

## ARTICLE 1

### AUTHORITY, PURPOSE AND APPLICABILITY

#### Section 1.01 Authority and Title

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of West Monroe hereby adopts and enacts the following law. This law shall be known as "The Town of West Monroe Zoning Law."

#### Section 1.02 Purpose and Applicability

The purposes of this zoning law 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 the 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. This zoning law has been made with reasonable consideration, among other things, as to the character of each zone 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. This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

#### Section 1.03 Prior Laws Replaced and Superseded

This law shall replace and supersede Local law #1 of 2021.

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## ARTICLE 2

### DEFINITIONS

#### Section 2.01      Word Usage

For the purpose of this law, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; words used in the plural number include the singular; the words "herein" means "in the law". When any subject matter, party or person is described or referred to by words importing the masculine gender, females as well as males, all people, persons and genders are included.

#### Section 2.02      Definitions as Used in this Law

The following terms shall have the meanings indicated:

Accessory Apartment – A second dwelling unit subordinate in size to the principal dwelling unit on an owner-occupied lot. Located in either the principal dwelling or an accessory structure for renting for six consecutive months or more.

Accessory Building - A building which is an accessory structure detached from the main structure.

Accessory Structure - A structure incidental and subordinate to the principal structure and located on the same lot as the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the principal structure.

Accessory Use - A use incidental and subordinate to the principal use and located on the same lot as the principal use.

Adult Entertainment Use - Any business, including but not limited to those specifically enumerated in this law, which has more than 10% of its net floor space set aside for, or 10% of the volume of its stock in trade, devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing, or related to sexual activity or specified anatomical areas, including, but not limited to, any establishment that allows or promotes dancers, performers, or employees, whether male or female, to display specified anatomical areas. Such uses shall include, but not be limited to, adult bookstores, adult motion picture theaters, massage establishments, or other similar uses.

Agriculture - The activity of an active farm, not including a hobby farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and timber management/cutting of timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Alteration - Any change, rearrangement, extension or increase in area or height of a building or structure, other than repairs.

Animal Shelter/Kennel/Veterinary – A pen, shelter, or structure where dogs or small domestic animals are boarded for daycare or overnight, kept, trained, groomed, provided medical care, sold, or other such uses. Not to include livestock.

Antenna - A system of electrical conductors that transmit or receive frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PSC) and microwave communications.

Applicant - A property owner or agent of a property owner who has filed an application for a land development activity.

**Battery Storage Facility** - Battery storage or battery energy storage systems. Devices that enable energy from renewables or other sources to be stored and then released.

**Bed and Breakfast Inn** - A building designed to provide overnight accommodations, with or without meals, for transient guests for profit, but where the use is secondary to the occupancy of the dwelling by a family, and provided that no more than five rooms are for hire. Each room shall have an interior entrance into the house; no room for hire shall have an exterior entrance.

**Blight** - Anything that deteriorates the physical surroundings or quality of life in a community (See Junk Definition)

**Buffer** - A landscape area intended to separate and partially obstruct the view of adjacent land uses or properties from one another. The buffer area shall consist of a mixture of deciduous and/or evergreen trees, hedges and plantings alone or in combination with wood, stone or masonry fences, in which case vegetation shall be planted on the perimeter of the fence facing the adjacent property owner. Such hedge(s) and/or planting(s) shall be planted three feet on center maximum, or, if deciduous and/or evergreen trees, planted eight feet on center, maximum. Buffers shall be planted to partially obstruct views at the outset of initial planting.

**Building** - Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property.

**Campground** - An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.

**Car Wash** - An area of land and/or structure with machine or hand operated facilities used primarily for functions such as cleaning, washing, detailing, vacuuming, and polishing or waxing of motor vehicles.

**Channel** - A natural or artificial watercourse with a definite bed and banks that conduct continuously or periodically flowing water.

**Clearing** - Any activity that removes the vegetative surface cover.

**Co-located Existing Structure Antenna** - An antenna that is to be attached to an existing communication tower, smokestack, water tower, or other existing structure which does not extend above the height of the existing structure by more than 50 feet.

**Commercial Uses** - Land uses for the distribution or sale or lease of goods and services, usually for profit.

**Convenience Store** - A building or structure in which retail sales of prepared foods, dairy products, beverages, and other items for household use and consumption are conducted. Convenience stores may be stand-alone entities or may exist in conjunction with other uses - such as gasoline sales.

**Convalescent Center** - An institutional facility licensed by the State of New York or an agency or department thereof and maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that which is available at a hospital.

**Day Care Center, Child** - Any use defined as a Child Day Care Center in applicable NYS Social Services Law.

**Day Care Home, Family** - Any use defined as a Family Day Care Home in applicable NYS Social Services Law.

**Day Care Home, Group** - Any use defined as a Group Day Care Home in applicable NYS Social Services Law.

Development - Any activity other than agriculture, forestry or conservation activity which materially affects the existing condition of land or improvements, including but not limited to:

- a. Excavation or deposit of earth or other fill, including alteration of the banks of any stream or body of water.
- b. Construction, reconstruction, alteration, or demolition of any improvement.
- c. Dumping or storing any objects or materials whether mobile, liquid or solid.
- d. Commencement of any use of the land or improvements and every change in its type or intensity.
- e. Commencement of the generation of any noise, light, smoke, or other emission and every change in its intensity.
- f. Change in use to one dissimilar to the current use and will occasion an increase in number of employees, guests, or customers.

Driveway – A vehicular way within a site which is neither a public nor private road.

Dwelling - Any building or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

Dwelling, Multi-Family - A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Single Family - A building containing only one dwelling unit and occupied by only one family.

Dwelling, Two Family - A building containing only two dwelling units and occupied by only two families.

Dwelling Unit - A completely self-contained residential unit with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Egress - Means of exiting from a lot, parcel or use to a public street or road, usually for vehicles or pedestrians.

Energy Sales - Buildings and premises where the primary use is the supply and dispensing at retail of fuels, gasses, charging stations, lubricants, batteries, and accessories.

Family - A single person, or two or more persons related by blood, marriage, or other similar family structure, and maintaining a common household with not more than two boarders, roomers or lodgers or a group of persons, not necessarily related by blood, marriage, or other similar family structure and maintaining a common household.

Farm – Lands actively devoted to agricultural or horticultural purposes and actually used and occupied to carry out such purposes, but not including hobby farms.

Forestry - The planting, care, management, and sustained yield harvesting of trees and timber.

Garbage - The animal, vegetable and mineral waste resulting from the storage, handling, preparation, cooking, and consumption of food.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Gravel Pit – Excavating and removing materials such as gravel, sand, and topsoil, etc... from the surface and/or subsurface. Also known as mining.

Health Care Facility - An institution licensed by the State of New York or an agency or department thereof, which provides health related services primarily for human outpatients, medical training facilities, and central services operations.

Heavy Equipment – Heavy duty vehicle, specially designed for executing construction tasks, most frequently one involving earthwork operations or other large construction tasks.

Heavy Equipment Service - Buildings and premises where the primary use is the maintenance, repair, rental or sales of Heavy Equipment.

Hobby Farm – The keeping of livestock/poultry for pleasure or supplemental income rather than for primary income.

Home Business - A business activity conducted within a dwelling provided that such use or activity is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling purposes, does not change the character of the dwelling, and that there can be external evidence of the use including a sign.

Home Occupation - A business activity conducted within a dwelling provided that such use or activity is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling purposes, does not change the character of the dwelling, and that there is no external evidence.

Hospital - An institution licensed by the State of New York or an agency or department thereof, which provides clinical, temporary and emergency services of a medical or surgical nature to human patients and sick or injured persons usually on an around the clock basis and including beds for patients who may be admitted for periods of 24 or more consecutive hours.

Hotel/motel - A facility offering transient lodging accommodations on a daily rate to the general public.

Indoor Recreation - An enclosed structure, arena or complex utilized for sports, amusement, performances or play.

Industrial Uses - Land used for the production, assembly, development, manufacturing, wholesaling and warehousing of goods.

Ingress - Means of entering a lot, parcel or use from a public street or road, usually for vehicles or pedestrians.

Junk - The outdoor storage or deposit or the following, whether in connection with another business or not:

- a. Two or more junked vehicles.
- b. One or more abandoned mobile or manufactured homes.
- c. One or more abandoned recreational vehicles, camping trailers, "pop-up" trailers, or truck campers.
- d. One or more inoperable or unseaworthy boats, whether propelled by motor, sail, or any other means.
- e. Wastepaper, rags, scrap metal or discarded materials.
- f. Two or more inoperable major appliances.
- g. Construction waste and/or building debris from residential and commercial construction sites.
- h. Any combination of the above that totals five items.

Junked Vehicles - A "junk vehicle" is any motor vehicle whether automobile, bus, trailer, truck, tractor, recreational vehicle, motorcycle, motor bicycle, mini bicycle; ATV's or snowmobile, or any other contraption originally intended for travel on the public highways, or any motorboat, rowboat or sailboat which:

- a. Is unlicensed, old, wrecked, stored, discarded, abandoned, or dismantled or partly dismantled, which is not intended or in any condition for legal use upon the public highway or waterways, or
- b. Is being held or used for the purpose of resale, reclamation, storage, or disposal of parts, or
- c. Is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair.

With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six months and is not in condition to be removed under

its own power shall be presumptive evidence that such motor vehicle is a 'Junked motor vehicle". The fact that a motor vehicle may be licensed or registered with the State of New York, but does not display a current license plate, shall be presumptive evidence that such motor vehicle is unlicensed. This definition does not include trailers or recreational vehicles during the time that a probate court is supervising the transfer of title of the property to the decedent's beneficiaries. Once the title has been transferred, however, if the trailer or recreational vehicle remains unused for more than six months thereafter and is not in condition to be removed under its own power, it shall be presumptive evidence that such item is a "junked motor vehicle".

Junkyard - A location licensed by the Town of West Monroe for the placement and storage of junk. Any person other than a licensed New York auto dealer who shall permit Junkyards are considered any collection or storage of Junk or blight outside of a building of two or more unlicensed or inoperative Motor Vehicles or the shell or body thereof, for a period of more than 30 days shall be considered as engaged in the operation of a junkyard and shall be required to obtain a license pursuant to the terms of this local law. Fined as per towns fee schedule.

Land Development - Generally speaking, land development refers to changes in the current land use, including but not limited to addition of new structures, expansions to existing structures, new uses, changes or expansion to existing uses, etc. For purposes of this law, land development specifically refers to changes in the current land use related to commercial uses (other than construction of single and two-family dwellings, forestry or agricultural uses), telecommunication facilities, manufactured homes, manufactured home parks, and recreational camping vehicle parks and junkyards.

Land Development Activity - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Land Use - The current or proposed use of a parcel of land, see Section 5.01 Allowed Uses.

Library - A room or building which houses a collection of books, media, etc...

Livestock - horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs and other domestic animals ordinarily raised or used on a farm.

Lot - A designated parcel or tract of land established by plat, subdivision or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot Area - Total area within the property lines excluding any part thereof lying within the boundaries of an easement, right-of-way or other similar encumbrance (including, but not limited to, a public road right-of-way or proposed public road right-of-way).

Lot, Corner - A lot located at the intersection of and fronting on two or more intersecting roads and having an interior angle at the corner of intersection of less than 135 degrees.

Lot Depth - The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Line - Property line bounding a lot.

Lot Line, Front - The lot line separating a lot from a public road or private road. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline of the road pavement of county, town and private roads or 35 feet from the centerline of the road pavement of state roads.

**Lot Line, Rear** - The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot Line, Side** - Any lot line other than a front or rear lot line.

**Lot of Record** - A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map (plat) and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Width** - The horizontal distance between side lot lines, measured at the road right-of-way line.

**Manufactured Home** - A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD),

Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle.

**Manufactured Home Park** - Any undivided parcel on which two or more manufactured homes are parked, or which is used for the purpose of supplying to the public a permanent parking space for two or more manufactured homes.

**Marina** - A facility for storing, servicing, sales, fueling, berthing and securing, and launching watercraft which may include the sale of fuel and incidental supplies for boat owners, crews and guests.

**Mobile Home** - A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers, or any self-propelled recreational camping vehicle.

**Motor Vehicle** – For purposes of this law, motor vehicle shall mean any automobile, truck, van, motorcycle, recreation vehicle, all-terrain vehicle, snowmobile, boat/watercraft, trailers, or tractor that uses gas, electric, or any other fuel source

**Motor Vehicle Service** - Buildings and premises where the primary use is the towing, maintenance, repair, painting, and or detailing of motor vehicles.

**Motor Vehicle Sales** - The retail sale of new or used motor vehicles.

**Museum** - A building, room, or rooms where artistic, historical, scientific or cultural objects, artifacts or artistic works are displayed and made available to the general public upon terms and conditions established by the displaying entity.

**Nonconformity** - A lot of record, structure, or use of land which lawfully existed prior to the enactment of this law or conformed to the regulations of the zoning district in which it was located prior to the amendment of this law, which does not conform to the regulations of the zoning district in which it is located following the enactment or amendment of this law.

Non-co-located New Structure Antenna - An antenna that will not be mounted on an existing structure included in the definition of "co-located existing structure antenna" or is more than 50 feet higher than the existing structure on which it is mounted.

Office - A building or portion thereof used for conducting the affairs of a business, profession, service, industry or government, and may include accessory services for office workers, but does not include on-premises manufacturing, servicing, storage or distribution of goods or merchandise.

Outdoor Recreation - Activities designed as leisure, amusement, sport or entertainment and which are primarily done outside.

Pasturable Land - Tract of land that supports grass or other vegetation eaten by domestic grazing animals.

Person - Any individual, corporation, governmental authority, trust, estate, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planning Board - The West Monroe Town Planning Board.

Poultry – domestic fowl, such as chickens, turkeys, ducks, and geese.

Project - Land development activity.

Public Facility or Assembly - A place designed for large gatherings for meetings, concerts, sport activities, productions or other special events.

Recreational Camping Vehicle Park - A tract of land which is used or held out for the purpose of supplying temporary parking for two or more recreational camping vehicles, camping trailers, "pop-up" trailers, truck campers or other vehicles or devices including tents, commonly used as temporary shelters for persons while vacationing or away from their permanent residences.

Recreational Camping Vehicle - Any enclosed motor vehicle or trailer used or designed to be used for recreational travel and temporary living and/or sleeping purposes including motor homes, truck campers, campers, travel trailers, camping trailers, pop-up trailers, tent trailers or over-night trailers. The term "recreational camping vehicle" shall not mean a factory manufactured home as regulated by the New York State Uniform Fire Prevention and Building Code.

Refuse - All cardboard, plastic, metal or glass food containers, wastepaper, rags, sweeping, small pieces of wood, rubber, leather, ashes, and similar waste material that ordinarily accumulates around a home or business.

Religious Facility - An institution where people regularly attend to participate in or hold religious services, meetings and other religious-based activities, held within a structure which shall include, but not be limited to, a church, synagogue, temple or mosque.

Renewable Energy Facility – A collection of photovoltaic solar panels or one or more wind turbines for the sole purpose of generating electricity for off-site consumption distributed through the electrical grid.

Residential Use - A building used to live in; one family dwelling, two family dwelling, multiple family dwelling, mobile or manufactured home.

Restaurant - An establishment primarily engaged in the sale of food and beverage, including alcoholic beverage, for on premises consumption with patrons seated inside the building including cafes, tea rooms, outdoor cafes and drive-thru food service establishments.

Retail Sales and Services - A commercial facility engaged primarily in selling goods or merchandise to the general public for personal and household consumption; or providing retail services of entertainment to the general public such as restaurants, finance, real estate, and insurance offices, personal services, amusement and recreational services (such as for-profit hunting grounds or preserves), hotels/motels, health, educational and social services.

Right-of-Way - An area or strip of land either public or private over which an irrevocable right of passage has been recorded for the use of vehicles, infrastructure and/or pedestrian travel.

Road, Internal – A thoroughfare within a manufactured home park, recreational camping vehicle park, or any other type of use but is neither a public nor private road.

Road, Private – A thoroughfare which legally exists on a subdivision plat filed in the manner provided by law, but which has not been dedicated and accepted by the Town of West Monroe.

Road, Public - A thoroughfare dedicated and accepted by the state, county or the Town of West Monroe for public use.

Rubbish - All combustible and non-combustible waste, except garbage.

Salvage yard Salvage yard is a place where junk/disused vehicles or other machinery is broken up, dismantled, and the parts saved and processed for resale.

Setback - The distance between a lot line or the mean high-water line of a body of water and a particular development feature of a lot such as a building, structure, on-site sewage system component, or parking area.

Sign - Any device affixed to or painted or represented directly or indirectly upon a building, structure, or land and which directs attention to an object, product, place, activity, person, institution, organization, or business, but not including any flag, badge or insignia of any government agency, school or religious group, or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device.

Sign, Billboard, Off-premises - A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than the premises on which the sign is located, excluding directional signs.

Sign, Directional, Off-premises - A sign which directs attention to the location of a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, and limited to the name of the business, commodity, service or entertainment sold or offered, directions to the location, and distance to the location.

Sign, Electronic Message - A sign designed to allow changes in the sign graphics electronically.

Sign, Freestanding, On-premises - A sign not attached to or part of any building or structure, separate therefrom and permanently affixed by any other means in or upon the ground. Included are pole signs, pylon signs, and masonry wall type signs. Billboards and directional signs are not included in this definition.

Sign illuminated – A sign illuminated by electricity, gas or other artificial light from either the interior or the exterior of the sign or any sign which includes reflective and phosphorescent light, paint or tape.

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

Sign, Projecting - A sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which the sign is attached and not parallel to the face of the building.

Sign, Roof - A sign erected, constructed, and maintained wholly upon or above the roofline of any building, with the principal support on the roof or eave's structure.

Sign, Surface Area of - The entire area within a perimeter composed of not more than two rectangles, circles, ovals or any other geometric shapes which enclose each element or block of letters or extreme limits of the message or announcement, or which form the outside shape (including any frame) or form an integral part of the display. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display.

Sign, Temporary - A sign intended for a limited period of display.

Sign, Video Billboard - A billboard sign or other outdoor sign which uses television, computer projections, or other similar technology to project images to the public.

Sign, Wall - A sign which is painted on or attached to the outside wall of a building, with the face of the sign in the plane parallel to such wall including, but not limited to groups of individual letters painted on or attached to the wall.

Sign, Window - A sign visible from a sidewalk, road or other public place, painted or affixed on glass or other window material or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Site Utilities - The supplying of electricity, gas, water, or sewer/septic.

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground.

Stop Work Order - An order issued which requires that all construction activity on a site be stopped.

Storage Container - Any shipping/cargo container, tractor trailer or truck body box used to store items.

Storage Use - The keeping of any goods, material, merchandise, or vehicles within a building.

Stormwater - Rainwater, surface runoff, snowmelt, and drainage.

Stormwater Pollution Prevention Plan (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Telecommunication Facility - Tower and/or antenna used in connection with the provision of cellular telephone service, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services.

Telecommunication Facility Accessory Structure - A non-habitable accessory facility or structure serving or being used in conjunction with a telecommunication facility and located on the same lot as the facility. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

Term rental - A dwelling, room or space that is suitable or intended for occupancy in exchange for a charge, fee, etc...

Term rental - Short – A term rental occupied for a period of fewer than 21 consecutive days.

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Tower - A structure designed to support antennas. It includes without limit, freestanding towers, guyed towers, monopoles and similar structures which do or do not employ camouflage technology.

Tract - A body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

Wetland - An area that is defined as a "wetland" under applicable State or Federal regulations or is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Use - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard - Any open space located on the same lot as a building, unoccupied and unobstructed from the ground up, except for accessory buildings. The minimum depth or width of a yard shall consist of the horizontal distance between the nearest point of the building or structure and the lot line.

Yard, Front - The space within and extending the full width of the lot from the front lot line to that part of the building or structure which is nearest to such front lot line. If a lot adjoins two or more roads, it shall be deemed to have a front yard on each road.

Yard, Rear - The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard, Side - The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to such side lot line.

Zoning Officer - An individual designated by the town board to enforce this law.

## ARTICLE 3

### **ZONING PERMITS**

#### Section 3.01      Zoning Permits Required

No land-use activity as listed below, other than those activities specifically excepted in Section 3.02 below, shall be carried out until a current zoning permit has been issued by the zoning officer stating that the proposed building, structure, use of land, or development activity complies with the requirements of this law: No accessory structure, fence, wall, or hedge shall be erected in such a manner as to confuse or obstruct the views of any traffic sign, signal, or device, or obstruct the visibility of vehicles entering or exiting highways. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the road centerline grades of two intersecting roads, in the area bounded by the road lines of such corner lot and a line joining points along said road lines 20 feet from the point of the intersection.

1. Erection, re-erection or movement of a building or structure.
2. Change of the exterior structural dimensions of a building or structure.
3. Change in use of land, buildings or structures through the establishment of a new use, or through the expansion or enlargement of an existing use.
4. The resumption of any use which has been discontinued for a period of 12 months or longer.
5. Establishment or change in dimensions of a parking area for nonresidential or multi-family residential uses.
6. Signs as regulated in Article 13 of this law.
7. Change in the contours of land
8. Construction, replacement, or major modification of any on-site sewage disposal system.
9. Zone Officer may request a review with the Planning Board for items of concern as necessary.

#### Section 3.02      Zoning Permit Exceptions

A zoning permit shall not be required for:

1. Fences or walls.
2. Minor accessory structures such as posts, sidewalks, flagpoles, playground equipment, etc.
3. Family day care homes and group family day care homes.
4. Nonstructural agricultural uses.
5. Signs exempted in Section 13.03 of this law.

#### Section 3.03      Temporary Zoning Permits

Temporary zoning permits may be issued for the following uses:

1. Temporary uses and structures incidental to a construction project.
2. Recreation camping vehicles used for occupancy outside of recreation camping vehicle parks or campgrounds.
3. Telecommunications towers.
4. Manufactured home parks.
5. Recreational camping vehicle parks.

#### Section 3.04      Unapproved Lots

No zoning permit or certificate of zoning compliance shall be issued for any use or structure on any unapproved lot. An unapproved lot is a lot which has been filed in the office of the county clerk after the effective date of the Town of West Monroe Subdivision Law and which has not been approved by the planning board and was not exempt from said regulations at the time of filing.

Section 3.05      Current with Taxes and Requirements

Applicant applying for a Zoning Permit, Special Use Permit, and/or Site Plans must be current in payment of all real property tax, school tax, special assessments, and in compliance with all applicable legal and regulatory requirements required by the Town, County, and State requirements for permit to be re-granted.

## ARTICLE 4

### ESTABLISHMENT OF ZONING DISTRICTS

#### Section 4.01      Types and Purposes of Zoning Districts

The Town of West Monroe is hereby divided into the following zoning districts for the following purposes:

Waterfront Hamlet Districts (WH) – To provide for the unique, high-density, waterfront mixed uses of the Big Bay and Toad Harbor areas.

Commercial/Industrial District (CI) – To provide an area of the town along the Route 49 corridor in which commercial and industrial activities can be carried out without fear of negatively impacting nearby uses.

Residential Districts (RES) – To protect the character and property values of the small residential subdivisions which are scattered throughout the town.

Rural District (RUR) – To recognize the existing rural mixed-use character of the majority of the town, allowing maximum freedom for rural entrepreneurial growth in the town without conflicting with existing nearby uses.

#### Section 4.02      Zoning Map

Said zones are shown, defined and bounded on the map accompanying this law entitled “Zoning Map,” filed in the office of the town clerk, which map, and all explanatory matter thereon is by this reference incorporated into this law.



Section 4.03        Zoning District Boundaries

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

1. Where the designation on the zoning map indicates a boundary approximately upon a road, the centerline of the road shall be construed to be the boundary.
2. Where the designation on the zoning map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
3. Distances shown on the zoning map are perpendicular distances from road centerlines measured to the zone boundary, which boundaries in all cases where distances are given are parallel to the road centerline.
4. In other cases, the zone boundary shall be determined by the use of the scale on the zoning map.

Section 4.04        Metes-and-Bounds Descriptions

In the event that a metes-and-bounds description has been filed for a zone change or a variance as required by this law, such metes-and-bounds description may be used in lieu of other provisions of this section.

Section 4.05        Divided Lots

Where a district boundary line divides a lot of record at the effective date of this local law or any subsequent amendments thereto, the regulations for the less restrictive part shall extend into the more restrictive part for the entire lot, provided that at least 50% or more of the lot is in the least restrictive zone based on road frontage measurement.

ARTICLE 5

## ZONING DISTRICT REGULATIONS

Section 5.01     Allowed Uses

Land uses are allowed in the zoning districts established in Article 4 of this law according to Table 5.01. If a particular land use is not listed in table 5.01 then it is considered prohibited and not allowed in any zone. An applicant may seek an interpretation from the Zoning Board of Appeals as to whether an unlisted land use may fall within the definition of an existing permitted use, or in the alternative a use variance if it is not permitted and the ZBA has determined it doesn't meet the definition of any existing uses.

<b>Table Key - 5.01 Land Use</b>	<b>Designation</b>	
	WH	Waterfront Hamlet
	CI	Commerical/Industrial
	RES	Residential
	RUR	Rural
	N	No Zoning Permit Required
	Z	Zoning Permit Required
	S	Site Plan Required
	U	Special Use Permit Required
	-	Not Allowed In District
Required for Land Use	R	Permit Renewal Required/Per Fee Schedule
Required for Land Use	D	Decommissioning/ Surety Bond Required
Required for Land Use	O	State/County/Other Permit may be Required

<b>Table 5.01 Land Use</b>	<b>Required</b>	<b>WH</b>	<b>CI</b>	<b>RES</b>	<b>RUR</b>
Accessory Apartment	R	Z	Z	Z	Z
Adult entertainment Use		-	ZSU	-	-
Agricultural Use		-	N	-	N
Battery Storage Facility		-	-	-	-
Bed and Breakfast Inn	R	ZU	Z	-	ZU
Animal Shelter/Kennel/Vet		-	ZS	-	ZSU
Campground	R	ZSU	-	-	ZSU
Car wash		-	ZU	-	ZU
Convalescent Center	O	-	ZS	-	ZS
Dwelling, Multi-family		ZSU	SP	-	SP
Dwelling, Single-family		N	N	N	N
Dwelling, Two-family		N	N	N	N
Energy Sales	DO	ZSU	ZS	-	ZSU
Gravel Pit	RO	-	ZSU	-	ZSU
Health Care Facility	O	-	ZSU	-	ZSU
Heavy Equipment, sales/service/rental		-	ZS	-	ZS
Hobby Farm	R	-	Z	-	Z
Home Business		ZSU	Z	-	Z
Home Occupation		N	N	N	N
Hotel/Motel	RO	ZSU	ZS	-	ZSU
Indoor Recreation		ZSU	ZS	-	ZSU
Industrial Use		-	ZS	-	ZSU
Junkyard	RDO	-	ZSU	-	ZSU
Library		ZSU	ZS	-	ZSU
Manufactured Home Park	R	-	-	-	ZSU
Marina/Sales/Service		ZSU	-	-	ZSU
Motor Vehicle Sales		-	ZS	-	ZSU
Motor Vehicle Service		-	ZS	-	ZSU
Museum		ZSU	ZS	-	ZSU
Office		ZSU	ZS	-	ZSU
Outdoor Recreation		ZSU	ZS	-	ZSU
Public Facility or Assembly		ZSU	ZS	-	ZSU
Recreational Camping Vehicle		Z	Z	Z	Z
Recreational Camping Vehicle Park	R	ZSU	-	-	ZSU
Religious Facility		ZSU	ZS	-	ZSU
Renewable Energy Facility	RDO	-	-	-	ZSU
Restaurant		ZSU	ZS	-	ZSU
Retail Sales and Services		ZSU	ZS	-	ZSU
Salvage Yard	RDO	-	ZSU	-	ZSU
Storage Container		-	ZS	-	ZS
Storage Use		ZSU	ZS	-	ZSU
Telecom Facility	RDO	-	ZSU	-	ZSU
Term Rental Short	R	ZU	Z	-	ZU
Wholesale Use		ZSU	ZS	-	ZSU

Section 5.02      Lot Area, Lot Dimensions, and Setbacks

All lot areas, lot dimensions, and setbacks shall conform to the standards on Table 5-2 for the district in which it is located:

TABLE 5-2	WH	CI	RES	RUR
Lot area, minimum (square feet):				
No water or sewer	40,000	40,000	40,000	40,000
Either water or sewer	32,400	32,400	32,400	32,400
Water and sewer	20,250	20,250	20,250	20,250
Lot width, minimum (feet):				
No water or sewer	150	150	150	150
Either water or sewer	120	120	120	120
Water and sewer	90	90	90	90
Setback of structures other than parking lot and signs from centerline of public and private roads, minimum (feet):				
No water or sewer	75	75	75	75
Either water or sewer	75	75	75	75
Water and sewer	50	50	50	50
Setback from side lines, minimum (feet):				
No water or sewer	15	15	15	15
Either water or sewer	15	15	15	15
Water and sewer	15	15	15	15
Setback from rear lot lines, minimum (feet):				
No water or sewer	20	20	20	20
Either water or sewer	20	20	20	20
Water and sewer	15	15	15	15
Accessory structures	10	10	10	10

## ARTICLE 6

### PLANNING BOARD REVIEW

#### Section 6.01      Purpose

It is the intent of this article to promote the health, safety, and general welfare of the town through project review. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the town, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the town and the general welfare of its inhabitants. It is intended for the planning board to attach reasonable safeguards and conditions to those uses that might otherwise produce deleterious effects on the environment, the rural and scenic character of the town or the town residents' health, safety, and welfare.

#### Section 6.02      Site Plan Review

Pursuant to authority delegated in accordance with Section 274-a of the Town Law of the State of New York, the town board hereby authorizes the planning board to review and approve, approve with modification, or disapprove site plans. Site plan review uses shall be reviewed by the planning board according to the procedures of this article and shall comply with the regulations that apply in each district or for specific uses. No zoning permit shall be issued by the zoning officer for any use or structure requiring site plan review until approval has been granted by the planning board.

#### Section 6.03      Special Use Permits

Pursuant to authority delegated in accordance with Section 274-b of the Town Law of the State of New York, the town board hereby authorizes the planning board to grant special use permits as set forth in this law. Uses requiring a special use permit shall be reviewed by the planning board according to the procedures of this article and shall comply with the regulations that apply in each district or for specific uses. No zoning permit shall be issued by the zoning officer for any use or structure requiring a special use permit until approval has been granted by the planning board.

#### Section 6.04      Pre-Submission Conference

The applicant is encouraged to request and attend a pre-submission conference with the planning board prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure, and the criteria that the project must meet. The applicant is requested to present a sketch plan showing the major features of the proposed development such as the location of all proposed and existing structures; ingress and egress; proposed parking; the location of existing natural and manmade features (i.e., major vegetation surface water and land formations, roads, fences, etc.); and a description of existing and intended use of site, and existing use of adjoining properties.

#### Section 6.05      Submission to Zoning Officer

All applications for planning board approval must be submitted to the zoning officer. The zoning officer will determine whether the proposal meets the requirements of this and other local laws, ordinances and/or regulations, and shall review the application for completeness, taking into account any waivers granted by the planning board as the result of any reapplication conferences held pursuant to this law. The zoning officer shall forward the application to the planning board for formal review as described below when satisfied with the completeness of the application. The zoning officer shall not have the authority to waive or interpret any requirement of this law. Where this law specifies that developers must submit an "application form," said forms will be available from the town clerk.

#### Section 6.06      Application Contents

An application for site plan review or a special use permit shall be made on forms prescribed by the town. The town will require three final copies, minimum, of all materials shall be submitted to the board by the applicant. Extra copies as may be deemed necessary by the planning board may be required. The following information shall be required of all applications, unless specifically waived by the planning board:

1. Applicant name, address and owner name, address and consent if owner is not the applicant, and the person responsible for preparing the application.
2. Existing use of the land and of all adjoining parcels and the name and address of the owners of all adjoining parcels.
3. A survey by a licensed land surveyor of the parcel on which the development is to occur.
4. Property address, tax ID parcel number, and a location map showing the site location on the relevant portion of a USGS or NYSDOT planimetric quadrangle map or town base map.
5. A complete outline of existing or proposed deed restrictions or covenants applying to the property.
6. A to-scale site plan with north arrow at a scale of 1" = 50' or larger for parcels of up to 10 acres and 1" =100' or larger for parcels of more than 10 acres, showing:
  - a. Date, north point, written and graphic scale.
  - b. Location and dimension of all existing and proposed buildings and outdoor storage areas on the property clearly labeled as existing or proposed, and their intended use.
  - c. The setback of all existing and proposed buildings from rear and side property lines and public road rights-of-way.
  - d. The names, location and dimensions of existing and proposed driveways, and the names, location and dimensions of existing and proposed public or private roads and sidewalks on or adjacent to the site.
  - e. The location, dimension and delineation of all required parking spaces, loading areas and driveways.
  - f. The location of existing and proposed public sewer, public water, septic systems and wells on the subject property.
  - g. Proposed building heights and number of stories.
  - h. The location, dimensions and type of any required buffer area.
  - i. Any proposed screening from adjacent properties.
  - j. The location of any surface water bodies, stream courses, FEMA floodways and flood zones, and wetlands on the property.
  - k. The location and type of any outdoor lighting
  - l. The locations and design of any signs.
  - m. A landscaping, screening and planning schedule
  - n. The location of all Town of West Monroe zoning district boundaries, and agricultural district boundaries established under Article 25-AA of the NYS Agricultural and Markets Law.
7. A drainage and erosion control plan for the property, including a stormwater pollution prevention plan (SWPPP) conforming to the Town of West Monroe Stormwater Control Law. For sites with a developed area of one acre or more, a storm water retention and grading plan in conformance with the New York State Department of Environmental Conservation guidelines.
8. An agricultural data statement pursuant to NYS Town Law Section 283-a, when applicable.
9. An environmental assessment form (EAF), and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617. The planning board may, in its discretion, require a full environmental assessment form (Full EAF) prior to making a determination of significance.
10. A statement of the nature and extent of the interest of any state employee, or officer of employee of the town in the applicant pursuant to General Municipal Law Section 809, when applicable.
11. A detailed description of the proposed operations, including the designated hours of operation.
12. Any other information required by the planning board to show compliance with the requirements of this law.

Section 6.07      Waiver of Application Requirements

The planning board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans or special use permits submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety, or general welfare and inappropriate to a particular site plan or special use permit.

Section 6.08      State Environmental Quality Review

The planning board shall be responsible for the completion of an environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The planning board shall complete its environmental review and make an environmental determination prior to acceptance of a complete application.

Section 6.09      Agricultural Data Statement

Where the site is within an agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation in an agricultural district, as defined by article 25-AA of the NYS Agriculture and Markets Law, an agricultural data statement must be sent to affected property owners.

Section 6.10      Area Variance

During the course of the review, should the planning board determine that a site plan approval may not be feasible without the granting of an area variance as defined by NYS Town Law Section 267-b, the planning board may at any time refer the application and site plans to the zoning board of appeals for the consideration of such variance.

Section 6.11      Public Hearing

Once a completed application has been accepted by the planning board, including a State Environmental Quality Review Act determination of significance and/or a draft environmental impact statement, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment. This time period may be extended upon the mutual consent of the planning board and the applicant.

Section 6.12      Public Hearing Notice

At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the town. A notice of hearing will be mailed to each owner of property abutting, or across from, the lands of the proposed land use activity or within 500 feet of the perimeter of the lands. A notice of the hearing shall be mailed to the applicant at least five days before the hearing. Where the location of the site is within 500 feet of an adjacent municipality, notice by mail or electronic transmission must be made to the clerk of the adjacent municipality at least five days before the hearing.

Section 6.13      County Planning Department Review

Pursuant to General Municipal Law Section 239-m review process, at least 10 days before the hearing, or where the hearing has been waived, before final action, the planning board shall refer all site plan reviews or special use permits to the County Planning Department that fall within 500 feet of the following:

1. The boundary of the town.
2. A state or county park or recreation area.
3. A state or county highway or expressway.
4. A state or county owned drainage channel.
5. State or county land where a public building or institution is located.
6. The boundary of a farm operation located within an agricultural district.

If the County Planning Department does not respond within 30 days from the time it received a full statement on the referral matter, then the planning board may act without such report. However, any County Planning Department report received after such 30 days but two or more days prior to final action by the West Monroe Planning Board, shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the County Planning Department recommends modification or disapproval of a proposed action, the West Monroe Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

Section 6.14      Final Decision

The final decision by the planning board must be made within 62 days following the close of the public hearing. The decision shall be in writing, specifying any conditions that may be attached to an approval, the reasons that the planning board approved, approved with modifications or disapproved the proposal, and the motions/vote of the planning board. This time period may also be extended upon the mutual consent of the planning board and the applicant.

Section 6.15      Conditions on Approval

In its approval, the planning board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a zoning permit for the application as are directly related to, and incidental to a proposed site plan or special use permit. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by applicable the zoning officer.

Section 6.16      Waiver of Standard Requirements

The planning board may, when reasonable, waive any standards of this law for the approval or approval with modification of special use permits or site plans. Such waiver may be exercised in the event any such standards are found not to be requisite in the interests of the public health, safety or general welfare or inappropriate to a particular use.

Section 6.17      Filing of Decision

All decisions shall be filed in the office of the town clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the County Planning Department, the planning board shall file a report of the final action with the County Planning Department.

Section 6.18      Expiration of Site Plan Reviews and Special Use Permits

Site plan review decisions and special use permits shall expire one year from the date of issue unless substantial progress has been made towards carrying out the terms of the planning board decision. The applicant shall have one year to complete the terms of the decision, or all work shall cease at the site. The planning board shall have the discretion to determine the starting date of the expiration period. An extension may be allowed by the zoning officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

Section 6.19      Modification of an Approved Site Plan or Special Use Permit

Modifications to a site plan shall be classified as minor, moderate or major and shall require additional review as provided in this section.

1.      A minor modification shall be a technical adjustment to a site plan already approved by the planning board which does not:
  - a.      Change the total building footprint or total building area.
  - b.      Encroach on required setbacks.
  - c.      Reduce required buffering.
  - d.      Add impervious surface.

- e. Result in moving any structure more than ten feet in any direction.
- f. Change the proposed use.

Plans with a minor modification must be submitted to the zoning officer, who will review the plan for potential impacts. The zoning officer must approve minor modifications before work commences. The modified plan must be signed by the zoning officer, dated and filed with the town clerk.

2. A moderate modification shall be a change to an approved plan which results in:
  - a. An increase in any building footprint dimension of up to 5% or an increase in the area of the proposed building of up to 10%; or
  - b. An increase in impervious surface; or
  - c. Moving any structure more than ten feet but less than 20 feet in any direction.
  - d. Change of land use.

Plans with a moderate modification must be reviewed and approved by the planning board but do not require a public hearing or public notification. The planning board chairperson must sign and date the revised plan. The signed, revised plan must be filed with the town clerk.

3. A major modification shall be any change which is not a minor or moderate modification. A plan with a major modification must be resubmitted for full planning board review, public hearing, and approval per land use table
4. A moderate or major change in a plan that required county review under Section 6.13 will be resubmitted to the Oswego County Development Tourism and Planning for review.

#### Section 6.20      Appeal of Planning Board Decision

Any person aggrieved by the decision of the planning board may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding must be instituted within 30 days after a decision is filed in the town clerk's office.

## ARTICLE 7

### SITE PLAN REVIEW STANDARDS

#### Section 7.01      General Site Plan Review Standard

1. Uses subject to site plan review are appropriate in the district in which they are allowed but require the review of the planning board to ensure the adequacy and proper arrangement of the proposed improvements to the site. The planning board may approve, approve with modifications or disapprove an application for a site plan based on the criteria of this law.
2. The planning board shall require that all site plans comply with the following general review criteria:
  - a. The site is designed so as to be consistent with the comprehensive plan for the community.
  - b. Parking, queuing and loading areas are adequate for the intended level of use and arranged so as to minimize negative impacts on adjacent properties and the public road system.
  - c. Access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the public road system.
  - d. The internal circulation of the site is arranged so as to provide safe access to parking, queuing and loading areas, provide access for emergency and service vehicles, provide adequate separation of pedestrian and vehicular movements, and minimize impacts on the public road system.
  - e. Pedestrian ways are safe and adequate and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood.
  - f. Site lighting is adequate for the intended use of the property, is designed to minimize impact on neighboring properties, and is appropriate for the character of the neighborhood.
  - g. The designs, locations, dimensions and architectural styles of buildings, structures and signs are in keeping with the character of the neighborhood.
  - h. The site is suitably landscaped and appropriately screened from adjacent properties and the public road at all seasons of the year so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood.
  - i. Activities which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties.
  - j. Changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property, community drainage systems, or streams and wetlands.
  - k. On-site activities are designed and conducted so as to minimize soil erosion and sedimentation.
  - l. Water supply and sewage disposal facilities are safe and adequate as required by applicable local, county and state law.
  - m. Existing vegetation, natural features and landform are preserved to the extent practical.
  - n. Residential sites contain adequate and appropriate open space and recreation areas for the residents of the site.
  - o. Description of the proposed operations.
  - p. The integrity of scenic, historic and archeological sites is preserved where practical.
  - q. All parking must be sized to accommodate approved land use activities, no on street parking is allowed.

#### Section 7.02      Parking Design Standards

1. Parking spaces shall be at least 9 feet x 18 feet.
2. Handicapped spaces shall be 12 feet x 18 feet.
3. Aisle width for two -way traffic with 90-degree parking shall be 24 feet.
4. Parking spaces shall not extend into the right-of-way of any public road or into any required buffer area.

5. All parking spaces shall be located on the same parcel of land as the use they support.
6. Handicapped parking spaces shall be provided in accordance with applicable state and federal laws as well as the standards of the New York State Fire Prevention and Building Code. Handicapped parking spaces shall be specially identified through signage mounted on poles or walls and shall be located as close as possible to the main entrance of the principal structure or use.
7. All parking must be sized to accommodate approved land use activities, no on street parking is allowed.

Section 7.03      Recommended Minimum Parking Space Requirements According to Use

1. Multi-family Residential Uses - Two spaces per dwelling unit.
2. Retail/commercial (not otherwise specified herein including adult entertainment use business) - One space per 200 square feet of gross floor area.
3. Motor Vehicle Repair - Three spaces per bay.
4. Motor Vehicle Sales - One space for each 600 square feet of enclosed floor space, plus one space for each 200 square feet of outside display area, plus one space per employee and one space per service bay.
5. Bed and Breakfast Inn - One space per room for hire..
6. Campground - One and one-half spaces per campsite plus one space per employee.
7. Car Washes - Four space stacking area per bay.
8. Furniture Store - One space per 500 square feet of gross area.
9. Gasoline Sales (without Convenience Store) - Two parking spaces plus adequate stacking space for three automobiles per gasoline dispenser.
10. Health Care Facility /Medical Office - One space for each of the maximum number of staff on duty at one time and three spaces per examination room.
11. Hospital/Convalescent Center - One space per three beds or residents, plus one space per employee on the largest working shift.
12. Hotel/Motel - One space per room plus one per employee.
13. Industrial Facility - One parking space per 400 square feet of gross floor area.
14. Library/Museum/Art Gallery - One space per 200 square feet of gross floor area.
15. Marina - One space per boat slip plus one per rack storage space.
16. Office - One space per 200 square feet of gross floor area.
17. Outdoor Recreation - Four spaces per hole for golf course. For all other uses, one space per every three individuals the facility is designed to accommodate.
18. Professional Office - One space per 200 square feet plus one space for each of the maximum number of staff on duty at any one time.
19. Public Facility or Assembly - One space per 200 square feet of gross floor area or one space per four seats, whichever is greater.
20. Religious Facility - For a place of worship, one space per 200 square feet of the gross sanctuary area or one space per two seats, whichever is greater.
21. Restaurant - One space per 100 square feet of gross floor area, except that for fast-food restaurants there shall be one space per 50 square feet of gross floor area plus four stacking spaces per drive thru window.
22. Warehousing and Storage - One space per 1,000 square feet of gross floor area.
23. Wholesale Sales - One space per 500 square feet of gross floor area.

Section 7.04      Loading Areas

Loading areas shall be provided for retail, wholesale, and warehousing activities. Loading area shall be 12 feet x 46 feet and shall be identified on the site plan.

Section 7.05      Modification of Parking and Loading Requirements

The planning board shall have the authority to modify any of the above-referenced parking and loading area requirements provided that the applicant provides sufficient evidence that the standard is excessive or insufficient.

Evidence may include parking studies for the use as compiled in the latest edition of the Institute of Transportation Engineers “Parking Generation,” or other such studies as may be deemed acceptable by the planning board.

Section 7.06      Landscaping and Buffering

Landscaping and buffering are intended to improve community aesthetics and mitigate adverse impacts upon adjacent land uses.

1.      Landscaping

- a. Where the proposed land use is potentially incompatible with the adjacent uses, an effective vegetative screen shall be developed and maintained to visually separate the proposed use from view from adjacent inhabited areas.
- b. Traffic Movement Areas: In areas where landscape materials are used to define paths of traffic movement, plants shall be selected to achieve not more than three feet mature height. Planting height shall be 18 to 24 inches.
- c. Parking Areas: In areas where landscape materials are used to complement parking areas, branching of trees shall begin at a height no less than ten feet.
- d. Screening: Where landscape materials are used for screening purposes, a dense screen of evergreen plant materials shall be used, when sufficient space is available. Plant materials shall be not less than six feet in height when planted and shall be spaced to form an opaque screen either in a single row or in multiple rows with alternate spacing. Where limited space is available, stockade or other approved fence may be used in conjunction with climbing or trellis plants. Where possible, areas of existing vegetation should be used to advantage in creating vegetative screens.
- e. Landscaping required under this section 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 groundcover. Consideration should be given to maintaining areas of native plants in unprogrammed spaces and native plant species should be considered for new planting. Where natural vegetation can be retained, it may be permitted to serve as required landscaping. All landscaping shall be kept in a healthy growing condition for the life of the use.

2.      Buffering

- a. Where any commercial or multi-family use abuts a residential use, a landscaped buffer area at least 25 feet in width shall be maintained by the owner in side and rear yards which adjoin the residential use. No parking area or driveway shall be permitted in a buffer area.
- b. Where any industrial use abuts any residential use, a landscaped buffer area of at least 50 feet in width shall be maintained in side and rear yards. No parking area or driveway shall be permitted in a buffer area or required yard.
- c. Nonresidential uses shall have a buffer area between the road right-of-way and any development of the land at least fifteen feet in depth in the front yard. Planting in such buffer areas shall be such that vision in the ingress/egress drive is not obstructed.

3.      Additional landscaping and buffering may be required by the planning board if it is determined to be necessary to advance the purpose of this law. Failure to maintain required buffering will result in revocation of zoning, site plan, or special use permit.

Section 7.07      Outdoor Lighting

Outdoor lighting shall be designed so as not to illuminate adjacent or nearby uses and shall not include oscillating or flashing lights.

Section 7.08      Stormwater

A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of the Town of West Monroe Stormwater Control Law shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in the above law, and any approved site plan shall be consistent with the provisions of the above law.

Section 7.09      Refuse Storage Areas

All refuse, rubbish and garbage storage areas shall have a five-foot landscaped buffer and be fenced and screened from adjacent properties and from public view. Odorous matter released from any refuse storage area shall not be detectable at the property lot line where the odor is generated.

Section 7.10      Vehicular Area Surface Treatment

All internal roads, driveways, parking and loading areas shall be surfaced with stone, gravel, asphalt, concrete, or other dust inhibiting material.

Section 7.11      Decommissioning Plan/Surety Bond

A bond of sufficient value to remove the facility and restore the land to original state may be required. Value shall be calculated by Professional Engineer using time value of money formulae. A copy of the bond must be placed with the site plan.

The required amount for a surety bond is determined by several factors that include environmental liabilities, decommissioning costs, and reclamation costs.

A Reclamation Cost Estimate is an estimate of expenses that it will take to return the land to its original state, which includes removing improvements made under the right-of-way, returning the land to its original contour, and establishing sustainable vegetation. Limiting the amount of vegetation removal in the project planning phase may help reduce the bond amount.

Once a project is completed and the restoration is satisfactory per Town Zoning Officer and/or Town Board, the bond may be released.

Besides a surety bond, other acceptable security instruments may include cash, cashier's or certified check, certificate or book entry deposits, negotiable US Treasury securities, irrevocable letters of credit, and policy of insurance.

## ARTICLE 8

### SPECIAL USE PERMIT STANDARDS

#### Section 8.01 General Special Use Permit Standards

1. Uses subject to special use permits are generally appropriate in the district in which they are allowed but may not be suitable for a particular parcel of property within the district. The purpose of special use permit review is to allow the planning board to assess the use for its suitability for the specific site on which it is proposed. The planning board may approve, approve with modifications or disapprove an application for a special use permit based on the criteria of this law.
2. In considering and acting on special use permits, the planning board shall consider the following:
  - a. That the proposed use is consistent with the comprehensive plan for the community and that the public health, safety, welfare, and comfort and convenience of the public in general are safeguarded.
  - b. That the public facilities to service the proposed use, including water supply, sewage disposal, drainage facilities, road and pedestrian facilities, solid waste facilities, and any other utilities and public services are adequate for the intended level of use.
  - c. That the proposed use is of a character, scale and intensity of use compatible with the surrounding neighborhood, will not conflict with neighboring uses, and will not impair the value of properties.
  - d. That the proposed use shall not have a deleterious effect on the site or the surrounding neighborhood with regard to natural resources; aesthetic resources; scenic, historic or archaeological sites or structures; or the quality of air or water.
  - e. That the proposed use shall not cause undue noise, vibration, odor, glare, smoke, dust, fumes, unsightliness or electrical disturbance, nor pose a danger to neighboring properties or the general neighborhood due to hazardous or volatile substances.

#### Section 8.02 Nonresidential Uses in Rural (RUR) Districts

1. Nonresidential uses shall be allowed only if objectionable lights, noise, smoke, odor, and aesthetics can be sufficiently mitigated to protect nearby residential uses.
2. Nonresidential uses within 500 feet of a Waterfront Hamlet (WH) or Residential (RES) District shall be allowed only if objectionable lights, noise, smoke, odor, and aesthetics can be sufficiently mitigated through a buffer yard along the district boundary meeting the standards of Section 7.06 of this law.

#### Section 8.03 Multiple Dwellings per Lot

There shall be no more than one dwelling structure on a single lot except upon special use permit approval. Such special use permit approval may be issued where it can be demonstrated that any future subdivision of the lot which would result in the dwellings being located on separate lots, can be accomplished in such a way that the resulting dwellings will have setbacks in accordance this law, the resulting lots will have areas and dimensions in accordance with this law, and all sewage disposal and wastewater systems will be in accordance with the NYS Sanitary Code.

#### Section 8.04 Adult Entertainment Use

## 1. Statement of Purpose and Findings

The town board of the town of West Monroe has determined that adult entertainment use businesses exhibit serious objectionable operational characteristics which can lead to significant adverse impacts on the surrounding community and that the unrestrained proliferation of such businesses is inconsistent with existing development and future plans for the town, in that adult entertainment businesses often result in influences on the community which increase the crime rate and undermine the economic, moral, and social welfare of the community. The deleterious effects of these businesses change the economic, social, and moral character of the existing community and adversely affect existing businesses and community and family life. Therefore, the town board of the town of West Monroe recognizes that special regulation is necessary in order to ensure that the effects of such businesses will not adversely affect the health, safety, and economic well-being of the community.

## 2. Regulations

All adult entertainment uses shall be subject to the following regulations:

- a. Such uses shall be a minimum of 1,000 feet from schools, churches, public parks, libraries, public community centers, recreation lands, and other adult entertainment uses. Measurement of distances shall be from the property lines of the uses, except in the separation from other adult uses, in which case the distances shall be measured from structure to structure.
- b. Exterior signs, displays or other advertisements which contain nude, seminude or provocative pictures shall be prohibited.
- c. Interior signs, displays, posters or other advertisements which contain nude, seminude or provocative pictures shall be located a minimum of four feet from any window and shall not be visible from the exterior of the establishment.
- d. All building openings, entries, windows, doors, etc., shall be located, covered, or screened in such a manner as to prevent a view into the interior of the building from any public right-of-way or adjacent property.
- e. No adult entertainment use shall be established in any building of which any part is used for residential purposes.
- f. No residential use shall be established in any building of which any part is used as an adult use establishment.
- g. Stairways, sloping or rising paths, building entrances and exits shall be illuminated. Spotlight type fixtures attached to buildings should be avoided.
- h. Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes.
- i. Not more than one activity constituting an adult entertainment use shall be permitted within a single building or on a single lot.
- j. No adult entertainment use shall be established until the issuance of a special use permit by the planning board and shall be subject to following additional conditions of approval:

3. Adult entertainment use businesses shall be properly screened through the use of fences, walls, landscaping or other measures from adjacent structures.
4. The exterior appearance of any building containing an adult entertainment use shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood.
5. Adult entertainment use shall conform to all existing applicable sign regulations in addition to the following specific requirements:
  - a. Signs which are illuminated in neon or which contain flashing lights shall be prohibited.
  - b. Exterior signs, displays or other advertisements which contain nude, seminude or provocative pictures shall be prohibited.
  - c. Interior signs, displays, posters or other advertisements which contain nude, seminude or provocative pictures shall be located a minimum of four feet from any window and shall not be visible from the exterior of the establishment.

- d. The maximum surface area of all signs visible from the exterior of the establishment (including permanent and/or temporary window and door signs) shall not exceed, in the aggregate, 50 square feet per establishment, of which no more than 25 square feet may be illuminated non-flashing signs.

Section 8.05      Term Rental, Short Term Rental, and Bed and Breakfast Inn

1. Short Term Rental permits will be valid for one year and must be renewed.
2. Short Term Rentals will require annual codes inspection to assure property meets current Town, County and NYS codes and standards. Owner must provide proof of general liability insurance against claims for personal injury, death, or property damage occurring on, in, or about the subject premises in an amount not less than \$1,000,000.00 for personal injury or death and in amount of not less than \$100,000.00 in respect of property damage.
3. No street parking shall be allowed. Parking requirements will be based on bedrooms/sleeping capacity of the rental unit. This includes all motor vehicles, recreation camping vehicles, trailers, etc...
4. Short Term Rental site rules must be part of permit application submitted yearly. They must include site uses such as dock access, fire pits, property boundaries, garbage storage, parking etc... The management of site rules such as noise levels, quiet hours, behavior, etc... must be part of the yearly special use permit and posted on the site.
5. Violation of site plan will result in revocation of Special Use Permit. Maximum of three (3) founded violations within a twelve month period such as police reports, arrest warrants, and/or a record of complaint, filed, and investigated by the zoning officer (Ref Section 15.08).
6. Maximum number of persons permitted shall be determined as part of special use permit. The short term rental shall be limited to the registered guests at the time of the rental.
7. Owner must be at all times current in payment of all real property tax, school tax, special assessments, and in compliance with all applicable legal and regulatory requirements required by the Town, County, and State requirements.
8. Owner or non-owner occupied term rental is required to have a designated property manager who can respond to any situations pertaining to the subject premise within 30 minutes. Contact names and numbers must be on file with yearly permit and posted in the dwelling with the valid permit and inspection report.
9. Current town approved permit must be included with the public short term rental listing.

Section 8.06      Hotel/Motel

1. Occupancy is not allowed for hotel/motel stays longer than 21 consecutive days or more than 29 days in a year.
2. Occupancy is not allowed to exceed the per person room/bed occupancy that must be documented and approved as part of the building, zoning, site plan, and special use permit.
3. Includes all other types transient facilities such as hotel, motel, bed and breakfasts, resorts, inns, and such

Section 8.07      Renewable Energy

1. Setbacks for wind towers must be the height of the tower and blade plus 100 feet from property lines and structures.
2. Additional spacing to accommodate ice throw may be stipulated by the Planning Board.
3. Decommissioning plan shall be required, see section 7.11

## ARTICLE 9

### SUPPLEMENTARY USE REGULATIONS

#### Section 9.01 Home Occupation and Business

##### Home Occupation

All uses defined by this law as home occupations that are located within districts shall be subject to the following standards:

1. Operations, including the storage of materials and equipment, outside of buildings are prohibited.
2. No exterior changes to structures are allowed.
3. There shall be no external evidence of the home occupation.
4. Manufacturing and assembly shall be limited to small hand tools.
5. Noise, glare, vibration shall be limited. Electronic and microwave interference with radios, TVs and other household appliances is prohibited.
6. Customer parking shall be limited to one space and shall be on-site and off the public right-of-way.
7. The total floor area of the home occupation shall not exceed 15% of the floor area of the principal residence.

##### Home Business

All uses defined by this law as home businesses shall be subject to the following standards:

1. Operations, including the storage of materials and equipment, outside of buildings must be buffered from adjacent properties.
2. No exterior changes to structures are allowed.
3. Signs shall be flush with buildings, unlit, and shall not exceed two square feet.
4. Manufacturing and assembly shall be limited to three horsepower tools.
5. Noise, glare, vibration shall be limited. Electronic and microwave interference with radios, TVs and other household appliances is prohibited.
6. Operations shall be limited to the hours of 6 a.m. to 9 p.m.
7. Customer parking shall be limited to two spaces and shall be on-site and off the public right-of-way.

The total floor area of the home business shall not exceed 49% of the floor area of the principal residence

#### Section 9.02 Mobile Homes (Singlewide Manufactured Homes)

All mobile homes shall comply with the following:

1. No person shall locate, relocate, replace with another mobile home, or expand a mobile home within the Town of West Monroe.
2. Mobile homes which were lawfully established prior to the effective date of this law shall be considered nonconforming mobile homes.
3. Nonconforming mobile homes may be used and may be maintained or repaired as long as such activity does not increase any nonconformity.
4. Any nonconforming mobile home which has been abandoned for a period of six months or more shall not be re-established.

Section 9.03      Manufactured Homes

All manufactured homes shall comply with the following:

1. No person shall locate, relocate, replace with another manufactured home, or expand a manufactured home built prior to 1976 from present day within the Town of West Monroe.
2. Manufactured homes which were lawfully established prior to the effective date of this law shall be considered nonconforming manufactured homes.
3. Nonconforming manufactured homes may be used and may be maintained or repaired as long as such activity does not increase any nonconformity.

Section 9.04      Recreational Camping Vehicles

Recreational camping vehicles which are sited outside of campgrounds shall comply with the following:

1. Standards
  - a. Any recreational camping vehicle sited on private land, shall not be sited/occupied on said land for a period of more than 180 days in any calendar year. This section shall not apply to a single recreational camping vehicle which is occupied for 14 days or less within a calendar year on the site of a permanent residence.
  - b. No more than one recreational camping vehicle shall be located on a single private lot outside of a recreational camping vehicle park or campground, excepting two or fewer recreational camping vehicles stored unoccupied on the site of a permanent residence. Storage of more than two recreational camping vehicles on a single lot, unless on a recreational camping vehicle sales lot, is prohibited. Storage of any recreational vehicle other than at a permanent residence or lawfully licensed storage facility is prohibited.
  - c. Such recreational camping vehicles may not be located within front, side or rear lot setbacks as required by Section 5.02 of this law.
  - d. No external modifications or additions may be made, and no permanent connections, foundation, or utility connections may be made for an individual recreational camping vehicle sited on private land outside of a recreational camping vehicle park or campground. The recreational camping vehicle must remain licensed, registered and inspected for highway use and at all times must remain capable of use on public highways.
2. Procedures
  - a. Such siting and occupancy of a recreational camping vehicle on private land outside of a campground shall be subject to a permit, issued by the zoning officer, subject to annual renewal, which term shall run from January 1 to December 31.
  - b. The applicant shall provide a completed application form and permit fee to the town clerk, who shall refer the application to the zoning officer. The completed application form shall include a proposed site plan, drawn to scale or indicating all dimensions, and shall show the dimensions of the lot; the location of all existing buildings; and all-natural water courses, ponds, wetlands, and floodplains. The application shall indicate the proposed date of siting and removal of the recreational camping vehicle. The applicant shall provide information regarding proposed plans for access to potable water and sanitary sewage disposal.
  - c. Prior to any site preparation, the zoning officer shall conduct an on-site inspection. To assist the zoning officer, the applicant may be required to locate stakes on the site in conformity with information shown on the site plan.
  - d. The cost of any site inspections, tests or professional consulting needed to comply with this section shall be paid by the applicant. Upon a determination by the zoning officer that the proposal has met all the requirements of this law, the zoning officer shall, within seven days, issue the permit. The permit shall be prominently displayed on the recreational camping vehicle such that it may be seen from the exterior of the vehicle.
  - e. If it is determined by the zoning officer that a recreational camping vehicle has not been sited in accordance with the site plan as shown in the application, or that any of the conditions of the application have been violated, the issued permit shall be revoked until such time that the site is corrected to the satisfaction of the zoning officer. Upon the revocation of a recreational camping vehicle permit, the occupancy of the

recreational camping vehicle shall be immediately terminated, and the recreational camping vehicle removed from the premises.

- f. Any recreational camping vehicles on private land which are not in compliance as of the date of adoption of this law or subsequent amendments shall have to come into compliance. The permit will be revoked for non-compliance.

Section 9.05      Multi-Family Dwellings

All multi-family dwellings shall comply with the following:

1. Buildings containing multi-family dwellings shall be placed a minimum of 20 feet from any internal driveway.
2. A minimum of 500 square feet of recreational area shall be provided for each unit.
3. The development entrance shall be landscaped and same shall be maintained.
4. Any outdoor refuse storage areas shall be fenced and screened with a five-foot high landscaped buffer.
5. Internal driveways in a housing development should meet applicable town construction specifications.
6. Annual NYS Building and Fire Codes Inspection.

Section 9.06      Driveway and Road Access

Driveway and road access to all sites shall be consistent with the standards set forth in "Policy and Standards for Entrances to State Highways," as revised, published by the State of New York Department of Transportation, as herein referenced.

Section 9.07      Hobby Farms

Hobby farms shall comply with the following:

1. Hobby farms shall have a minimum size of two acres for livestock and 32,400 square feet for poultry.
2. Structures shall be set back as follows:
  - a. Centerline of public road – 75 feet for any structure.
  - b. Side and rear lot line – 15 feet for primary residence and garage; 50 feet for any agricultural structure.
3. Hobby farms shall be buffered and screened from adjacent properties.

Section 9.08      Accessory Apartments

1. No more than 1 accessory Apartment per owner occupied parcel shall be allowed.
2. Accessory must be occupied by the same tenant for a minimum of six months.
3. Accessory must have a Certificate of Occupancy issued by the town zoning officer.

Section 9.09      Storage Containers

All storage containers shall meet the following standards:

1. Storage containers will be treated as storage sheds per permit fee schedule. Building permit is required and must meet all building codes and setbacks. Storage containers shall not be used for occupancy.
2. Stationary storage containers shall not have wheels and axles.
3. Storage containers must meet all current NYS codes.
4. Any storage container existing on the effective date of this law must be brought up to code, permitted by the zoning officer, or removed by the property owner at their expense.

## ARTICLE 10

### TELECOMMUNICATIONS FACILITIES

#### Section 10.01 Purpose

This article provides the rules associated with obtaining a special use permit from the planning board for telecommunications facilities and sets forth the standards for such uses.

#### Section 10.02 Mandatory Submission Requirements

1. Co-located Existing Structure Antennas: A co-located antenna on an existing structure or tower shall not require a special use permit pursuant to this law. The antenna and any mounting structure and related equipment shall be integrated into said structure in such a manner as to minimize its visual impact to the greatest extent practicable.
2. Submission Requirements for Non-Co-located New Structure Antennas: An application for a permit to locate and maintain a non-co-located new structure antenna shall consist of a report to be submitted to the zoning officer and thereafter reviewed by the planning board as described in Article 6 of this law, along with a copy of the town clerk's receipt showing payment of the appropriate fees. The report must include the following information:
  - a. That the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the town, showing the specific locations and/or areas the applicant is seeking to serve.
  - b. The report shall set forth an inventory of existing facilities and/or structures, within or outside of the town, which might be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve and include a report on the possibilities and opportunities for co-location as an alternative to a new site.
  - c. The applicant must demonstrate that the proposed facility cannot be accommodated on any such existing facility or structure either within or outside of the town due to one or more of the following reasons:
    - i. The proposed equipment would exceed the existing and reasonably potential structural capacity of existing facilities or structures within or outside of the town considering existing and planned use for these facilities or structures.
    - ii. The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be mitigated or prevented.
    - iii. Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner(s) of such facilities or structures.
    - iv. Other reasons which make it impracticable to locate or place the proposed equipment on said facilities or structures.

#### Section 10.03 Additional Submission Requirements

In addition to the submission requirements of Section 6.06 of this law, the applicant shall provide the following information:

- a. The exact location of the proposed tower, together with guy wires and guy anchors, if applicable
- b. The maximum height of the proposed tower.

- c. A detail of the tower type (monopole, guyed, freestanding, or other), including, but not limited to the make/model of the tower, manufacturer's design data for installment, the applicant's proposed maintenance and inspection procedures and measures for security.
- d. The color or colors of the tower.
- e. The location, type and intensity of any lighting on the tower.
- f. The location of all structures on the property and all structures on any adjacent property within 50 feet of the property lines, together with the distance of these structures to the tower.
- g. The location of all trees exceeding six inches in diameter at breast height within 20 feet of all property lines and within 50 feet of any telecommunication facilities.
- h. A view-shed map or visual simulation showing the view from surrounding properties of the proposed communication towers and/or antennas.
- i. "Before" and "after" propagation studies prepared by a qualified radio frequency engineer demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed telecommunications facility.
- j. A "search ring" prepared by a qualified radio frequency engineer and overlayed on an appropriate background map demonstrating the area within which the telecommunications facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the planning board why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for colocated antenna(s), and to what extent the applicant explored locating the proposed tower in a more intensive use area. Correspondence with other telecommunication companies concerning co-location is part of this requirement.
- k. The planning board upon reviewing the application may request reasonable additional visual and aesthetic information as it deems appropriate on a case-by-case basis. Such additional information may include, among other things, enhanced landscaping plans, line-of-sight drawings, and/or visual simulations from viewpoints selected by the planning board.

#### Section 10.04 Standards

In addition to the standards of Article 7 of this law, telecommunications facilities shall comply with the following:

- 1. Siting Preferences - The planning board may express a preference that the proposed telecommunications facility be located in a higher intensity use district or on higher intensity use property, provided there is a technologically feasible and available location. A guideline for the planning board's preference, from most favorable to least favorable districts/property, is as follows:
  - a. Property with an existing structure suitable for colocation.
  - b. Municipal or government owned property.
  - c. Commercial/Industrial use property.
  - d. Residential property.Any request by the planning board for information on a preferred alternate site shall not unreasonably delay the application.
- 2. Aesthetics - Telecommunications facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the planning board may impose reasonable conditions on the applicant, including the following:
  - a. Tower height, location and design are matters of primary public concern. The planning board may require a monopole or guyed tower if sufficient land is available to the applicant instead of a freestanding tower. Monopoles are a preferred design.
  - b. The planning board will require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and/or to screen the tower to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

- c. The planning board will require the applicant to show that it has made good faith efforts to co locate on existing towers or other available and appropriate structures and/or to construct new towers near existing towers in an effort to consolidate visual disturbances. However, such request shall not unreasonably delay the application.
- d. Towers should be designed and sited so as to avoid, whenever possible, application of Federal Aviation Administration (FAA) lighting and painting requirements. Towers shall not be artificially lighted except as required by the FAA or the planning board. Towers shall be of a non-reflective finish, color subject to board approval. Unless otherwise required by the FAA, any lighting which may be required by FAA shall not consist of strobe lights, unless specifically mandated by FAA.
- e. No tower shall contain any signs or advertising devices. Notwithstanding the foregoing, the board may require appropriate signage, indicating ownership of the facility and phone numbers to call in case of an emergency.
- f. The applicant must submit a copy of its policy regarding co-location on the proposed tower with other potential future applicants. Such policy should allow co-location under the following conditions (1) the new antenna(s) and equipment do not exceed structural loading requirements, interfere with tower space used or to be used by the applicant nor pose any technical or radio frequency interferences with existing equipment, (2) the party desiring to co-locate pay the applicant an appropriate and reasonable sum to co-locate, and (3) the party desiring to co-locate has a similar policy of co-location for the applicant.
- g. All other uses ancillary to the antenna/tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.), are prohibited.

3. Radio-Frequency Effect - The planning board may impose a condition on the applicant that the communication antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPA) technical exposure limits, and that the applicant provide competent documentation to support that maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded.

4. Traffic, Access and Safety

- a. A road turnaround and one parking space shall be provided to assure adequate year-round emergency and service access. Maximum use of existing roads, public or private shall be made. The use of public roadways or road rights-of-way for the siting of a tower or antenna(s) accessory structures is prohibited.
- b. All towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight feet in height or otherwise sufficiently protected from trespassing or vandalism.
- c. The applicant must comply with all applicable State and Federal regulations including, but not limited to FAA and FCC regulations as well as Town of West Monroe local laws and provide certifications of such compliance to the zoning officer in the application process.
- d. There shall be no permanent climbing pegs within 30 feet to the ground on any tower.
- e. The tower shall have a setback of at least the height of the tower plus 50 feet from adjacent residential structures.

5. Removal of Tower - The applicant shall agree to remove the tower if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for twelve consecutive months. The planning board shall require the applicant to provide a demolition bond in accordance with Section 7.11- Decommissioning/ Surety Bond for purposes of removing the telecommunications facility in case the applicant fails to do so as required above.

6. Structural Safety - During the application process the applicant shall provide certification from a qualified, licensed engineer, certifying that the tower meets applicable structural safety standards. The owner shall also have a structural inspection performed every two years by a licensed professional engineer. A report shall be submitted to the planning board describing the structural integrity of the facility, maintenance issues and repairs needed or made, if any. Structural deficiencies shall be remedied within a reasonable time.

7. Maintenance of Telecommunications Facility - All telecommunications facilities shall be maintained in good order and repair.

Section 10.05 Exemptions

1. Tower and antenna(s) may be repaired and maintained without restriction.
2. Antennas used solely for residential household television, ham radio, CB radio and radio reception.

Section 10.06 Renewal of Permits

Renewal permits are required for both co-located existing structure antennas and non-co-located new structure antennas every two years. Said renewal permits shall be issued by the zoning officer and it has been determined that the antenna has continued to meet the standards prescribed by this law. All permits shall expire on April 30, bi-annually. Applicants for renewal permits shall contact the zoning officer at least one month prior to expiration of their permits and must pay a renewal permit fee in an amount to be determined by the town board. The applicant and the town board may enter into such agreements as may be advisable regarding remediation of violations, compliance with which may be a condition precedent for future renewal permits.

## ARTICLE 11

### MANUFACTURED HOME PARKS

#### Section 11.01      Purpose

This article provides the rules associated with obtaining a special use permit from the planning board for manufactured home parks and sets forth the standards for such use.

#### Section 11.02      Additional Submission Requirements

In addition to the submission requirements of Article 6 of this law, the applicant shall provide the following information:

1. Lot lines of each individual manufactured home site, including site widths, depths and area, each lot to be numbered according to the requirements of Section 11.03 of this law.
2. Rules and regulations of the park.
3. Indication on the site plan of the timing of all stages of development or improvement if the park is intended to be developed or improved in stages.

#### Section 11.03      Additional Standards

In addition to the standards of Article 9 Section 9.03 of this law, manufactured home parks shall comply with the following:

1. Location. All manufactured home parks shall comply with the following minimum requirements:
  - a. It shall have an area of not less than 25 acres.
  - b. It shall have generally level to gently rolling topography over an area sufficient to allow development without significant alteration or disturbance of existing natural features such as stands of existing trees, stream courses, shorelines, wetlands, or bedrock outcroppings.
  - c. It shall be free of adverse influences from such uses as garbage or rubbish disposal areas or other potential breeding places of insects or rodents.
  - d. It shall not be located near to swamps or marshes or be subject to flooding, ponding, poor drainage or erosion, slumping or other soil instability.
  - e. It shall not be subject to any hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
2. Drainage
  - a. The ground surface in all parts of a manufactured home park shall be graded and equipped to drain all surface water in a safe and efficient manner.
  - b. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner acceptable to and approved by the Oswego County Health Department.
  - c. Wastes or wastewater from plumbing fixtures or sanitary sewer lines shall not be deposited upon the ground surface in any part of a manufactured home park or upon adjacent lands.
3. Soil and Ground Cover
  - a. Ground surfaces in all parts of a manufactured home park shall be protected with a vegetative growth capable of preventing soil erosion and the emanation of dust during dry weather, or as an alternative, paved or covered with stone screenings or other solid material.
  - b. Manufactured home park grounds shall be maintained free of vegetative growth which is poisonous, or which may harbor rodents, insects, or other pests harmful to man.
4. Recreational and Other Nonresidential Use Areas

- a. Not less than 10% of the gross area of the manufactured home park must be set aside, developed, and maintained for recreational activities of the residents of the park. Each such recreation area shall be no closer than 300 feet to any town, county, or state highway.
  - b. Each such recreational area shall not be less than 5,000 square feet in area.
  - c. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located within the park.
  - d. Other than the foregoing, no part of a manufactured home park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
5. In no event shall any part of a manufactured home park be used for the occupancy of a recreational camping vehicle.
6. Minimum Site Area. All manufactured home sites created after the effective date of this law shall have a minimum of 8,400 square feet with a minimum lot width of 60 feet and minimum depth of 140 feet.
7. Setback, Buffer Strip and Screening
  - a. All manufactured homes on individual manufactured home sites shall have a front yard with a minimum depth of 75 feet from the centerline of any state, county or town road, or 35 from the centerline of any internal road, two side yards with a total width of not less than 25 feet, neither one of which may be less than ten feet in width at the front and rear building line, and a rear yard with a minimum depth of 25 feet.
  - b. Manufactured homes shall be separated from each other and from other buildings and structures other than accessory structures by at least 25 feet.
  - c. All manufactured home parks shall provide and maintain screening such as fences, shrubbery, or natural growth in a buffer strip of at least ten feet in depth along the boundary line separating the park and its adjacent uses. Such fences shall be six feet in height and made of solid wood or of chain link with shrubbery. Where shrubbery must be planted, such shrubbery shall be of an evergreen species suitable to the planning board and shall mature to at least an eight-foot height.
8. Internal Roads
  - a. Two safe and convenient internal road accesses shall be provided from abutting public roads. Internal roads shall, to the extent practicable, intersect public roads at right angles and at compatible grades.
  - b. All internal roads shall be designated by name with signs posted indicating same, with consecutive lot numbers of at least six inches in height clearly legible and conspicuously posted on each mobile unit and oriented toward the access road serving the unit. It shall be the responsibility of park management to provide a copy of the park layout with street names and unit number designations to the town and to the fire department having primary responsibility for providing protection upon permit issuance and again upon any changes in park layout.
  - c. All manufactured home park internal roads shall be furnished with lighting units so spaced and equipped with light placed at such mounting heights as will provide average levels of illumination for the safe movement of pedestrians and vehicles at night.
  - d. All internal roads shall meet the minimum design and construction standards of the Town of West Monroe.
9. Parking
  - a. Off-street parking areas shall be provided in all manufactured home parks for the use of park occupants and guests, each space to be a minimum of 200 square feet.
  - b. If parking is permitted on one or both sides of the access street, one off-street car parking space for each manufactured home shall be provided and so located as to provide convenient access to the manufactured home. If no parking is permitted on the access street, two off-street car parking spaces shall be provided for each manufactured home. In no instance shall the required spaces be located at a distance greater than 250 feet from the manufactured home it is intended to serve.
10. Walks
  - a. All parks shall provide safe, convenient, pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, the park streets and all community facilities provided for park residents, including off street parking areas. Walks shall be constructed of a hard and durable surface. Sudden changes in alignment and gradient shall be avoided.

- b. Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such common walks shall have a minimum width of four feet.
  - c. All manufactured home stands shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.
11. Skirting. Appropriate nonflammable skirting shall be applied to all manufactured housing units prior to occupancy.
12. Placement of Manufactured Homes within the Manufactured Home Park
  - a. No manufactured home, whether as a placement on a newly created lot or as a replacement for a manufactured home on a currently existing lot, shall be placed on any lot or hooked up to necessary utilities until the zoning officer has first been notified, and no manufactured home may be occupied until a certificate of compliance is issued by the zoning officer.
  - b. All applications for a certificate of compliance shall be made to the zoning officer in accordance with the procedures set forth by applicable regulation and law/ordinance.
13. Accessory Buildings
  - a. Accessory buildings located on the manufactured home stand shall have a maximum floor area of 144 square feet.
  - b. Accessory buildings shall conform to the side yard limitations set forth in Section 5.02, shall not be permitted in the front yard, and may be no closer than ten feet to the rear lot line.
14. Water Supply. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto, and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, a private water supply system shall be developed where such a water supply system is of satisfactory quantity, quality and pressure and is approved by the Oswego County Department of Health.
15. Sewage Disposal. Such system shall be designed, constructed and maintained in accordance with the Oswego County Department of Health, New York State Department of Environmental Conservation and Town of West Monroe regulations.
16. Electrical Distribution System. Main power lines shall be located underground.
17. Refuse Handling. The storage, collection and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with Oswego County Department of Health regulations. Each manufactured home shall have a container with a tight cover. Weekly disposal must be provided for all rubbish, trash and refuse by the operator of the manufactured home park.
18. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Oswego County Department of Health regulations governing manufactured home parks.
19. Responsibilities of Park Management
  - a. The person to whom a license for a manufactured home park is issued shall operate the park in compliance with this law, shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition, and shall be responsible for compliance with this law and for violations thereof.
  - b. The park management shall supervise the placement of each manufactured home on its manufactured home stand which includes securing its stability and installing all utility connections. The park management shall not allow any manufactured home installation until the owner produces a building permit issued by the zoning officer.
  - c. The management shall notify the Oswego County Department of Health immediately of any suspected communicable or contagious disease within the park.

Renewal permits for one year's duration shall be issued by the zoning officer but not until the applicant has conferred with the zoning officer as set forth in Section 11.05 below, and it has been determined that the subject park has continued to meet the standards prescribed by the County Health Department and by this law. All permits shall expire on April 30, annually. Applicants for renewal permits shall contact the zoning officer at least one month prior to expiration of their permits and must pay a renewal permit fee in an amount to be determined by the town board. The applicant and the town board may enter into such agreements as may be advisable regarding remediation of violations, compliance with which may be a condition precedent for future renewal permits.

Section 11.05      Applicability to Existing Parks

Manufactured home parks in existence upon the effective date of this law shall be required to meet the standards of the Oswego County Department of Health concerning water supply and wastewater and sewage treatment. Failure to comply with this section shall constitute a violation of this law. Upon application for renewal of permits, applicants shall confer with the zoning officer prior to issuance of a renewal permit, to ascertain whether there are at that time any outstanding violations of this law which the applicant will be required to remedy before a renewal permit may be issued.

## ARTICLE 12

### RECREATIONAL CAMPING VEHICLE PARKS

#### Section 12.01      Purpose

This article provides the rules associated with obtaining a special use permit from the planning board for recreational camping vehicle parks and sets forth the standards for such use.

#### Section 12.02      Additional Submission Requirements

In addition to the submission requirements of Article 6 of this law, the applicant shall provide the following information:

1. Lot lines of each individual camping site, including site widths, depths and area, each lot to be numbered.
2. Rules and regulations of the park.
3. Indication on the site plan of the timing of all stages of development or improvement, if the park is intended to be developed or improved in stages.
4. A written description of the specifics of the operation including hours of operation, management, time of year if other than full time, rates where available, and a general description of the method of operation including management and marketing.

#### Section 12.03      Additional Standards

In addition to the standards of Article 7 of this law, recreational camping vehicle parks shall comply with the following:

1. Each recreational camping vehicle park shall have adequate access to a public road, and each recreational camping vehicle site shall be serviced from an interior road.
2. All buildings and recreational camping vehicle sites shall have a front yard setback of 150 feet from the centerline of public roads and a 50-foot setback from any Waterfront Hamlet (WH) or Residential (RES) District, with the setback area being seeded and adequately landscaped to provide screening from the public road and adjacent residence.
3. An overnight recreational camping vehicle site shall be a minimum 2,000 square feet in size (for a onenight stay, and up to four consecutive nights thereafter), and a minimum of 4,000 square feet shall be provided for longer term vacation camping sites (meaning any site occupied for more than five consecutive nights).
4. The owner or manager of a recreational camping vehicle park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year, and license or identification number of the trailer. These records shall be available to any law enforcement official or the zoning officer.
5. A minimum of 10% of the total area of the recreational camping vehicle park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
6. Recreational camping vehicle sites shall be located on generally level terrain, not to exceed eight percent slope that is well drained, free of flood hazard.
7. The corners of each recreational camping vehicle lot shall be clearly and permanently marked, and each lot numbered for identification.
8. Where the park terrain permits, "pull-through" lots will be provided.
9. Sewer, water, and other utilities shall be provided in accordance with the requirements of any applicable laws and regulations including, but not limited to the Oswego County Health Department and the New York State Sanitary Code.
10. All recreational camping vehicle parks shall provide a building containing at least one automatic washing machine, and unless admission to the park is restricted to recreational camping vehicles equipped with these facilities, one toilet, lavatory and shower for each sex, for each 20 recreational camping vehicle lots.

#### Section 12.04      Applicability to Existing Parks

Recreational camping vehicle parks in existence upon the effective date of this law shall be required to come into full compliance with all of the requirements of this law, and secure a valid permit for the operation therefore, on or before 24 months from the effective date of this law.

Section 12.05      Duration and Renewal of Permit

Recreational camping vehicle park permits issued pursuant to this law shall be valid until April 30 of the year in which said permit is issued. Renewal permits for one year's duration shall be issued by the town clerk after the zoning officer's review in the field, or upon proof furnished by the applicant, that the subject recreational camping vehicle park has continued to meet the standards prescribed by this law.

Section 12.06      Prohibition of Parking of Manufactured Homes in Recreational Camping Vehicle Park

Manufactured homes shall not be parked, whether permanently or temporarily, in any recreational camping vehicle park, other than for the use of the owner/operator of such park.

## ARTICLE 13

### SIGNS

#### Section 13.01      Purpose

The purpose of this article is to provide standards to safeguard life, health, property and public welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town of West Monroe. It is further the purpose of this regulation of signs to control the quality and quantity of signs so as to enhance the identification of the various business and professional enterprises in the town and improve the visual quality of the community.

#### Section 13.02      Procedures for Sign Permits

After the effective date of this law and except as otherwise herein provided, no person shall erect or enlarge or structurally alter any sign or sign structure, except those exempt under this law, without first obtaining a sign permit. Application for the permit shall be made according to the following regulations:

1. Applications for sign permits shall be obtained from the zoning officer by the owner, lessee or erector. Applications shall be accompanied by a clear, legible, computer-generated preferred drawing showing dimensions, proposed design, the legend, colors, lighting, materials, structural details and a tape or plot location map delineating the location of buildings, parking areas, road rights-of-way, other signs on the same property, frontage of each unit and/or any fences or other obstructions in relation to the designated location of the proposed sign. Applications including on premise signs along NYS routes must contact the Oswego County NYSDOT resident engineer to determine locations of the highway boundary. Applications shall be accompanied by such fee as established by town board resolution.
2. It shall be the duty of the zoning officer, upon the filing of an application for a permit, to examine such plans, specifications and, if necessary, the building or premises upon which the sign is proposed to be erected. If the proposed sign is in compliance with all the requirements of this law and all other laws, the zoning officer shall issue a permit for the proposed sign. Each sign upon erection shall have an identification plaque affixed thereto, visible to the nearest public road travel lane, identifying the permit number by which it was authorized.
3. Video billboard signs and electronic message signs shall have a site plan review and approval by the planning board pursuant to Article 6 of this law prior to the issuance of a permit by the zoning officer.
4. A sign permit shall become null and void if the work for which the permit was issued has not started within a period of one year after the date of issue of the permit.

#### Section 13.03      Signs Exempt from Permits

The following types of signs may be erected and maintained without permits and fees, provided that such signs comply with the general provisions of Section 13.04 of this law, and additional regulations listed below:

1. Historical markers, tablets and statues, memorial signs and plaques names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by government agencies, religious or nonprofit organizations not exceeding six square feet in sign surface area per side.
2. Informational signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding six square feet in sign surface area per side, and directional signs regulated under the New York Sign Program (17 NYCRR Part 150).
3. Non-illuminated warning, private drive, posted or no-trespassing signs not exceeding two square feet in sign surface area per face.

4. Number and nameplates identifying residents, mounted on a house, apartment or mailbox, not exceeding two square feet in sign surface area.
5. Lawn signs identifying residents, not exceeding four square feet in sign surface area per side. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as support, with no advertising message thereon.
6. Temporary private owner merchandise sale signs for garage sales and auctions. No such sign shall exceed six square feet in sign surface area. Such signs shall be placed for a maximum of 14 days, including the date of sales, and shall be removed within 14 days of the end of sales.
7. Temporary non-illuminated "for sale," "for rent," real estate signs and signs of similar nature concerning the premises upon which the sign is located. No more than two such signs shall be placed upon the property. Such signs shall be removed within 14 days after the sale, lease or rental of the premises.
8. One temporary sign for a roadside stand selling agricultural produce grown on the premise in season, provided that such sign does not exceed 16 square feet of sign surface area on each side and is set back at least 10 feet from side yard property lines and not within the public right-of-way. Such signs shall be removed within 14 days of the end of sales.
9. Temporary holiday decorations, including temporary non-illuminated window signs and posters not exceeding 50% of the window surface. Such signs shall be removed within 14 days of the holiday.
10. Temporary directional signs for meetings, conventions and other assemblies and signs advertising a special event for a school, charitable or civic organization not to exceed 32 square feet of sign surface area on each side. Such signs shall be placed for a maximum of 14 days.
11. One temporary non-illuminated sign not exceeding 32 square feet of sign surface area on each side, listing the architect, engineer, contractor and/or owner, on the premise where construction, renovation, or repair is in progress. Such signs shall be removed within 14 days upon completion of the project.
12. Temporary political posters, banners, promotional devices and similar signs. Such signs shall be removed within 14 days of the event.
13. Temporary non-illuminated signs, banners or other promotional devices advertising a special price or promotion for a product. Such signs shall be removed within 14 days of the end of the sale.
14. Temporary signs advertising a certain type of crop located upon an agricultural operation, not greater than six square feet of sign surface area on either side. Such signs shall be removed after the crop has been harvested.

#### Section 13.04      General Provisions

The following regulations shall apply to all signs:

1. All signs not specifically detailed in this article, including roof signs and portable signs, shall be prohibited.
2. The property owner is solely responsible for signs, on their property including but not limited to the permit process, maintenance, appearance, content and fees associated with signage.
3. No sign shall be attached to fences, trees, utility poles, traffic signs, guide rails, or similar objects, nor placed in a public road or right-of-way, or in positions that obstruct or impair vision or traffic, or in any manner create a hazard or disturbance to the health and welfare of the general public.
4. Scrolling, oscillating, revolving, flashing or changing illuminated signs are only allowed in the C&I zone as part of an approved site plan or if necessary for public safety or welfare, and abide to Section 13.09 of this article.
5. Signs may be illuminated with a steady light as long as it is not directed at or is a nuisance to surrounding properties or traffic.
6. All signs shall at all times be kept in good appearance and shall be maintained in a safe and structurally sound condition.
7. Signs that are dangerous or unsafe or pose a traffic concern shall be corrected or removed by the property owner.
8. Signs will not be allowed to continue in an unkempt, blistered or faded condition, and the area immediately surrounding ground signs shall be kept clear of all unintended vegetation and debris.
9. No signs shall contain noise emitting devices.

Section 13.05 Wall Signs

The following regulations shall apply to wall signs:

1. Each business establishment shall be allowed one primary wall sign per building side not to exceed three square feet for each lineal foot of building frontage. Secondary signage shall be allowed provided the total surface area does not exceed 15% of each building façade.
2. On multi-tenant buildings, a single multi-tenant sign shall be permitted on noncustomer entry sides of building façade. Each individual tenant sign shall be part of a master sign for all tenants and shall be made of uniform material, color, size and style.
3. Shall not project more than one foot beyond the building line.
4. Shall not extend above the roof line.

Section 13.06 Projecting Signs

The following regulations shall apply to projecting signs:

1. One sign is allowed per building side for each business establishment.
2. Shall not exceed 32 square feet in sign surface area total, 16 square feet per side.
3. No part of a projecting sign may overhang or encroach upon a public highway right-of-way.

Section 13.07 On-premises Freestanding Signs

The following regulations shall apply to on-premises freestanding signs:

1. One sign is permitted per lot up to and including 150 feet of road frontage. One additional sign is allowed for each additional 150 feet of road frontage, as long as such signs meet the additional requirements of this section.
2. Shall be permanently constructed or fixed to the property with a maximum of two posts.
3. Shall not exceed 20 feet in height above the average grade of the sign's base.
4. Shall be set back at least 35 feet from any road centerline, and ten feet from any other lot line.
5. 50 square feet per side of sign surface area per sign structure, maximum, is allowed, all sign surface area included.
6. Multi-tenant/professional building/plaza/shopping center: One sign denoting the name of the facility shall be permitted not to exceed 50 square feet per side. A business directory sign may be located within the same two posts and shall not exceed 20 square feet per side for each business located at that facility.
7. Shall not be placed closer than 50 feet to any other on-premises freestanding sign.
8. Shall not be placed closer than 200 feet from any other billboard or directional sign located on the same property.

Section 13.08 Off-premises Billboards and Directional Signs

The following regulations shall apply to off-premises billboards and directional signs:

1. Shall meet the requirements for on-premises freestanding signs in section 13.07 above.
2. Shall not exceed 12 feet in height.
3. Shall not be placed closer than 50 feet to any on-premises freestanding sign.
4. Shall not be placed closer than 200 feet from any other billboard or directional sign located on the same property.
5. Directional signs shall be within 12 miles of the location to which they give directions.

Section 13.09 Video Billboard and Electronic Message Signs

The following regulations shall apply to video billboard and electronic message signs:

1. The planning board may place reasonable restrictions and conditions on the content and duration of images as well as the location of video billboard and electronic message signs.
2. Video billboard and electronic message signs shall meet all other requirements of this article which pertain to the type of sign that they are (i.e., wall sign, projecting sign, on-premises freestanding sign, off-premises billboard or directional sign).
3. Improper and unsafe use of video billboard sign will result in revocation of the sign permit.

Section 13.10      Nonconforming Signs

Any signs which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted shall be deemed a “nonconforming sign,” and shall be allowed to continue in a nonconforming manner until the advertised use is terminated, or until the sign is structurally repaired at a cost exceeding 15% of the replacement material value (except in cases of vandalism), changed or replaced, or deemed abandoned, unmaintained, or unsafe by the zoning officer.

Section 13.11      Signs in Existence on the Effective Date of this Law

1. Any sign existing on the effective date of this law which advertises a use which no longer exists must be removed by the property owner or at the expense of the property owner.
2. Any sign existing on the effective date of this law which is not removed shall be registered with the zoning officer. The sign owner shall apply for and have an identification plaque assigned and affixed to the sign as is required for newly permitted signs in Section 13.02 above within 30 days of the effective date of this law.

## ARTICLE 14

### NON-CONFORMITIES

#### Section 14.01 Intent

The intent of this article is to recognize lots, structures and uses of land and structures which legally existed prior to the enactment or subsequent amendment of this law which would be prohibited or unreasonably restricted by the requirements herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming lots, structures or uses.

#### Section 14.02 Nonconforming Lots

Any lot held under separate ownership prior to the enactment or amendment of this law, and having a width or area less than the minimum requirements set forth in this law, may be developed for any use allowed in the zone in which it is located, as designated in Section 5.02 of this law, provided that such lot has sufficient width and area to undertake development which will:

1. Maintain the required minimum front, side and rear yard setback.
2. Comply with the required sewage, wastewater and well setbacks.

Where two or more adjoining lots exist in the same ownership, such lots shall be considered as combined to meet the requirements of this law.

#### Section 14.03 Nonconforming Structures

No structure which by the enactment or amendment of this law is made nonconforming or placed in a nonconforming situation with regard to setback sizes, lot coverage, height or any requirement of this law, other than the use to which it is put, shall be changed so as to increase its nonconformity, except as follows. A structure that is nonconforming as to front, side or rear setbacks may be increased in size within the setback area as long as no part of the addition is closer to the lot boundary than the closest part of the previous nonconforming structure. If a structure is nonconforming as to use, see Section 14.04 below. Any such nonconforming structure may be used for any compatible use listed for the zone in which it is located as designated in Section 5.01 of this law.

#### Section 14.04 Nonconforming Uses of Land or Structures

Any use of land or structures which by the enactment or amendment of this law is made nonconforming may be continued on the premises and to the extent preexisting provided that:

1. No nonconforming use shall be increased in size so as to occupy a greater area of land or floor area than was committed to the nonconforming use at the time of such enactment or amendment.
2. No nonconforming use which has for any reason been discontinued for a period of one year or more shall be reestablished, except where transfer has been delayed in a probate case; and
3. A special use permit shall be required for any alteration or reconstruction which is on the premises of a nonconforming multi-family residential or nonresidential use.

#### Section 14.05 Nonconforming Structures Damaged or Destroyed

Any structure which is nonconforming as to use, setbacks, height or any other requirement of this law, which is damaged or destroyed by fire or other hazard, may be repaired, restored or reconstructed provided that application for such work is made within one year of the date on which the damage or destruction occurred. No such work shall increase the nonconformity of the structure.

#### Section 14.06 Nonconforming Signs

See Section 13.10 of this law.

Section 14.07      Nonconforming Mobile Homes

See Section 9.03 of this law.

## ARTICLE 15

### ADMINISTRATION AND ENFORCEMENT

#### Section 15.01 Application Procedure for Zoning Permits

1. Applications for zoning permits shall be submitted to the town clerk who shall refer them to the zoning officer, and shall include two copies of a layout or plot plan over laying the original licensed survey or licensed engineered drawing showing the actual dimensions of the lot to be used; the parcel tax identification number; the size and location on the lot of existing and proposed structures and accessory structures; the setbacks of structures from all lot lines, road center lines, mean high water lines of streams, ponds and wetlands, and any other features of the lot; the location of sanitary and water facilities; a brief description of the proposed use; and such other information as may be necessary to provide for the enforcement of this law. This information, and other relevant application data, shall be provided on forms issued by the town clerk.
2. When establishing measurements to meet the required setbacks, the measurements shall be taken from the lot line, road center line, or nearest mean high-water line to the furthestmost protruding part of the use or structure. This shall include such projecting facilities as porches, carports, attached garages, roofs, eves, etc. Where property boundary lines are not readily apparent in the field, the zoning officer may require the applicant to produce a survey to identify boundaries.
3. The zoning officer shall take action to approve or disapprove the application within fifteen days of the receipt of a completed application by the zoning officer and the payment of all fees.
4. A zoning permit shall expire one year from the date of issue if construction is not started, or the use has not commenced. All construction must be completed within one year of the issuance of the permit, or the permit must be renewed annually thereafter until completion upon payment of all fees.
5. The zoning officer may refer the zoning permit application for review and special use approval by Planning Board if necessary.
6. Special uses and site plans will require additional submission requirements, planning board review and approval per land use table (Section 5.01).

#### Section 15.02 Temporary Zoning Permits

Temporary zoning permits may be issued for a period not to exceed one year. All temporary zoning permits shall be conditioned upon agreement by the applicant to remove any nonconforming uses or structures upon expiration of the permit.

#### Section 15.03 Permit Fees

When applying for any permit covered by this law, the applicant must also deposit with the town clerk the following fees:

1. An application fee for the particular form of development proposed. The fees are established from time to time by resolution of the town board.
2. In the case of a site plan review or a special use permit that requires additional consultant/expert (attorneys, engineers, surveyors and the like) services engaged by the planning board, the applicant shall be responsible for all consultant's fees and necessary disbursements.
3. Permit applicant must be current in payment of all real property tax, school tax, special assessments, and in compliance with all applicable legal and regulatory requirements required by the Town, County, and State requirements for permit to be re-granted.

4. All zoning permit renewals require town zoning officer and town supervisor review and approval before the permit is re-granted.

Payment of the application fee and any consultant/expert service fees is required in order for the application to be considered complete. Upon payment of the required fees, the town clerk will issue to the applicant a receipt, a copy of which must accompany the application.

Section 15.04      Certificate of Zoning Compliance

No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of zoning compliance has been issued by the zoning officer stating that the use or structure complies with the provisions of this law. All certificates of zoning compliance shall be issued by the zoning officer within fifteen days after the use has been completed and approved as complying with the provisions of this law.

Section 15.05      Zoning Officer

This law shall be enforced by the zoning officer, who shall be appointed by the town board. The duties of the zoning officer shall be to:

1. Approve and disapprove zoning permits and certificates of compliance.
2. Scale and interpret zone boundaries on the zoning map.
3. Refer appropriate matters to the board of appeals, planning board, or town board.
4. Revoke zoning permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application.
5. Investigate violations, issue stop work orders, and refer violations to the town justice and the town board.
6. Report at regular town board meetings the number of zoning permits and certificates of compliance issued.
7. Maintain records of active permit applications and active enforcement actions.

Section 15.06      Planning Board

The planning board shall have the following powers and duties with respect to this law:

1. Approval of site plans;
2. Approval of special use permits;
3. Approval of zoning permits as necessary.

Section 15.07      Zoning Board of Appeals

1. Organization. The Board of Appeals shall consist of three members, all residents of the Town of West Monroe, to be appointed by the Town Board for staggered terms of 3 years. One member shall be designated by the Town Board to serve as Chairperson. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his predecessor.
2. Duties and Powers. The Board of Appeals shall have the duties and powers conferred upon it by (NY) Town Law § 267, and this chapter, including the duties and powers:
  - a. To hear and decide appeals from, and review any order, requirement, decision or determination made by the Zoning Officer and to reverse, affirm or modify the order, requirement, decision or determination so that it will conform to the provisions of this zoning law.
  - b. To vary or modify the application of any of the regulations or provisions of this chapter if there is an express finding, pursuant to (NY) Town Law § 267(1)(a) for a use variance, or (NY) Town Law § 267(1)(b) for an area variance, that there are unnecessary hardships in the

way of carrying out the strict letter of this zoning law and that the applicable criteria set forth in such sections have otherwise been satisfied.

3. **Procedure.** The Board of Appeals shall strictly comply with the requirements of (NY) Town Law and this zoning law as to hearings, notice and procedure, and referrals to County Planning. In addition, the notice provisions of §15.06.4 hereof shall apply to all variance applications. Each appeal or application made to the Board shall be in writing and shall refer to the provision of this zoning law that is involved. It shall exactly set forth the interpretation claimed, the use for which authorization is sought, or the variance that is applied for, and the grounds for the proposed action of the Board of Appeals.
4. **Notice.** A variance should not be granted unless prior written notice of at least five (5) business days has been mailed by or at the direction of the Zoning Board of Appeals, Town Clerk or Attorney, to each owner of property abutting, or across from, the lands of the proposed land use activity or within 500 feet of the perimeter of the lands. Failure to give or receive such notice shall not invalidate any special variance granted. The applicant shall be required, as part of the application, to furnish the proper names and addresses of the owners to whom mailed notice is required. Absent such furnishing of names and addresses by the applicant, the Town assessment records may be relied upon.
5. **Decision.** Every decision of the Board of Appeals shall be by resolution which shall set forth the findings of the Board in the particular case. Within five (5) business days after the day it is rendered, each such resolution, together with all documents pertaining to it, shall be filed in the office of the Town Clerk as either an interpretation, or variance. The Board of Appeals shall notify the Zoning Officer of each variance and of each interpretation made under the provisions of this zoning law.

#### Section 15.08 Filing of Records

1. A copy of all zoning permits, temporary zoning permits, certificates of compliance, notices of violation, and stop work orders shall be filed in the office of the town clerk within five business days of their issuance.
2. A copy of all decisions of the zoning board of appeals shall be filed in the office of the town clerk within five business days of the decision.
3. A copy of all site plan review and special use permit decisions of the planning board shall be filed in the office of the town clerk within five business days of the decision.
4. All such records shall be available for the inspection of the public.

#### Section 15.09 Violations

1. The zoning officer may inspect any land development site/premises covered herein at reasonable intervals and at reasonable times, to determine compliance with this law. If entry onto the site/premises is refused by the owner or occupant, the zoning officer is authorized to obtain a search warrant to conduct the inspection.
2. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the zoning officer. The zoning officer shall accurately record the complaint, file it appropriately, and investigate it.
3. If the complaint is found to be valid, the zoning officer shall then inform the owner of the premises that there is a violation of the law. The owner shall be notified by certified mail with a return receipt requested, or be personally served, as to the manner of the violation and the numbers of days, minimum, to remedy the situation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll.
4. An order to stop use/work may be issued to the owner in the same manner as a notice of violation. Such order shall require that all illegal use and/or construction stop immediately.
5. If a violation persists, the zoning officer may file an "information and complaint" with the town justice charging the owner with violating one or more sections of this law. The town justice shall then issue a summons for the violator to appear in court.
6. Alternatively, to subsection 5 above, pursuant to Criminal Procedure Law Section 150.20 (3), the zoning officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, shall cause such person to appear before the town justice.

Section 15.10    Penalties

Pursuant to Municipal Home Rule Law Section 10 and Town Law Section 268, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Any violation of this law is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

Section 15.11    Injunctions

The town board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

## ARTICLE 16

### MISCELLANEOUS

#### Section 16.01      Conflicts

A conflict between the requirements of this law and the requirements of any other ordinance, local law, rule or regulation, statute, or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirements or higher standard.

#### Section 16.02      Amendments

The town board may amend the provisions of this law pursuant to Town Law Section 265 and Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the county planning board pursuant to General Municipal Law Section 239-m.

#### Section 16.03      Interpretation

Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

#### Section 16.04      Separability

The provisions of this law are separable, and the invalidity of a particular provision shall not invalidate any other provision.

#### Section 16.05      Effective Date

This law shall be effective upon filing with the Secretary of State.