, accept the plans with recommended changes, or reject the plans.

#### Section 542 MOBILE HOME PARK STANDARDS

Following regulations shall apply to all mobile homes in mobile home parks:

1. Mobile home parks shall be at least five acres in area and shall provide for individual mobile home lots, access driveways, and parking.
2. Each mobile home lot shall be at least 8,000 square feet in area, and at least seventy feet wide by one hundred feet in depth, and shall front onto an access driveway or street.
3. All access driveways within a mobile home park must be at least thirty feet in width, and be built to Town standards.
4. Each mobile home lot shall have an attachment for water supply. Water supply source must be approved by the Town and State Department of Health.
5. Each mobile home lot shall have an attachment for sewage disposal. Method of sewage disposal must be in compliance with the Town and State Department of Health regulations.
6. No mobile home lot or service building shall be closer to a public street right of way line than fifty feet, nor closer to a property line than thirty feet.
7. A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all mobile home park property lines.
8. No additions shall be made to a mobile home except a canopy and/or porch open on three sides, an addition made by the mobile home manufacturer, or an addition built in conformance with the State Building Construction Code for one-family dwellings.

Section 545 GASOLINE STATION, PUBLIC GARAGE AND MOTOR VEHICLE SALES

Gasoline stations, public garages and motor vehicle sales agencies shall comply with the following:

1. Lot shall not be located within three hundred feet of any lot occupied by a school, hospital, playground, library or religious institution. Measurement shall be made between nearest respective lot lines.
2. Lot size shall be at least 60,000 square feet.
3. Lot frontage shall be at least 200 feet.
4. Lot depth shall be at least 200 feet.
5. Pumps, other service devices, and fuel and oil storage shall be located at least thirty feet from all lot lines.
6. All automobile parts and dismantled vehicles are to be stored within a building and no major repair work is to be performed outside a building.
7. There shall be no more than two access driveways from any street. Maximum width of each access driveway shall be thirty feet.
8. A suitably curbed landscaped area shall be maintained at least ten feet in depth along all street frontage not used as driveway.

Section 546 PUBLIC UTILITY STRUCTURES

Public utility substations and similar utility structures, shall comply with the following:

1. The facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
2. A landscaped area at least fifteen feet wide shall be maintained in front, rear and side yards.
3. There shall be no open equipment visible from surrounding property.
4. Where practical, low profile equipment shall be used.

## Section 550 SIGNS

Off-premises advertising signs, billboards and roof signs are not permitted in any district. The following signs are permitted in any district:

1. Professional residence-office and home occupation signs not exceeding two sq.ft.
2. One "For Rent" and/or "For Sale" sign not exceeding six square feet in residential districts, thirty-two square feet in other districts.
3. Directional or informational signs not exceeding four square feet.
4. Signs necessary for public safety or welfare.
5. Sign identifying a construction project and the specialists concerned, not exceeding eight square feet for a house, and sixteen square feet for other buildings.
6. Signs identifying any permitted non-residential use in a residential district, one square foot of sign for each lineal foot of building frontage, but not exceeding a total of thirty-two square feet.

## Section 551 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following additional signs are permitted in commercial and industrial districts:

1. All signs permitted under Section 550.
2. Business signs total area not to exceed two square feet for each one lineal foot of building frontage occupied by the establishment.

## Section 552 GROUND SIGNS

Every ground sign shall:

1. Not exceed twenty feet in height above finished grade.
2. Be set back at least five feet from any street line, and at least ten feet from any other lot line.
3. Not exceed eighty square feet in area.

## Section 553 TRAFFIC HAZARD, SAFETY AND OBSTRUCTION

Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.
5. Withstand a wind pressure load of thirty pounds per square foot.

## Section 554 ILLUMINATED AND FLASHING SIGNS

1. Signs may be illuminated by a steady light provided that such lighting does not illuminate adjacent property.
2. Flashing, oscillating and revolving signs are not permitted, unless necessary for public safety or welfare.

## Section 555 SIGNS BY SPECIAL PERMIT

Other signs may be permitted after issuance of a Special Permit, if the Board of Appeals finds that such a sign:

1. Is in the public interest and is not detrimental to public safety, welfare, or surrounding properties.
2. Is of a character, size and location that it will be in harmony with orderly development of the district.

Section 560 NONCONFORMING USES

Lawful use of any building or land existing at the time of enactment or amendment of this Ordinance may be contained although such use does not conform with this Ordinance, except as herein after provided.

Section 561 DISCONTINUANCE

When a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with this Ordinance.

Section 562 CHANGE OF USE

A nonconforming use shall not be changed to other than a conforming use for the district in which it is situated.

Section 563 UNSAFE STRUCTURES, RESTORATION, ALTERATION AND EXTENSION

A nonconforming structure or part thereof may be:

1. Restored to a safe condition.
2. Repaired, if damaged by fire or other causes, provided that construction starts within a period of six months.
3. Structurally altered only to the extent of its prior nonconformity.

A nonconforming use shall not be extended. Extension of a lawful use to any part of a nonconforming building shall not be deemed extension of such nonconforming use.

Section 564 NONCONFORMING JUNK YARDS

Nonconforming junk yards shall be discontinued and the site cleared within three years of adoption of this Ordinance.

Section 565 NONCONFORMING SIGNS

1. Nonconforming signs shall be removed when any use of the property on which the sign is located is discontinued.
2. Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to the provisions of this Ordinance. This provision shall not restrict the routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.
3. Nonconforming signs shall be removed within four years of adoption of this Ordinance.

Section 570 RESIDENTIAL LOTS EXISTING PRIOR TO AMENDMENT OF ORDINANCE

In residential districts nothing shall prohibit the use of a lot of less area or less frontage than required for a one-family dwelling in the district in which the lot is located, when such lot was held under separate ownership from the adjoining lots at the time of passage or amendment of this Ordinance.

Section 571 DWELLINGS ON LOTS

There shall be only one residential building on a lot unless otherwise approved under the Planned Development District provisions.

Section 572 PROJECTION IN YARDS

Every part of a required yard shall be open from the ground to the sky unobstructed, except for ordinary projections of sills, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

Section 573 PERMIT FOR TEMPORARY USES AND STRUCTURES

1. Zoning Enforcement Officer may issue a temporary permit for a period not exceeding one year, for incidental nonconforming uses as follows:
  - a. Temporary uses incidental to a construction project.
  - b. Temporary real estate sales office incidental to a subdivision.
  - c. Other similar temporary incidental uses.
  - d. Temporary signs.
2. Permits shall be conditioned upon agreement by the owner to remove the use upon expiration of permit.
3. Permits may be re-issued for additional periods not exceeding twelve months.

Section 574 ABANDONMENT OF CONSTRUCTION PROJECTS AND STRUCTURES

Within six months after work on an excavation for a building has begun or within six months after a construction project, building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and any excavation remaining shall be covered over or filled to the normal grade by the owner.

Section 575 HEIGHT EXCEPTIONS

Nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers, and essential public utility structures.



- Single family residential
- Mobile home
- Camp
- Farm
- ▲ Commercial
- \* Industrial
- Public & Quasi public

**BOUNDARIES**  
 State  
 County  
 Town  
 City or Incorporated Village  
 Federal and approved Urban Area  
 Supplemental map enlargement limit

- ROADS**
- Interstate route
  - U. S. route
  - State route
  - County Road
  - Divided highways
  - Mail more than 25 feet
  - Mail 25 feet or less
  - Undivided highways
  - 4 or more lanes
  - 2 or 3 lanes
  - Private roads

**ZONING DISTRICTS**  
**PD PLANNED DEVELOPMENT**  
**A-LD AGRICULTURE-LIMITED DEVELOPMENT**  
**AG-120 AGRICULTURAL-120,000**  
**AG-60 AGRICULTURAL 60,000**  
**C COMMERCIAL**  
**IN INDUSTRIAL**



**ZONING MAP**  
**TOWN OF MANHEIM**  
 HERKIMER COUNTY NEW YORK