

TOWN OF WILNA ZONING LOCAL LAW

JEFFERSON COUNTY, NEW YORK

Adopted by the Wilna Town Board as Local Law #1 of 1987

As amended by Local Law #4 of 1997

Local Law #2 of 2000

Local Law #4 adopted on September 17, 2004

Local Law #1 of 2005

Local Law #2 of 2005

Local Law #3 of 2005

Local Law #5 of 2005

Local Law #2 of 2006

Local Law #1 of 2008

Local Law #1 adopted on February 14, 2011

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ARTICLE I INTRODUCTORY PROVISIONS

Section 105 Purpose And Authority

The Town of Wilna Zoning Law is established for the purpose of promoting the public health, safety and welfare, and the most desirable use for which the land in each district may be adapted; for conserving the value of the buildings and for enhancing the value of land throughout the Town, pursuant to the authority conferred by Article 16 of the Town Law and Section 10 of the municipal Home Rule Law. Reasonable consideration is given to the best planned use of each district and its peculiar suitability for particular uses.

Section 110 Short Title

This law shall be known and may be cited as “The Town of Wilna Zoning Law”.

Section 115 Amendments

- A. The Town Board may from time to time on its own motion or on petition, amend, supplement, or repeal the regulations and provisions of this law after appropriate public notice and hearing, as provided for in Town Law.
- B. Procedure: The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of public hearing on the proposed amendments and cause notice to be given as follows:
 - 1. by publishing a notice at least ten (10) days prior to the time and place of such hearing in a paper of general circulation in the Town;
 - 2. other provisions of posting, publication and action on the amendments, as set forth in Town Law, shall be adhered to.
- C. The Town Board shall refer, at least fourteen (14) days in advance, any proposed amendments to the Planning Board for their review and recommendation to be submitted to the Town Board by the date of the public hearing and made part of the record.

Section 120 Coordination/Review of Actions

- A. The Town Board, Planning Board and Zoning Board of Appeals shall refer all amendments, site plans, and variances that fall within those areas specified under General Municipal Law, Article 12-B, Section 239-m to the County Planning Board prior to the Board’s vote thereon. In summary, this includes actions that fall within 500 feet of the boundary of the Town; a state/county park or recreation area; a state or county highway or expressway; a state or county owned drainage channel; and state or county land where a public building or institution is located. If the County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referral matter then the local board may act without such report. The local board must report to the County Planning Board on its final action within seven (7) days of that event.
- B. The Town Board, Planning Board and Zoning Board of Appeals shall comply with the requirements of the New York State Environmental Quality Review Act (SEQR) for all amendments, site plans, variances and other “actions” as defined by SEQR.

Section 125 Interpretation and Separability

- A. 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 the Law differ with the requirements of any other lawfully adopted

rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

- B. Separability: Should any section or provisions of this Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.
- C. The use controls in Article 5 Schedule I shall be interpreted to mean that unless a use is specifically listed as permitted it is prohibited.

Section 130 Effective Date

The provisions of this Law shall take effect immediately upon filing with the Secretary of State.

ARTICLE II ESTABLISHMENT OF ZONING DISTRICTS

Section 205 Zoning Districts

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

AGRICULTURAL - RURAL RESIDENCE	AR
RESIDENTIAL DISTRICT - 1	R1
RESIDENTIAL DISTRICT - 2	R2
BUSINESS DISTRICT - 1	B1
BUSINESS DISTRICT - 2	B2
INDUSTRIAL DISTRICT	I
X-BUSINESS DISTRICT	X-B (floating)
MANUFACTURED HOME OVERLAY	MHO

Section 210 Zoning Map Certification

- A. The boundaries of the above-named zoning districts are bounded as shown on the map entitled "Zoning Map, Town of Wilna", filed in the Town Clerk's office, a copy of which is hereby made a part of this Law.
- B. Any change in district boundaries or other matter shown on the map shall be promptly made on the map, with a signed statement describing the nature and date of the change.
- C. The B2 Business District along New York State Route 3 shall be extended to include Town of Wilna Tax Parcel Number 67.00-1-36.

Section 215 Interpretation of District Boundaries

- A. Where uncertainty exists with respect to the exact boundaries of districts as shown on the Zoning Map, the final decision will be made by the Town Zoning Board of Appeals.
- B. District boundary lines in general follow, or parallel at set distances, street lines, existing lot lines, and other man-made or natural features. The Zoning Enforcement Officer shall be given the authority to scale these districts from the Zoning Map and relate them to accurate ground points.

ARTICLE III DEFINITIONS

Except where specifically defined herein, all words used in this Law shall carry their customary meaning. When used in this Law, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification, not of limitation. If interpretation or clarification of any word used in this law is needed it shall be provided by the zoning board of appeals in accordance with such powers granted to them.

The Board of Appeals shall clarify doubt as to the precise meaning of any word used in this Law under their powers of interpretation.

ACCESSORY BUILDING, USE, OR STRUCTURE: A building, use, or structure, which is customarily incidental to that of a principle building or use and which is located on the same lot as that occupied by the principle building or use.

ADULT ENTERTAINMENT USE: Any person, establishment or business involved primarily in the viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to a specific sexual activity or anatomical area (s).

AGRICULTURAL OPERATION: The raising and/or production for compensation of crops, livestock, poultry, dairy products, fish or other wildlife, trees, maple syrup products, and other similar pursuits. Tree growing operations; and the sale, at wholesale or retail, of farm products upon the premises where the same are grown or produced shall be considered agricultural operations.

ALTER/ALTERATION: To change or rearrange any exterior structural part of the existing facilities of a building or structure, by enlarging the building or structure, whether by extending any side or increasing the height thereof, or to move the same from one location or position to another. It shall not be considered an alteration if there is no expansion of exterior dimensions. For instance replacement of window, doors, siding, roofing, etc., as well as interior alterations shall not be considered an alteration for the purpose of this Law.

ALTERATION OF LAND SURFACE: The grading, filling or excavation of land in connection with a site plan review use.

ANIMAL HOSPITAL: Any lot or building used to provide veterinary services, including the care, feeding and housing of animals.

ANATOMICAL AREA (S): For the purpose of this Law, anatomical areas shall include:

- a. Less than the completely and opaquely covered genitals, pubic region or female breast below a point immediately above the top of the areola.
- b. Human male genitals in a discernibly turgid state even if completely covered.

AUTOMOBILE SERVICE STATIONS: Any lot or building or portion thereof used or occupied for the sale or supply of gasoline or motor vehicle fuels, oils or lubricants, or for the polishing, greasing, washing and routine service and maintenance of motor vehicles.

BOARD OF APPEALS: See definition for Zoning Board of Appeals.

BOARDING/ROOMING HOUSE: Any building or portion thereof which provides individual rooms intended for occupancy on either short term or long term basis. Includes boarding houses, rooming houses and tourist homes. Does not include manufactured homes, camps or cottages.

BUILDING: Any structure having a roof supported by columns or by walls which is used or occupied for the shelter or enclosure of animals, persons, or property. Unless specified, the term includes both principal and accessory buildings.

BUILDING AREA: The total area, taken on a horizontal plane at main grade level, occupied or to be occupied by the principle building and all necessary buildings, excluding chimneys, uncovered porches, patios, terraces, steps, and open areaways.

BUILDING LINE: The line formed by the face of the building/structure, or the attached part of the building/structure, nearest the lot line. This shall include measurements from such structures as chimneys, uncovered patios, terraces, steps, and open areaways roof overhangs, cornices, eaves and other similar protrusions.

BUILDING PERMIT: See definition for Zoning Permit.

CAMP/COTTAGE: A single structure with accommodations for living and sleeping, designed for seasonal occupancy, having a minimum area of 200 square feet. The term does not include trailer camps.

CAMPGROUNDS (COMMERCIAL): Any lot or area used or occupied by one or more tents, cottages, cabins, recreation trailers or vehicles which are used for part-time living or sleeping purposes and for which rents or occupancy fees are charged.

CERTIFICATE OF COMPLIANCE: A document issued by the proper municipal authority certifying that the structure or use has been constructed or will be used in compliance with all the applicable local laws.

CHANGE OF USE: Any use that substantially differs from the previous use of a building or land. Uses covered under the same definition shall not be considered a change of use.

CHURCH: A building or structure, or group of buildings or structures which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

COMMUNITY FACILITY: A building, structure or use operated for the benefit of the general well-being, health, safety, welfare, and enjoyment of the public. This includes but is not limited to, fire stations, libraries, and community owned buildings, schools, hospitals, and nursing homes.

DWELLING: A building or portion thereof, used or occupied as living quarters for one or more families. The term includes modular homes, but does not include tourist accommodations, trailers or manufactured homes, halfway houses, convalescent homes, or nursing homes.

- a. **DWELLING, SINGLE FAMILY:** A detached building designated for or occupied exclusively by one family and containing not more than one dwelling unit. It shall have at least 720 square feet of interior floor area, exclusive of garages, porches, attics, basements, and other similar accessory attachments.
- b. **DWELLING, TWO FAMILY:** A detached building where not more than two individual families live, or where two dwelling units with separate cooking, sanitary, living and sleeping facilities exist.

- c. DWELLING, MULTIPLE FAMILY: A building, or portion thereof used or designed as a residence including cooking, sanitary, living or sleeping facilities for each of the three or more families who reside therein.

EASEMENT: A grant of one or more of the property rights by the owner to and/or for the use by the public, a corporation or another person or entity.

ENFORCEMENT OFFICER: The Enforcement Officer is the person appointed by the Town Board to carry out the regulations of this Law.

ERECT: To construct, build, or re-erect, reconstruct, rebuild or excavate for a building or structure.

FAMILY: One or more persons living together as a single housekeeping unit.

FENCE: Same definition as wall.

FLOOR AREA/FLOOR SPACE: The total horizontal area of all floors of a building except the basement and attic, measured along the faces of the interior walls

FUEL STORAGE AND SUPPLY: Any lot, building or portion thereof used or occupied for the sale, distribution and/or storage of fuels and/or petroleum products.

GASOLINE SERVICE STATION: See definition for Automobile Service Station.

GROSS FLOOR AREA (GFA): The gross size of the total floor area of the outside dimensions of a building. These dimensions shall include the length and width of the facility.

GROSS LEASABLE AREA (GLA): The gross size of the floor area of a commercial/retail facility which is leasable.

HAZARDOUS MATERIALS: Any substances, chemical wastes, or radioactive materials that could cause serious injury or disease during the storage, collection and disposal cycle, including, but not limited to explosives, inflammables, poisons, solvents, acids, radioactive materials, byproducts of coal, coke, petroleum, natural gas, and dangerous chemicals or combinations of chemicals.

HEIGHT: The vertical distance measured from the average elevation of the main grade at the front of the building/structure to the highest point of the building/structure.

HOME OCCUPATION: Any accessory use of a service character customarily conducted within a dwelling by the resident thereof which is clearly secondary to the use of the dwelling for living purposes and does not substantially change the character thereof or have any exterior evidence of such use, other than an approved advertising sign and parking requirements associated therewith. Occupations such as physician, dentist, lawyer, insurance sales, beauty salons, barber shop, convalescent homes, musical instructor, dressmaker, real estate sales, furniture refinishing and upholstering, antique sales, and other similar service uses conducted within the dwelling shall be deemed to be home occupations.

HOSPITALS: Any hospital, sanitarium or other institution used or occupied for the care of persons mentally or physically ill, incapacitated or disabled. The term includes nursing and extended care homes.

HOTEL: A building which has a common entrance, and general dining room and contains two (2) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for short or extended periods of time.

IMPERVIOUS SURFACES: Surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

JUNKYARD: Any lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or other scrap or discarded material or for the collection, dismantling, storage of machinery or inoperative and/or unregistered motor vehicles or for the sale of parts thereof.

LANDFILL: An area or lot designated or used for the disposal of waste matter as defined in this Law and under State Environmental Conservation Law. The regulations and manner of disposal are identified in said State Law and shall be a part of this Law.

LANDSCAPING: Improvements to land including but not limited to the contouring of land, planting of flowers, shrubs, or trees, the use of decorative features, including sculptures, patterned walks, fountains and ponds.

LOT: A parcel of land used or occupied, or capable of being used or occupied, by a building or structure and the accessory buildings, structures or uses customarily incidental to it including such yards as are required by this Law.

LOT, CORNER: A parcel of land at the junction of and fronting on two or more intersecting streets.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lots lines.

LOT LINE: Any line dividing one lot from another or from the street or waterway.

- a. LOT LINE, FRONT: The lot line adjoining any street/highway line or any waterway. If a lot adjoins two or more streets or highways, it shall be deemed to have a front lot line respectively on each.
- b. LOT LINE, REAR: The lot line opposite and most distant from the front lot line.
- c. LOT LINE, SIDE: Any lot line other than the front or rear lot lines.

LOT WIDTH: The horizontal distance between the side lot lines measured at the front lot line.

LOT OF RECORD: Any vacant lot which individually or as part of a sub-division has been recorded in the County Clerk's Office and for which proof can be given that the lot was intended for development prior to adoption of this Law.

MAIN TRANSPORTATION ARTERIAL (MTA): A road or portion of a road having local or regional significance as a transportation route and which generally serves greater volumes of traffic, at higher speeds, and over greater distances than tributary roads.

MANUFACTURED HOME PARK: Any lot under single ownership on which five or more manufactured homes are located, regardless of whether or not rent is charged for such lot accommodations.

MANUFACTURED HOUSING: A structure transportable in one or more sections that, 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 a site is 322 square feet (29.7 square meters) minimum and was built on or after June 15, 1976, or on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and it includes the plumbing, heating and air conditioning, electrical

systems contained therein. The term “manufactured home” shall also include any structure that meets all of 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 in compliance with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 as amended. The term “manufactured homes” shall not include any self propelled recreational vehicle.

MANUFACTURING OPERATION: Any facility which assembles, fabricates, processes, or packages products, from raw materials or component parts, for sale and distribution to wholesale and retail establishments or other industries. Does not include operations involving hazardous materials.

MANUFACTURING OPERATIONS INVOLVING HAZARDOUS MATERIAL: Any facility which assembles, fabricates, processes or packages products from raw materials or component parts which are hazardous materials as defined in this Law or the by product and wastes from these processes are hazardous materials.

MOBILE HOME: A movable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis comprised of frame and wheels connected to utilities and designed and constructed without a permanent foundation for year-round living, excluding travel trailers with the HUD sealed manufactured homes.

MODULAR HOME: A structure designed primarily for residential occupancy and constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities or intended or designed for permanent installation.

MOTEL: A building or groups of buildings, whether detached or in connected units, used as individual sleeping or living quarters with direct outside access and related office, with or without restaurant facilities, designed primarily for transient automobile travelers, and provided with accessory parking facilities. Includes groups of camps or cottages.

MOTOR VEHICLE: Any vehicle or apparatus capable of operating under motorized power.

MOTOR VEHICLE EQUIPMENT AND IMPLEMENT SALES AND SERVICE: Businesses which sell, rent and service motor vehicles, recreational vehicles, farm or construction components and equipment, manufactured homes and/or other similar types of vehicles and/or equipment.

MOTOR VEHICLE, INOPERATIVE OR UNREGISTERED: Any motor vehicle not currently registered in accordance with New York State Law, for a period of six (6) successive months or longer.

MOTOR VEHICLE REPAIR AND SERVICE STATION: Any lot or building or portion thereof used to service motor vehicles, including routine maintenance, as well as major mechanical repairs and body work. May include the sale and distribution of motor vehicle fuels, oils, lubricants, parts and accessories.

NON-CONFORMING USE: Any structure or use not in conformity with the regulations of the district in which it is located at the time of the enactment of this Law.

NURSING HOME: A dwelling where persons are lodged and furnished with meals and nursing care for commercial or non-profit purposes. This shall not include homes for the mentally handicapped, drug or alcohol rehabilitation patients, etc.

OFF-STREET PARKING: A space or areas for parking off the public streets.

OUTDOOR FURNACE: An outdoor furnace shall be a self-contained unit designed to provide heating to a building or structure which unit is located outside of that building or structure.

OUTDOOR STORAGE: The keeping, in an unroofed area, of materials associated with the principal commercial or industrial use permitted on the lot.

PARCEL: The amount of contiguous land identified by a single tax parcel number.

PARKING LOT: Four or more parking spaces for registered vehicles.

PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of sidewalks, curb cuts and/or street access.

PERMITTED USE: The main or principal use purpose for which any land, building or structure is used or occupied. There will be no more than one principal use per lot except on residential lots, the owner may be allowed additional structures which would be used by other family members or relatives provided the additional structures meet all zoning regulations and are placed to conform with a further potential subdivision of property.

PLANNING BOARD: A board appointed by the Town Board and authorized to review site plans, amendments, industrial district and planned development district requests.

POOL, SWIMMING: A structure or facility constructed to hold water at least three (3) feet deep and used by public an/or private parties for recreational purposes.

PRINCIPLE BUILDING A building in which is conducted the main or principle use of the lot on which such building is located.

PRINCIPLE USE: The main or principle purpose for which any land, building or structure is used or occupied.

PROFESSIONAL OFFICES: Offices which offer professional or consulting services such as medical, legal, engineering, architectural and other similar services.

PUBLIC UTILITY FACILITY: Such uses shall include the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of: underground or overhead gas, electrical, steam or water transmission generation or distribution systems; electronic communications apparatus; solid waste transfer sites; sewage treatment plants, etc.; and other similar equipment and accessories used in connection therewith for the furnishing or adequate services for the public health or safety or general welfare.

QUARRY, SAND OR GRAVEL PIT: Land used for the purpose of extracting stone, sand, gravel, or top soil for sale, as a commercial operation; this excludes the process of grading a lot as preparation to construct a building for which a building permit has been granted.

RECREATION FACILITY, PUBLIC OR PRIVATE: A municipally or privately owned and operated recreational facility (for commercial purposes), such as a swimming pool, tennis courts, athletic field, playground, or other similar facility for recreational use.

RECREATIONAL VEHICLES (FOR PART-TIME LIVING PURPOSES): Shall include motor homes, truck campers, and camping trailers less than forty-eight feet in length, and/or less than 720 square feet of interior floor area.

RESTAURANT/BARS: A commercial establishment that prepares and serves food and/or alcoholic beverages to the public.

ROAD: A thoroughfare for motor vehicles which affords the primary means of access to private property.

ROAD RIGHT-OF-WAY LINE: The dividing line between a lot and a road. Where there is no established road right-of-way line, the road right-of-way line shall be considered to be 25' from the center of the road.

SALVAGE YARD: See definition for Junk Yard.

SATELLITE DISH ANTENNA: A permanently or temporarily placed dish shaped antenna used for the purpose of receiving microwave television signals from earth orbiting satellites.

SETBACK: The distance between a lot line and a building line. The term is used to refer to front, side or rear distances.

SEXUAL ACTIVITIES: For the purpose of this Law, sexual activities shall include:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

SHOPPING CENTER: A group of three or more commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the type and total size of the stores.

SIGN: Any kind of billboard, sign-board, pennant, or other device or display used as an advertisement, announcement, or direction.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered on the premises or elsewhere.

SITE PLAN REVIEW: The process by which the planning board reviews those uses stated in this law that require site plan review.

SPECIAL USE PERMIT: A permit for special uses which must be approved by the planning board, granting permission to the enforcement officer to issue a zoning permit.

STORAGE UNITS: Structures including, but not limited to, commercial transport trailers (with or without wheels attached), truck boxes and container boxes. Storage units shall not include vans, station wagons, mobile homes, campers (motorized or not), or any unlicensed motor vehicle. A storage unit shall be considered an accessory structure.

STREET: See definition for Road.

STREET LINE OR HIGHWAY RIGHT-OF-WAY LINE: The dividing line between a lot and a street right-of-way line.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term includes dwelling units, buildings, swimming pools, platforms, stadiums, towers, billboards and signs, fences, walls.

TRAILER: See definition for Manufactured Home.

TRAVEL TRAILER: See definition for Recreational Vehicle.

USE: The specific purpose for which any land, building or structure is designed, arranged, intended, or occupied.

VARIANCE, AREA: The authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of this law.

VARIANCE USE: An exception granted to utilize land for a use not permitted in a district.

WALL: A structure of wood, stone or other materials or combination thereof intended for defense, security, screening, partitioning, or enclosure; or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads. A fence shall be considered a wall.

WASTE MATTER: Any refuse, rubbish, litter, garbage, decomposable or organic putrescible matter, carcass, sewage, excrement, slops, ashes, tin cans, metals, crates, boxes, or other material offensive to the public or detrimental to its health, safety, and welfare by virtue of its volume or nature.

WATERFRONT PROPERTY: Property which abuts a waterway or water body.

WATERFRONT PROPERTY LINE: Along waterfront property, the waterfront property line shall be determined as the high water level elevation.

WATERWAY OR WATER BODY: For the purpose of the Law, a Waterway or Water Body shall be the Black River and the Indian River.

YARD: Generally determined to mean that unoccupied open space (from the ground upward) between the building line and the nearest lot line or street line.

- a. YARD, FRONT: The yard between the front building line and the front lot line and extending the full width of the lot. For the purpose of this Law, the front yard of waterfront property shall be the yard between the waterfront property line and the front building line.
- b. YARD, REAR: The yard between the rear building line and the rear lot line and extending the full width of the lot. For the purpose of this Law, the rear yard of waterfront property shall be the yard between the rear building line and the waterfront property line.
- c. YARD, SIDE: An unoccupied space extending from the front yard to the rear yard between the required side setback line and the nearest side lot line.

ZONING BOARD OF APPEALS: A board appointed by the Town Board whose principal duties are to consider requests for variances from this zoning law.

ZONING PERMIT: A permit issued under this law allowing the establishment of a new use or the construction, placement or alteration of a building or structure.

ARTICLE IV ADMINISTRATION AND ENFORCEMENT

Section 405 Enforcement Officer

The town board shall appoint an enforcement officer to carry out specific administrative functions as designated in this law, and to enforce this law. The duties of the enforcement officer shall include the following:

- A. Issue and deny zoning permits and certificates of compliance in accordance with this law;
- B. Scale and interpret district boundaries on zoning maps;
- C. Inspect and certify that the regulations of this law have been adhered to;
- D. Refer appropriate matters to the zoning board of appeals, planning board, or town board.
- E. Revoke zoning permits where there is false, misleading or insufficient information;
- F. Revoke zoning permits and certificates of compliance where the applicant has not complied with the provisions of the approved application;
- G. Investigate violations and complaints of violations of this law, issue stop work orders and refer violations to the town justice, or the town board;
- H. Assist in the prosecutions of violations.

Section 410 Zoning Permits

The following activities shall require a zoning permit unless otherwise specifically exempted in this law, provided that there shall be no more than one principal use permitted per lot except that on residential lots, the owner may be allowed additional structures which would be used by other family members or relatives provided the additional structures meet all zoning regulations and are placed to conform with a further potential subdivision of property:

- A. Erection, re-erection or movement of a building or structure;
- B. Change of the exterior structural dimensions of a building or structure;
- C. 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;
- D. The resumption of any use which has been discontinued for a period of 12 months or longer;
- E. Establishment or change in dimensions of a parking area for nonresidential or multifamily residential uses;
- F. Placement of a sign as regulated in Section 610 of this law;
- G. Fences or walls.

Section 415 Zoning Permit Exceptions

The following activities shall not require a zoning permit, and are exempt from the provisions of this law, except where otherwise specified:

- A. Exempt signs listed in Section 610 of this law;
- B. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.);
- C. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, chimneys, etc.;
- D. Nonstructural agriculture and forest management uses;
- E. Silos, corn cribs and other similar agricultural accessory uses (exclusive of barns);
- F. Landscaping.

Section 420 Application Process

Applications for zoning permits shall be submitted to the enforcement officer or town clerk and shall include the following:

- A. The actual dimensions of the lot to be used;
- B. The size and location on the lot of the structures and accessory structures to be erected and/or altered;
- C. The distance from the building line to all lot lines; road right-of-way lines; waterfront lot lines; and any other significant features of the lot;
- D. Such other information as may be necessary to determine and provide for the enforcement of this law.

This information, and other relevant application data, shall be provided on a form issued by the town.

Section 425 Application Fee

Fees required under this law will be determined from time to time by the town board pursuant to resolution and are to be paid at the time of application. No zoning permit shall be issued until full payment has been received by the town clerk.

Section 430 Display of Zoning Permit

The applicant shall display the zoning permit on the building, structure or site in such a manner that it is visible to the public until such time as a certificate of compliance is issued or the zoning permit expires.

Section 435 Measurements

When establishing measurements to meet the required yard sizes, or use or structure setbacks, the measurements shall be taken from the road right-of-way line, lot line or nearest high water elevation to the point attached to the structure which is closest to the point to which measurement is being made to. This shall include such projecting facilities as cornices, chimneys, eaves, porches, carports, attached garages, etc.

Section 440 Expiration of Zoning Permit

A zoning permit shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of the zoning permit. The applicant shall have two years to complete the terms of the zoning permit, or all work shall cease at the site. An extension may be allowed by the enforcement officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

Section 445 Certificate of Compliance

- A. No use or structure requiring a zoning permit shall be occupied, used, or changed in use until a certificate of compliance has been issued by the enforcement officer stating that the use or structure complies with the provisions of this law
- B. All certificates of compliance shall be applied for with the application for a zoning permit. The certificate shall be issued within ten days after the erection or alteration shall have been approved as complying with the provisions of this law.
- C. For uses requiring a planning board review, no certificate of compliance shall be issued for any such use or structure unless in conformity in all respects to the planning board approval, including any condition imposed upon it.

Section 450 Zoning Board of Appeals

1. The board of appeals shall consist of five members as set forth in Section 267 of the Town Law, or in the alternative the town board may enter into an agreement pursuant to Article 5-G of the General Municipal Law and Section 284 of the Town Law to establish a cooperative zoning board of appeals. In the event of a cooperative zoning board of appeals, membership shall be as per the contractual agreement and may otherwise vary from provisions of Section 267 of the Town Law as may be set forth in that agreement.
2. The powers of the board of appeals shall be to interpret this law and to grant area variances and use variance in accordance with the standards set forth in Section 267-b of the Town Law and as may be otherwise provided by law.
3. The procedure before the board of appeals shall be in accordance with Section 267-a of the Town Law except as may be specifically modified by intermunicipal agreement should the town elect to enter into a cooperative board of appeals, in which event such procedures shall be strictly governed by the intermunicipal agreement.
4. This local law specifically supersedes those provisions of Section 267 of the Town Law requiring that there be three or five members of the board of appeals, that the terms be staggered, that the town board select the chairman, and the voting power of members of the zoning board of appeals in the event that the town should enter into an intermunicipal agreement pursuant to Section 284 of the Town Law and Article 5-G of the General Municipal Law in which event the intermunicipal agreement shall govern those factors.

Section 455 Planning Board

In accordance with this law, the planning board shall have the power to approve, approve with modifications, or disapprove site plans and special use permits. The planning board shall give advisory opinions when requested by the zoning board of appeals or the town board. The planning board shall abide by any rules and regulations adopted by the town board.

Section 460 Violations

- A. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the town clerk or enforcement officer. The enforcement officer shall accurately record the complaint, file it appropriately, and investigate it.
- B. If the complaint is found to be valid, the enforcement 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 and by regular mail, or be personally served, as to the manner of the violation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll. The owner will have 14 days, minimum, to remedy the situation from the date of the mailing, except in the case of imminent peril to life or property.
- C. 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 construction stop immediately.
- D. If a violation persists, the enforcement 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.

- E. Pursuant to Criminal Procedure Law Section 150.20 (3), the enforcement 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 465 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.

In addition to the above remedies, 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

Section 470 Nonconforming Uses and Structures

- A. Every structure or use not conforming to the regulations of the district in which it is located at the time of adoption of this Law, shall be a "Nonconforming Use."
- B. A nonconforming structure or use may not be altered, rebuilt or resumed except in conformity with the regulations for the district in which it is located.
- C. A nonconforming use of a structure or land that has ceased for a consecutive period of twelve (12) months or twenty-four (24) months during and three year period, may not be altered, rebuilt, or resumed unless in conformity with this Law.
- D. A nonconforming use may be continued subsequent to adoption of this Law but the structure shall not be enlarged in a way which increases its nonconformity.
- E. A nonconforming use may be extended throughout any part (s) of a building which were manifestly arranged or designed for such use at the time of adoption of this Law.
- F. Nothing in this Law shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure declared unsafe by a duly designated official.
- G. Nothing in this Law shall be deemed to prevent the reconstruction of a nonconforming structure to its original configuration when destroyed by fire or Act of God, except as subsection above.
- H. District Changes/Amendments: Whenever an area is transferred from a district of one classification to a district of a different classification, or amendments are adopted which change permitted uses or

other regulatory measures governing such, the above regulations shall apply to nonconforming uses created by such transfer.

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE I - USE CONTROLS

DISTRICT	PURPOSE	PERMITTED USES	ACCESSORY USES AND STRUCTURES	USES REQUIRING SITE PLAN REVIEW
AGRICULTURAL/ RURAL RESIDENCE AR	Promote agriculture and other natural resource uses and accommodate rural residences.	Agricultural operations, single family dwelling, two-family dwelling, home occupation, seasonal dwelling (camp/cottage), individual manufactured homes.	Barns, sheds and other structures necessary to agricultural operations, signs, swimming pools, private garages, tool sheds, storage sheds and other structures incidental and accessory to the principle use and building; satellite dish antennas.	Churches, campgrounds, (commercial), manufactured home parks, recreation facilities, cemeteries, animal hospitals and kennels, above ground fuel storage tanks (over 1,000 gallons), motels, hotels and resorts, airfield/landing strips, junk yards, landfills, public utility facilities, quarry, sand or gravel pits, boarding houses, tourist homes, and multiple family dwellings.
RESIDENTIAL R-1	Primarily for residential uses.	Single family dwelling, two-family dwelling, home occupation, seasonal dwelling (camp/cottage).	Signs, swimming pools, private garages, sheds and other structures incidental and accessory to the principle use and building; satellite dish antennas.	Churches, campgrounds (commercial), recreations facilities, cemeteries, animal hospitals and kennels, public utility facilities, community facilities, boarding houses and tourist homes.
RESIDENTIAL R-2	Higher density residential uses accommodating some services.	Single family dwelling, two-family dwelling, home occupations.	Sign, swimming pools, private garages, sheds and other structures incidental and accessory to the principle use and building; satellite dish antennas.	Churches, multiple family dwellings, public utility facilities, community facilities, boarding houses and tourist houses, professional offices.
BUSINESS B-1	Primarily for retail, wholesale and service businesses.	Single family dwelling, commercial enterprises, professional offices.	Signs, garages, storage sheds and buildings and other structures incidental and accessory to the principle use and building; satellite dish antennas.	Hotels, motels, community facilities, public utility facilities, automobile service stations, restaurant/bars.

DISTRICT	PURPOSE	PERMITTED USES	ACCESSORY USES AND STRUCTURES	USES REQUIRING SITE PLAN REVIEW
BUSINESS B-2	Accommodate a variety of businesses and services.	Commercial enterprises, professional offices, automobile service stations, motor vehicle repair and services.	Signs, garages, storage sheds and buildings and other structures incidental and accessory to the principle use and building, satellite dish antennas.	Hotels, motels, shopping centers, community facilities, public utility facilities, motor vehicle equipment and implement sales and service, building supply sales and storage, restaurant/bars.
INDUSTRIAL I	Accommodate manufacturing and industry.	Manufacturing operations (including assembling, fabricating, processing and packaging operations) ware housing operations and all uses listed as permitted in the B-2 District.	Signs, barns, sheds, materials, storage areas, and other buildings and structures which are incidental and accessory to the principle use and building; satellite dish antennas.	Fuel storage and supply facilities, manufacturing operations involving hazardous materials, junk yards, and all uses listed as requiring site plan review in the B-2 District.
MANUFACTURED HOME OVERLAY MHO The overlay is measured from the road right-of-way three hundred (300) feet.	The purpose of the Manufactured Home Overlay District is to prohibit manufactured homes in some areas of the town, thus leaving land free and available for higher valued development. Accordingly, neither individual homes or manufactured home parks will be allowed in the Manufactured Home Overlay District.	Those permitted uses allowed in the underlying district except individual manufactured homes on individual lots.	Those permitted accessory uses and structures allowed in the underlying zone.	Those site plan review uses allowed in the underlying district except manufactured home parks.

SCHEDULE II - LOT DIMENSIONS

DISTRICT AND USE	MIN. LOT AREA	MIN. LOT WIDTH *	MIN. FRONT YARD *	MIN. REAR YARD	MIN. SIDE YARD	MAXIMUM STRUCTURE/ BUILDING HEIGHT
AGRICULTURAL/ RURAL RESIDENCE, AR	Permitted Uses	250 ft.	50 ft.	50 ft.	20 ft.	30 ft.
	Accessory Uses		50 ft.	30 ft.	15 ft.	20 ft.
Uses Requiring Site Plan Review	40,000 sq. ft.	250 ft.	50 ft.	50 ft.	20 ft.	30 ft.
	Lot of Record	100 ft.	50 ft.	50 ft.	20 ft.	30 ft.
RESIDENTIAL, R-1	Permitted Uses	125 ft.	50 ft.	50 ft.	20 ft.	30 ft.
	Accessory Uses		50 ft.	30 ft.	15 ft.	20 ft.
Uses Requiring Site Plan Review	25,000 sq. ft.	125 ft.	50 ft.	50 ft.	20 ft.	30 ft.
	Lot of Record	75 ft.	50 ft.	50 ft.	15 ft.	30 ft.

* If lot has road frontage on a Main Transportation Arterial, as designated on the Zoning Map, refer to Article VI, Supplemental Regulations, Section 655.

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE II - LOT DIMENSIONS

DISTRICT AND USE	MIN. LOT AREA	MIN. LOT WIDTH *	MIN. FRONT YARD *	MIN. REAR YARD	MIN. SIDE YARD	MAXIMUM STRUCTURE/ BUILDING HEIGHT
RESIDENTIAL, R-2						
Permitted Uses	20,000 sq. ft.	100 ft.	50 ft.	50 ft.	15 ft.	30 ft.
Accessory Uses			50 ft.	30 ft.	10 ft.	20 ft.
Uses Requiring Site Plan Review	20,000 sq. ft.	100 ft.	50 ft.	50 ft.	15 ft.	30 ft.
Lot of Record	15,000 sq. ft.	75 ft.	50 ft.	50 ft.	15 ft.	30 ft.
BUSINESS, B-1						
Permitted Uses	7,500 sq. ft.	75 ft.	30 ft.	30 ft.	15 ft.	35 ft.
Accessory Uses			30 ft.	20 ft.	10 ft.	20 ft.
Uses Requiring Site Plan Review	7,500 sq. ft.	75 ft.	30 ft.	30 ft.	15 ft.	35 ft.
Lot of Record	5,000 sq. ft.	50 ft.	30 ft.	20 ft.	10 ft.	35 ft.

* If lot has road frontage on a Main Transportation Arterial, as designated on the Zoning Map, Refer to Article VI, Supplemental Regulations, Section 655.

ARTICLE V - DISTRICT REGULATIONS

SCHEDULE II - LOT DIMENSIONS

DISTRICT AND USE	MIN. LOT AREA	MIN. LOT WIDTH *	MIN. FRONT YARD *	MIN. REAR YARD	MIN. SIDE YARD	MAXIMUM STRUCTURE/ BUILDING HEIGHT
BUSINESS.						
B-2						
Permitted Uses	30,000 sq. ft.	150 ft.	50 ft.	50 ft.	20 ft.	40 ft.
Accessory Uses			50 ft.	30 ft.	15 ft.	25 ft.
Uses Requiring Site Plan Review	30,000 sq. ft.	150 ft.	50 ft.	50 ft.	20 ft.	40 ft.
Lot of Record	20,000 sq. ft.	100 ft.	50 ft.	40 ft.	15 ft.	40 ft.
INDUSTRIAL,						
I						
Permitted Uses	30,000 sq. ft.	150 ft.	50 ft.	50 ft.	20 ft.	40 ft.
Accessory Uses			50 ft.	30 ft.	15 ft.	25 ft.
Uses Requiring Site Plan Review	30,000 sq. ft.	150 ft.	50 ft.	50 ft.	20 ft.	40 ft.
Lot of Record	20,000 sq. ft.	100 ft.	50 ft.	40 ft.	15 ft.	40 ft.

* If lot has road frontage on a Main Transportation Arterial, as designated on the Zoning Map, Refer to Article VI, Supplemental Regulations, Section 655.

ARTICLE VI SUPPLEMENTAL REGULATIONS

Section 605 General Application

- A. The standards and requirements as established by the following Supplemental Regulations shall apply to all Permitted and Accessory Uses, specified by Article V, District Regulations, unless otherwise specified in the Law.
- B. These regulations shall also be applicable to Site Plan Review Uses, specified by Article V, District Regulations, where General or Specific Site Plan Criteria are not applicable.

Section 610 Signs

- A. General Standard
 - 1. All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected and shall be limited in wording and graphics to the name of the establishment and its principal service or purpose.
 - 2. No signs shall be placed, painted or drawn upon trees, rocks, or other natural features or on utility poles, bridges, culverts, towers or similar structures.
 - 3. All signs, together with their surfaces shall be kept in good repair. The display surfaces shall be kept neatly painted at all times.
- B. A permit shall not be required for the following sign types in the Town of Wilna:
 - 1. Announcing Signs: One (1) sign per street frontage of a building which is under construction or structural alteration or repair announcing the character of the building enterprise or, the purpose for which the building is intended, one (1) sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, provided the area of such sign shall not exceed twelve (12) square feet. Such sign shall not remain for longer than one (1) month following completion of the project, and all such signs be set back at least fifteen (15) feet from any designated street line.
 - 2. Real Estate Signs: One (1) sign per street frontage not exceeding twelve (12) square feet advertising the sale, rental, or lease of the premises on which displayed. All such signs shall be removed within five (5) days after the sale or lease or the property has been consummated and all such signs must be set back at least fifteen (15) feet from any designated street line.
 - 3. Subdivision Signs: One (1) sign per street entrance to the subdivision and located on the property to be subdivided, provided such sign shall not exceed thirty-two (32) square feet in area. Such sign may not be erected until the subdivision has been approved by the appropriate officials and may be displayed for a period of one (1) year from the date of erection. Erection date will be determined to be the same as the subdivision approval of the Planning Board for a reasonable period of time, not to exceed one (1) year at any given time.
 - 4. Sale Ad Signs: Signs advertising special sales of goods or merchandise which will be on sale for not longer than one (1) month. Such signs shall not take up more than thirty (30) percent of the total window area of any building frontage and shall be removed immediately following termination of the sale.
 - 5. Public Signs: Signs of a public or non-commercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, and all signs erected by a public officer in the performance of a public duty.

- 6. Plaques: Commemorative plaques placed by historical agencies recognized by the Town, the County of Jefferson or the State of New York.
- 7. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- 8. Signs erected or placed to advertise temporary events such as garage sales, lawn sales, special events, etc. Signs shall be removed by the sponsor of the event upon its termination.

C. Freestanding signs, those not attached to or a part of another structure, shall not exceed the following:

<u>District</u>	<u>Height</u>	<u>Area</u>
AR	10 ft.	12 sq. ft.
R-1, R-2	10 ft.	12 sq. ft.
B-1, B-2, I	20 ft.	32 sq. ft.

D. Signs which are part of another structure's surface or attached flush to the structure's surface, shall not exceed the height of the structure or project beyond the structure's roof line, and shall not exceed the following:

<u>District</u>	<u>Area</u>
AR, R-1, R-2	24 sq. ft.
B-1, B-2, I	32 sq. ft.

- E. In B-1, B-2 and I Districts, signs may be constructed which are attached to another structure and project out from that structure providing that it shall not extend away from the structure more than eight (8) feet, shall have a maximum area of 20 square feet and its lower most portion shall be a minimum of 10 feet above the ground elevation.
- F. Mechanically moving and/or flashing signs are not permitted unless required for public safety purposes by a unit of government.
- G. Signs may be placed in required yards but shall not be located closer than 10 feet to any street or lot line.
- H. Any business, enterprise, institution or other advertising entity that ceases operations shall remove their signs within 90 days of such cessation.
- I. Any nonconforming sign existing at the time of the adoption of this Law, or an amendment thereto, shall only be replaced by a sign conforming to the regulations for this District.

Section 615 Fuel Storage

Gasoline/fuel pumps for automobile service stations and motor vehicle repair and service stations shall not be located closer than 40 feet to any street line or 30 feet to any side or rear lot line. Underground fuel storage tanks shall be placed at least 50 feet from any lot or street line. All fuel storage/distribution systems shall comply with NYS DEC Bulk Petroleum Storage Regulations.

Section 620 Satellite Dish Antennae

Satellite dish antennae are permitted accessory uses in all districts and may not be located within any front yard or project beyond the front building line of a structure.

Section 625 Swimming Pools

- A. Above ground pools must be equipped with an attached fence or restraining device which can be secured to restrict access when the pool is not in use.
- B. In-ground pools must be enclosed by a fence at least five feet high and have an entrance gate which can be secured to restrict access when pool is not in use.

Section 630 Fences, Walls and Hedges

Fences, walls and hedges which are not regulated in other Sections of this Law are subject to the following regulation, with the exception of fences and/or walls erected as part of an agricultural operation.

- A. Fences, walls and hedges located in side or rear yards shall not be more than six feet in height or less than three feet and shall be placed at least 18 inches from all lot lines.
- B. Fences, walls and hedges located in front yards shall not be less than three feet or more than forty-two inches in height and shall be no closer than one foot to any sidewalk or street line.
- C. Decorative, portable fences used for landscaping an/or gardening purposes may be less than three feet in height, but shall be located at least six inches from any lot line, street line or sidewalk.

Section 635 Outdoor Storage

- A. Any manufacturing, fabricating or servicing related to a use must take place within buildings designed to accommodate the use.
- B. Materials used in the manufacturing, fabricating or servicing operations may be stored outside the building accommodating the use; provided, they be arranged in a neat and orderly fashion, shall be enclosed by a fence

Section 640 Sewage Disposal Systems

All on-site sewage disposal systems shall meet the requirements of New York State Public Health Law, Appendix 75-A.

Section 645 Parking Requirements

- A. Design Requirements:
 - 1. Unless no other practicable alternative is available, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discourge.
 - 2. Parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

3. Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
 4. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
 5. Parking areas shall be graded and surfaced with material that will provide adequate protection against potholes, erosion, and dust and in a manner that will not conflict with the proposed means of snow removal.
 6. The parking area shall be adequately defined for the proposed use by landscaping, curbing (or other similar devices), parking space lines, signs and other traffic control devices.
 7. Parking areas shall be properly maintained in all respects.
- B. Parking areas from adjoining properties may be designed for common access, joint use and maintenance if there is written agreement between the property owners and the Planning Board determines that it would be beneficial to both uses and that there would be no deleterious effect on the overall traffic circulation patterns.
- C. Parking lots (four or more parking spaces) shall be at least 10 feet from all lot and street lines. There shall be an exit and entrance to accommodate travel concurrently. Parking lots shall be constructed of all-weather materials (gravel, paved).

<u>USES</u>	<u>REQUIRED PARKING SPACES</u>
1. Churches or Synagogues	1 for each 3.5 seats.
2. Community Facilities each	1 for each 200 square ft. of gross floor area, plus one for employee.
3. Motels, Hotels, Resorts, Boarding, Rooming Houses, Tourist Homes	1 for each sleeping room or dwelling unit.
4. Manufacturing Operations	1 for each employee in the maximum working shift.
5. Restaurants, Bars, Night Clubs	1 for each 100 square feet of gross floor area.
6. Stores, Store Groups, Shops, Com- mercial Enterprises, Business Uses.	1 space for each 200 square feet of floor space, plus 1 for each employee.
7. Warehouses	1 for each employee in the maximum working shift.
8. Offices – General	1 for each 200 square feet of gross floor area.
9. Doctor or Dentist Office	5 for each doctor.
10. Home Occupation	Minimum of 3 spaces.
11. Dwelling & Manufactured Homes	2 for each dwelling unit; may be of driveway.

Section 650 Off-Street Loading Requirements

- A. In all districts, in connection with every building or building group or part thereof and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing or commercial uses or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

BUILDING AREA	NO. OF BERTHS
4,000 – 25,000 sq. ft.	1

25,001 – 40,000 sq. ft.	2
40,001 – 60,000 sq. ft.	3
For each additional 50,000 sq. ft.	1

- B. The loading berth required in each instance shall not be less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, and may occupy all or any part of any required yard. Such space may also be a part of a required parking area.

Section 655 Main Transportation Arterials

For all uses, in all Districts, if a proposed use is to be located on a lot abutting a road or portion of a road designated as a Main Transportation Arterial, as shown on the Town of Wilna Zoning Map, the following minimum lot dimensions shall be required:

Minimum Lot Width	250 feet
Minimum Front Yard	80 feet

Section 660 Manufactured Homes

All manufactured homes shall meet the following requirements:

- A. No manufactured home shall be allowed unless it bears a date plate and a manufacturer’s label, affixed in the manufacturing facility, which certifies that it is in compliance with the Federal Department of Housing and Urban Development mobile home construction and safety standards in force at the time of manufacture.
- B. No manufactured home shall be allowed if twenty (20) years or more have elapsed since the time of manufacture.
- C. Each manufactured home shall be provided with a stand which will give a firm base and adequate support for the manufactured home having dimensions which approximately correspond to the dimensions of the manufactured home and shall be either:
 - 1. A full concrete slab at least four (4) inches thick, or
 - 2. Six (6) inches of compacted gravel with a reinforced concrete runner on each side of the stand to provide support. Such runner shall be a minimum of four (4) feet wide, sixty-five (65) feet long, and six (6) inches thick.
 - 3. Constructed to the manufacturer’s specifications if they are more stringent.

The stand area shall be graded to ensure adequate drainage but in no event shall the grade variance exceed six (6) inches from one end or side of the stand to the other.

- D. Well anchored tie-downs to the manufacturer’s specifications at least on each corner of the stand.
- E. All manufactured homes shall be provided with a skirt of permanent material, similar to that used in the manufactured home, to provide a finished exterior appearance and to screen the space between the manufactured home and the ground.

Section 665 Roads and Road Access

- A. All roadways that are constructed by private individuals or enterprise, and which serve or are intended to serve the public as a public thoroughfare shall meet Town highway and road standards as set forth by the Wilna Town Board.

- B. All driveways and roadways intersecting or gaining access to Town roads shall meet Town specifications for sight distance, slope, width, etc., and shall gain approval of the Town Highway Superintendent.

Section 670 Storage Units

- A. There shall be no more than one storage unit permitted as a matter of right per lot. Any permit application requiring more than one storage unit on a lot shall require site plan review and approval.
- B. Storage units may not be placed in any front yard and must be appropriately screened to a height of 6 feet by either an evergreen hedge, earthen berm, or fence made of opaque materials in a way to block view.
- C. Each unit must be maintained in a neat and orderly fashion with the screening intact and well maintained.

Section 675 Outdoor Furnaces

- A. With respect to any outdoor furnaces installed, such outdoor furnaces must be set back a minimum of 50 feet from any property line.
- B. The use of such furnaces must follow all operating instructions supplied by the manufacturer.
- C. The only structures allowed shall be those listed fuels recommended by the manufacturer. The following are prohibited: trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, and cardboard.
- D. Users must follow the manufacturer's written instructions for recommended loading times and amounts.
- E. Lighter fluids, gasoline, or chemicals to start the furnace are prohibited.
- F. The unit must be located with due consideration to the prevailing wind directions.
- G. If located 50 feet or less to any residence not served by the furnace, it is recommended that the stack be at least 2 feet higher than the eave line of that residence.
- H. If located more than 50 but no more than 100 feet to any residence, it is recommended that the stack be at least 75% of the height of the eave line of that residence, plus an additional 2 feet.
- I. If located more than 100 feet but no more than 150 feet to any residence, it is recommended that the stack be at least 50% of the eave line of that residence, plus an additional 2 feet.
- J. If located more than 150 feet but no more than 200 feet to any residence, it is recommended that the stack be at least 25% of the height of the eave line of that residence, plus an additional 2 feet.

ARTICLE VII PLANNING BOARD REVIEW

Section 705 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 710 Site Plan Review

- A. Authority. 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.
- B. Applicability. Site plan review uses shall be controlled by the regulations in this article in addition to the regulations that apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring site plan review until approval has been granted by the planning board.

Section 715 Special Use Permits

- A. Authority. 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.
- B. Applicability. Uses requiring a special use permit shall be controlled by the regulations in this article in addition to the regulations which apply in each district or for specific uses. No zoning permit or certificate of compliance shall be issued for any use or structure requiring a special use permit until approval has been granted by the planning board.

Section 720 Application Requirements

An application for project review shall be made on forms prescribed by the town. Five 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:

- A. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
- B. Date, north arrow, written and graphic scale;
- C. Boundaries of the area plotted to scale, including distances, bearings, and areas;
- D. The current zoning classification of the property, including the exact zoning boundary if in more than one district;
- E. A complete outline of existing or proposed deed restrictions or covenants applying to the property;
- F. Location and ownership of all adjacent lands as shown on the latest tax records;
- G. A written description of all proposed uses and activities on the site, including the number and

- distribution by type of all dwelling units;
- H. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
- I. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
- J. Location, size, and design of the following: existing, proposed, and alterations to buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas; walls and fences, energy distribution facilities, fire lanes and other emergency zones;
- K. Plans for controlling soil erosion and sedimentation during development;
- L. Plans for grading and drainage showing existing and proposed contours of five foot intervals;
- M. Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);
- N. Designation of the amount of gross floor area and gross leasable area proposed for each nonresidential use;
- O. Project construction schedule and staging phases, if applicable;
- P. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617, where required;
- Q. An agricultural data statement, pursuant to Town Law Section 283-a/Village Law Section 7-739, when applicable;
- R. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the town/village in the application pursuant to General Municipal Law Section 809, when applicable;
- S. Other elements integral to the proposed development as considered necessary by the planning board including identification of any federal, state, or county permits required for the project's execution;
- T. Application fee as stated in the fee schedule adopted by the town/village.

Section 725 Procedure

- A. **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.
- B. **Waiver of 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. The reasons for, and the scope of any such waiver granted by the planning board shall be in writing and entered into the minutes of the board.
- C. **Public Hearing.** Once a completed application has been formally accepted by the planning board at a public meeting of the board, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the planning board and the applicant. A waiver of the hearing shall NOT be allowed in any one of the following circumstances:
 - 1. the use requires a special use permit pursuant to this law;

2. the use is a Type I action according to the State Environmental Quality Review Act;
 3. the use is over 2,000 square feet of floor or ground area;
 4. the use is over 35 feet in height;
 5. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
 6. the applicant has requested a public hearing.
- D. **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 the hearing shall be mailed to the applicant at least ten days before the hearing. The notice shall also be mailed to any farm operations listed on the agriculture data statement.
- E. **County Planning Board Review.** Pursuant to General Municipal Law Section 239-m, 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 Board that fall within 500 feet of the following:
1. the boundary of the town or any village within 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; or
 6. the boundary of a farm operation located within an agricultural district.

If the County Planning Board 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 Board report received after such 30 days but two or more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the County Planning Board recommends modification or disapproval of a proposed action, the referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

- F. **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 final action on the application.
- G. **Final Decision.** The final decision by the planning board must be made within 62 days following the close of the public hearing, or where the public hearing has been waived, within 62 days of the official submission date. 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.
- H. **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 Board, the planning board shall file a report of the final action with the County Planning Board.

- I. **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. Upon approval of the project, any such conditions must be met in connection with the issuance of permits by applicable enforcement officers of the town/village.
- J. **Area Variance.** Notwithstanding any provisions of law to the contrary, where a proposed project contains one or more dimensional or physical features which do not comply with the zoning law, application may be made to the zoning board of appeals for an area variance without the necessity for a decision or determination of the enforcement officer.
- K. **Expiration of Site Plan Reviews and Special Use Permits.** Site plan review decisions and special use permits shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of planning board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site. An extension may be allowed by the enforcement officer upon proof of necessity submitted by the applicant due to conditions unusual or beyond the control of the applicant.

Section 728 General Criteria for all Special Use Permits

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.

The planning board is hereby authorized to waive any requirements of this law pertaining to special use permit review and approval when such waiver is reasonable and where the requirements of this law are not requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular special use permit.

The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit.

In considering and acting on special use permits, the planning board shall consider the following:

- A. That the proposed use 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 730 General Criteria for all Site Plan Reviews

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.

The planning board is hereby authorized to waive any requirements of this law pertaining to site plan review and approval when such waiver is reasonable and where the requirements of this law are not requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular site plan review.

The planning board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan.

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;
- 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. the integrity of scenic, historic and archeological sites are preserved where practical.

Section 732 Specific Criteria for Site Plan Reviews

A. Architectural Design

- 1. The architectural design, layout and function of uses and structures must not conflict with that of neighboring uses or the district.

B. Buffering

- 1. Commercial, small commercial and industrial uses and parking lots shall be buffered from adjacent residential uses.
- 2. Additional setbacks from lot lines may be required, if necessary, to buffer adverse effects of a proposed use on adjacent properties.
- 3. The adequacy, type and arrangement of trees, shrubs and other landscaping which constitutes a visual and/or a noise-deterring buffer between competing adjacent uses and adjoining lands shall be reviewed and approved.

C. Drainage

- 1. To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainage ways shall remain undisturbed.
- 2. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if the retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water run-off control plan; or the retention is not substantially different in location or degree than that experienced by the development site in its predevelopment state, unless such retention presents a danger to health or safety.
- 3. No surface water may be channeled or directed into a sanitary sewer.
- 4. Whenever practicable, the drainage system of a development shall be coordinated with the connections to the drainage systems or drainage ways on surrounding properties or roads.
- 5. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
- 6. All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

- a. No development may be constructed or maintained to unreasonably impede the natural flow of water from higher adjacent properties.
- b. No development may be constructed or maintained so that surface waters are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to lower adjacent properties.

D. Electrical Disturbance

- 1. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.

E. Erosion and Sediment Control

- 1. All earthmoving activities shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. To accomplish this, any person engaged in earthmoving activities shall effectively develop, implement and maintain erosion and sedimentation control measures. These erosion and sedimentation measures must be set forth in a plan as described below and must be available at all times at the site of the activity.
- 2. The erosion and sedimentation control plan shall including, but not limited to, the following:
 - a. The topographic features of the project area;
 - b. Types, depth, slop, and extent of the soils;
 - c. The proposed alteration to the area;
 - d. The amount of runoff from the project area and the upstream watershed area;
 - e. The staging of earthmoving activities;
 - f. Temporary control measures and facilities for use during earthmoving;
 - g. Permanent control measures and facilities for long-term protection; and
 - h. A maintenance program for the control facilities including disposal of materials removed from the control facilities or project area.
- 3. During and upon completion of the project, all areas which were disturbed by the project shall be stabilized so that accelerated erosion shall be prevented.
- 4. Any erosion and sedimentation control facility required or necessary to protect areas from erosion during the stabilization period shall be maintained until stabilization is completed.
- 5. Upon completion of stabilization, all unnecessary or unusable control facilities shall be removed, the areas shall be graded and the soils be stabilized.

F. General Nuisance Effects

- 1. The site shall be designed so that any excessive noise, vibration, lighting glare, dust, fumes, smoke or odor caused by the use shall be prevented from adversely affecting and depreciating neighboring properties.

G. Hazardous Materials

- 1. All buildings, structures or areas used in the production, handling, and storage of hazardous materials shall be located at least 500 feet from any lot or street line.
- 2. All buildings, structures or areas used for producing, handling or storing hazardous materials must be placed on a paved, concrete, or similar solid surface and have in place walls, mounds, pits or some similar devices which, in case of leakage or spills, will retain the hazardous material on the site and prevent contamination of the soil and ground water.
- 3. No hazardous material shall be disposed of on site.
- 4. The entire lot on which the operation is located shall be enclosed by a fence at least ten feet high and all entrances and exits shall be locked, have security personnel available or employ some system which restricts access to the area.

H. Impervious Surfaces

1. Where no public storm sewers are available, no more than 65% of the gross site area may be covered by impervious surfaces.

I. Landscaping

1. Landscaping shall be used to enhance the visual character of the use, provide a more comfortable micro-climate, aid in traffic circulation and drainage, eliminate erosion, and to provide for visual and noise barriers.
2. Consideration shall be given to seasonal needs for solar access, wind screens and shading.
3. Natural vegetative features of the site shall be retained and maintained when at all possible, and new vegetation shall be used that is suitable for or native to the region.
4. Any proposed road that is part of a site plan shall have new trees planted or retain existing trees.
5. Landscaping design should include consideration for basic site maintenance such as lawn mowing and leaf removal and should not be in conflict with snow removal and storage.
6. Landscaping shall involve grading, seeding and regular mowing of the front yard area at a minimum.

J. Lighting

1. All developments shall have adequate lighting to ensure the safety and security of persons using or occupying such development.
2. Lighting should be located along streets; parking areas; at intersections and where various types of circulation systems merge, intersect or split; along pathways; at stairways and building entrances and exits; and where buildings are set back or off-set.
3. Free-standing lights should be so located and protected to avoid being easily damaged by vehicles.
4. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and roads, and where lights along the property lines will be visible to adjacent residents, the lights should be appropriately shielded.
5. All lights should be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees.
6. The style of the light and light standard should be consistent with the architectural style of the principal building.
7. The maximum height of free standing lights should be the same as the principal building but not exceeding 25 feet.
8. No flood lights in excess of 100 watts shall be installed without specific written approval of the Planning Board, and spotlight-type fixtures attached to buildings should be avoided.
9. The following intensity in foot candles should be provided:
 - a. Parking Lots - an average of one foot candle;
 - b. Intersections - two foot candles;
 - c. Maximum at property lines - 0.6 foot candles;
 - d. In residential areas - an average of 0.6 foot candles.

K. Recreation and Open Space

1. In the case of residential developments, recreation areas, both playgrounds and informal recreation areas, may be required where a finding has been made that such recreation areas are necessary based on the projected population growth which the particular site plan will contribute.
2. Nonrecreational open spaces may be required for circulation and other reasons.

L. Scenic, Historic and Cultural Attributes

1. The scenic, historic and cultural attributes of the site shall be preserved to the extent practical.
2. The integrity of existing historic site or structures on the National or State Register of Historic Places shall not be endangered by the development.

M. Screening

1. Every development shall provide sufficient screening so that neighboring properties are shielded from adverse external effects of that development and the development is shielded from negative impacts of adjacent uses.
2. When a commercial use abuts a residential property, screening may be required of sufficient height and density (i.e., fences, hedges, etc.) to reduce or eliminate conflicting environmental conditions.

N. Site Layout

1. The elements of a site plan include such things as structures, vegetation, land forms, open space, drainage systems, and automobile and pedestrian traffic-ways. Such elements shall be laid out in such a way that they are integrated to work as a well functioning system which enhances the aesthetic quality of the site so that it is beneficial and not detrimental to the use on site or neighboring sites, or damaging or inconvenient to property or persons.

O. Vehicular and Pedestrian Traffic

1. The adequacy and arrangement of safe vehicular traffic access and circulation, including intersections, road widths, curb cuts, channelization structures and traffic controls shall be reviewed. Traffic access to and from the site, as well as on-site traffic circulation, shall be designed and constructed so as to reduce traffic hazards.
2. No new vehicular entrances shall be provided within 50 feet of an existing intersection.
3. The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkways, structures, control of intersections with vehicular traffic and pedestrian convenience shall be reviewed. Pedestrian and automobile conflicts shall be minimized as much as possible, and safe passage of pedestrians shall be provided for.

Section 735 Site Plan Review Criteria for Specific Uses

Following is a list of specific uses with particular criteria to which they must conform, in addition to the General Site Plan Review Criteria in Section 720 of this Article.

A. Airfield/Landing Strip.

1. Landing and take off runway areas shall be located at least 1,000 feet from any building or structure on adjacent lots and at least 300 feet from any street line.
2. Hangers and/or parking areas for airplanes shall be at least 75 feet from any lot or street line.
3. An off-street parking areas for motor vehicles of at least five parking spaces, shall be provided and shall be located at least 50 feet from any front or rear lot line and 20 feet from any side lot line.

B. Building Supply Sales and Storage Yards.

1. All buildings, structures, materials storage areas, parking areas, etc. shall be located at least 50 feet from all lot and street lines.
 2. When located within 200 feet of a residential structure, such operations shall be screened from the adjacent residential lot by a fence, hedge, or other planting or structure so as to not be visible from the adjacent property.
 3. Any outdoor lighting shall be situated so as not to be directed at adjacent residential lots.
 4. The off-street parking requirements for Business Uses, Article VI, shall be followed and parking lots shall be of an all weather material (e.g. gravel, paved, etc.).
- C. Fuel Storage and Supply Facilities
1. All fuel storage tanks and fuel pumps shall be located at least 100 feet from any adjacent industrial, commercial or business lot line, 200 feet from any adjacent residential lot line and 100 feet from any street line.
 2. If the fuel storage tanks are above ground tanks, the tank area must be surrounded by a moat, mound, wall or other structure of some kind which will retain any fuel leakage or spills on lot.
- D. Junk Yard (See Article III, Definitions)
1. All buildings, structures and areas on the lot used for the storage of junk, as defined by the Law shall be located at least 30 feet from any lot line and 75 feet from any street line.
 2. The entire area of the lot to be utilized as a junkyard shall be surrounded by a fence at least eight feet in height and constructed of materials which will screen visibility from any street, roadway or adjoining property. The fence shall have a gate, or gates, which can be secured when the junkyard is closed or has no person in attendance. The fence shall be placed at least 25 feet from any property line and 70 feet from any street line.
 3. The owner of the lot to be used as the junkyard shall adhere to all of the regulations and requirements of the Ordinance Regulating and Licensing Dealers In Second Hand, Junk and Auto Parts Activities and Business, Town of Wilna, New York.
- E. Motor Vehicle, Equipment and Implement Sales and Services
1. All buildings, structures and necessary accessory uses for such operations shall be located at least 50 feet from any lot or street line.
 2. When within 200 feet of any residential structure, such operation shall be screened from the residential property by a fence, hedge, or other landscaping.
 3. All parking areas and outdoor vehicle or equipment storage or display areas shall be constructed of an all weather material (paved, graved, etc.).
 4. All junk wastes, discarded parts, etc. as a result of servicing motor vehicles, equipment, etc. shall be stored in an enclosed structure or fenced area, so as not to be visible from adjacent lots, until disposed of. None of these materials may be disposed of on the lot.
- F. Manufacturing Operations Involving Hazardous Materials
1. All buildings, structures, storage areas and accessory uses used in the production, handling, storage, etc. of hazardous materials shall be located at least 500 feet from any lot or street line.
 2. All buildings, structures, or areas used for storing hazardous materials must be placed on a paved, concrete, or similar solid surface and have in place walls, mounds, pits or some similar devices which, in case of leakage or spills, will retain the hazardous material on the site and prevent contamination of the soil and ground water.
 3. No hazardous material, waste, by-product, etc. shall be disposed of on site.
 4. The entire lot on which the operation is located shall be enclosed by a fence at least ten (10) feet height and all entrances and exits shall be locked, have security personnel available or employ some system which restricts access to the area.

- G. Public Utility Facilities
1. All buildings, structures, and accessory uses shall be located at least 200 feet from any residential lot line.
 2. Fences, barriers or other safety devices shall be erected around the utility structures at a height of at least eight feet (excluding underground facilities).
 3. The lot on which the facility is located shall be landscaped with trees, hedges, shrubs, etc.

- H. Quarry, Sand or Gravel Pit
1. All excavation and extraction of materials shall be located at least 75 feet from any street line or lot line, except it shall be located at least 200 feet from any residential lot line.
 2. Where such operation is within 250 feet of any residential building it shall be screened from view by a fence or landscaping with hedges, trees, etc.
 3. All blasting shall be done by a licensed and insured individual or firm.

- I. Manufactured Home Parks
1. Park Location and Conditions
The site of a proposed manufactured home park:
 - a. Shall be located where orderly development of a manufactured home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering;
 - b. Shall have generally level to gently rolling topography over an area of sufficient size to allow development of the manufactured home park without significant alterations or disturbance of existing natural amenities or features such as stands of mature trees, stream courses, shorelines, wetlands or bedrock outcroppings; and
 - c. Shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic or volatile substances.

Travel trailers shall not be parked, whether permanently or temporarily, in any manufactured home park. Manufactured home parks shall be separated from travel trailer parks by a minimum distance of two hundred (200) feet.

2. Restrictions on Occupancy
 - a. No manufactured home shall be admitted to any park unless it is in conformance with Article VI, Section 660 of this Law.
 - b. Each manufactured home site shall be provided with a stand as required by Article VI, Section 660 of this Law.
 - c. Each manufactured home shall be provided with a skirt of permanent material, similar to that used in the manufactured home, to provide a finished exterior appearance and to screen the space between the manufactured home and the ground.
 - d. Each manufactured home shall have well anchored tie-downs, to the manufacturers specifications, and at least on each corner of the stand.
3. Park Standards.
 - a. Manufactured Home Site: Each manufactured home park shall be divided (exclusive of internal roads, open space or common areas) and marked off into manufactured home sites

- numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.
- b. **Manufactured Home Site Size:** Each manufactured home site shall satisfy the following requirements.
 - (1) Minimum site size shall be ten thousand (10,000) square feet. In special cases, where innovative park design for manufactured home parks of ten (10) or more manufactured homes provides clustering and allows for wide roads or a greater amount of usable recreation area or open space, exceptions may be granted. In no case, however, shall the site area be reduced below seven thousand five hundred (7,500) square feet;
 - (2) Minimum one hundred (100) foot site width. Where exceptions have been made as provided in (a), minimum seventy-five (75) foot site width; and
 - (3) Minimum one hundred (100) foot site depth
 - c. **Setbacks and Spacing**
 - (1) All manufactured homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a manufactured home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual manufactured home shall be considered part of the manufactured home for the purpose of spacing requirements.
 - (ii) minimum of one hundred fifty (150) feet from the road line of any public road.
 - (iii) minimum of thirty (30) feet from the center line of any roadway internal to the manufactured home park.
 - (iv) minimum of forty (40) feet spacing between adjacent manufactured homes and any other structures in the manufactured home park.
 - (v) minimum of twenty (20) feet from rear site lines.
 - (2) No internal roadway, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within fifty (50) feet of a property line in common with adjoining property external to the manufactured home park abutting a public roadway.
 - d. **Park Design Requirements**
 - (1) **Access** – Each manufactured home park shall provide for safe, legal means of access from one or more public road as follows:
 - (i) access roads shall meet the public roads at right angles and at compatible grades;
 - (ii) entrances shall be located directly opposite or at least two hundred (200) feet from the nearest intersection of public roads, if any, and at least one hundred fifty (150) feet from any other entrances to the manufactured home park, if any;
 - (iii) entrances shall have sufficient width to allow reasonable turning movements of vehicles with manufactured homes attached and of service or delivery vehicles;
 - (iv) Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public road;
 - (v) At least one (1) common entrance and access road shall be required to serve any manufactured home park having three (3) or more manufactured homes;
 - (vi) At least two (2) independent entrances and access roads shall be required to serve any manufactured home park having twenty (20) or more manufactured homes; and
 - (vii) Access roads connecting manufactured home park interior roads the public roads shall meet Town road standards.
 - (2) **Internal roads**
 - (i) Internal roads shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without manufactured homes attached.

- (ii) All manufactured home sites shall face on and be serviced by such internal roads.
 - (iii) All roads shall be paved and shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.
 - (iv) Straight, uniform gridiron road patterns should be avoided. manufactured home clustering, landscaping and an open space system is recommended where feasible.
 - (v) All internal roads shall have a minimum thirty (30) foot right-of-way, twenty (20) feet of which must be paved.
- (3) Parking
- (i) Each manufactured home shall be provided with at least two (2) off-street parking spaces adjacent to the manufactured home.
 - (ii) At least one (1) additional off-street parking space for each three (3) manufactured homes in the manufactured home park shall be provided to accommodate guest parking, service or delivery vehicles, boat or camp trailer storage or other parking or storage demand. Such spaces shall be in centrally located parking areas without interfering with the traffic circulation of internal roads.
 - (iii) Each parking space shall measure at least nine (9) feet by twenty (20) feet.
 - (iv) Parking spaces or areas shall have at least eight (8) inches of crushed stone base or two (2) inches of pavement over four (4) inches of crushed stone base.
- (4) Recreational Areas and Open Space Easily accessible and usable open spaces shall be provided in all manufactured home parks. Such open space shall have a total area equal to at least fifteen percent (15%) of the gross land area of the park and shall be fully maintained by the park owner. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.
- (5) Walkways A four (4) foot wide hard surfaced pedestrian walkway may be provided along and at least five (5) feet from each access road between the entrance to the public highway and either;
- (ii) the first manufactured home unit, or
 - (iii) Such location within the manufactured home park as may be required by the Planning Board to assure pedestrian safety.
- (6) Water Supply An adequate supply of water shall be provided for all manufactured homes and service buildings. Where public water is available, connection shall be used exclusively, unless local authorities deem otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the health authority or other authorities having jurisdiction thereof.
- (7) Sewage An approved sewage system shall be provided in all manufactured home parks for the conveying, disposing and treatment of sewage from manufactured homes, services buildings, and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Department of Health standards and regulations or the Town of Wilna Sanitary Code, as applicable.
- (10) Garbage and Refuse Each manufactured home lot shall be provided with at least two (2) twenty (20) gallon metal or plastic garbage cans with tight fitting covers. The cans shall be kept in a sanitary condition at all times. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the manufactured home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

- (9) Fuel Supply and Storage
 - (i) General Requirements All fuel oil supply systems, provided for manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.
 - (ii) Specific Requirements
 - aa. All fuel oil tanks shall be placed at rear of manufactured home and not located less than five (5) feet from an exit.
 - bb. It is recommended that all fuel oil tanks should be buried.
 - cc. It is recommended that a central fuel supply system be provided.
 - dd. Supports or standards for fuel storage tanks are to be of a non-combustible material
 - (iii) Gas Supply - Natural
 - aa. Natural gas piping systems installed in manufactured home parks shall be maintained in conformity with accepted engineering practices.
 - bb. Each manufactured home lot provided with piped natural gas shall have an approved shut-off valve and cap to prevent accidental discharge of gas
 - (iv) Liquified Gas
 - aa. Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - bb. Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of the individual manufactured homes.
 - cc. All Liquid Propane Gas piping shall be well supported and protected against mechanical injury.
 - dd. Storage tanks shall not be less than one hundred (100) pounds and must be located at rear of manufactured home and no closer than five (5) feet from any exit.
 - ee. It is recommended that a central underground gas storage system be furnished.
- (10) Electrical Service
 - (i) Every manufactured home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the New York Board of Fire Underwriters' approval or other authority as designated by the Town.
 - (ii) Each manufactured home stand shall be supplied with not less than one hundred (100) ampere service.
 - (iii) Adequate lights shall be provided to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum lighting level of three-tenths (0.3) foot candles shall be provides.
 - (iv) All electrical distribution lines shall be placed underground.
- (11) Telephone Service When telephone service is provided to manufactured home sites, the distribution system shall be placed underground.
- (12) Park Office and Storage Facilities The owner or manager of a park shall maintain office and storage facilities in the immediate vicinity of the park.
- (13) Storage Facilities Each manufactured home park shall provide one hundred twenty-five (125) cubic feet of secure storage space for each individual manufactured home. Such facilities shall be located wither on the individual manufactured home site or be a

permanent structure within the manufactured home park which is easily accessible to the park residents at all times.

(14) Service Buildings

- (i) Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
- (ii) All service buildings and the grounds of the manufactured home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(15) Fire Protection and Control

- (i) Every manufactured home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the fire district within which the manufactured home park is located.

J. Campground and Travel Trailer Parks

1. Each travel trailer/campground park shall have adequate access to a public highway, and each travel trailer site shall be services from interior roadways.
2. All buildings, campsites and travel trailer sites shall have a front yard setback of one hundred fifty (150) feet from the line of all roads with the setback area being seeded and adequately landscaped to provide screening from the road.
3. A "campsite and travel trailer site" shall be a minimum of two thousand (2,000) square feet in size and four thousand (4,000) square feet shall be provided for longer-term vacation camping sites.
4. The owner or manager of a campground or travel trailer 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 Enforcement Officer.
5. A minimum of ten percent (10%) of the total area of the travel trailer park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.
6. Travel trailer sites shall be located on generally level terrain, not to exceed eight percent (8%) slope, that is well drained, free of flood hazard, and clear of dense brush.
7. The corners of each travel trailer lot shall be clearly and permanently marked, and each lot numbered for identification.
8. Where the park terrain is adequate, "pull-through" lots will be provides.
9. Sewer, water, solid waste and other utilities shall be provided in accordance with the requirements of the New York State Sanitary Code, Environmental Conservation Law, and Uniform Fire Prevention and Building Code, and any other requirements of federal, state or local law.
10. All travel parks shall provide a building containing at least one (1) automatic washing machine, and unless admission to the park is restricted to travel trailers equipped with these facilities, one (1) toilet, lavatory and shower for each sex, for each twenty (20) travel trailer lots.
11. Mobile homes shall not be parked, whether permanently or temporarily, in any travel trailer park.

K. Multiple Dwellings

1. All on-site traffic access roads shall be composed of all-weather materials and shall be built to Town standards. The interior roadways shall enter or exit onto State, County or Town highways only with the permission of those respective highway department. The curb cuts for such entrances or exits shall not be closer than one hundred fifty (150) feet to any road intersection.

- Visibility on interior roadways or at exits and entrances shall not be impeded so as to cause unsafe traffic conditions.
2. The interior roadway circulation system shall not be congested and shall allow for the concurrent flow of entering and exiting traffic. As stated above, the surface shall be of all-weather material, as specified by Town standards. There shall be two (2) parking spaces for each dwelling unit. All units shall have ready access to the interior roadways and parking spaces. No interior public roadway shall be closer than ten (10) feet to any building.
 3. Buildings shall be arranged in relation to each other so that adequate provision is made for light, air access and privacy. Each dwelling unit shall have a minimum of two (2) exterior exposures.
 4. Within one (1) month of the completion of construction, all landscaping must be finished and all bare grounds must be seeded. If, because of weather or time of year, it is impractical to landscape and seed, the site shall be mulched to reduce erosion until landscaping and seeding can take place. Where adjacent land use districts or uses are of a commercial, industrial or business nature, the Board may require that proper screening and buffer zones be required to reduce noise, dust and disturbances.
 5. No Certificate of Occupancy shall be issued for any such building(s) unless the proposed use conforms in all respects to the site plan and the condition stated herein.
 6. The front, rear and side of any principal building shall be no closer to the front, rear or side of any other principal building than fifty (50) feet.
 7. There shall be provided on the site of such a use an area or areas devoted to the joint recreational use of the residents thereof. Such open space shall have a total area equal to at least fifteen percent (15%) of the gross land area of the lot and shall be fully maintained by the owner of the dwellings. Part of all of such space shall be in the form of developed recreation areas to be usable for active recreational purposes.
 8. The density of dwelling units shall not be more than ten (10) units per acre. The land required for the joint recreational area, as determined in (7) above, shall not be included in this density calculation.

ARTICLE VIII X-BUSINESS DISTRICTS (X-B DISTRICTS)

Section 805 General Intent and Objectives

X – Business Districts may be established in the Town of Wilna and designated at specific locations on the Zoning Map. The purpose for such Districts is to ensure that adult entertainment uses which, because of their very nature, have serious objectionable operational characteristics, are regulated to protect the health, welfare and well-being of the residents of the Town of Wilna. It is in the best interest of the Town to prevent proliferation of such uses and to ensure that there will be no adverse influence on surrounding neighborhoods.

Section 810 General Requirements and Review Criteria

Following is a list of the general requirements and standards that a proposal must meet to be considered for X-Business District status:

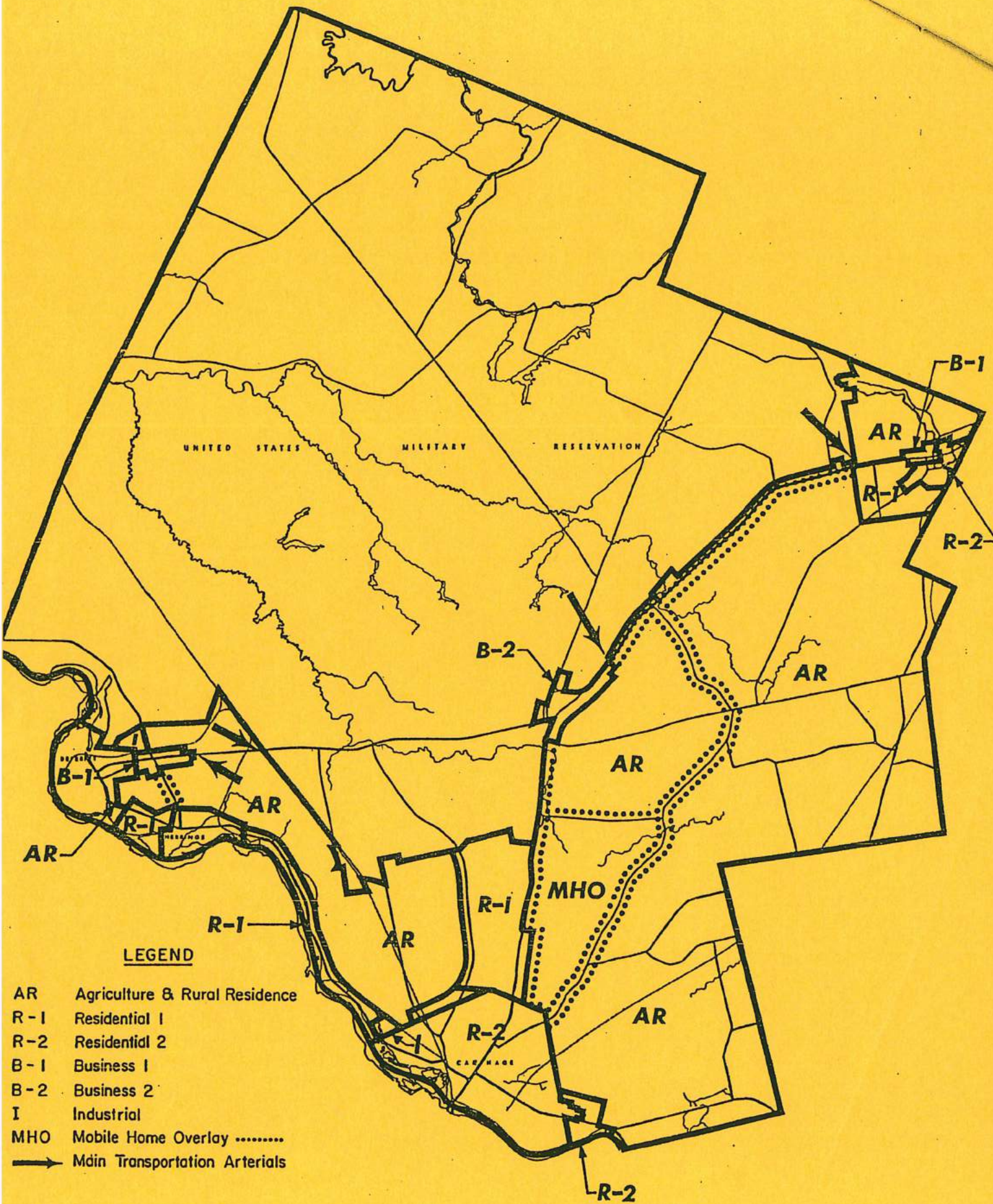
- A. The zone change shall be for a minimum of two (2) acres.
- B. An X-Business District may be located in a B-1, or B-2 District in the Town of Wilna and shall be a minimum of 1,000 feet from a Residential R-1 or R-2 District or from an existing residential property or community facility.
- C. The proposed district shall meet all applicable General and Specific Site Plan Review criteria as outlined in Article Vii.

Section 815 Procedure

- A. Application for establishment of an X-B District shall be made to the Town Board by the owner(s), or a duly authorized agent, of property to be included in the District.
- B. The Town Board shall refer such application to the Planning Board for consideration within seven (7) working days of receipt of such an application.
- C. The Planning Board shall use the Preliminary Site Plan Review Procedure to review the application as outlined in Article VII, Section 710.
- D. After the Planning Board's review process is complete, they shall transmit their recommendation for approval, approval with modifications or disapproval to the Town Board within (10) days.
- E. The Town Board shall review the Planning Board recommendations and within forty-five (45) days of receipt of the recommendations, following public notice, shall hold a public hearing on the rezoning. The Town Board shall approve, approve with modifications or deny the rezoning after the public hearing and shall notify the Planning Board of their final action.
- F. The applicant(s) shall submit a final detailed District plan to the Planning Board in conformance with Article VII, Section 715-B.

If a final detailed District plan for an approved X-B District, with any modifications incorporated by the Town Board, is not submitted to the Planning Board within six (6) months of the Town Board's rezoning approval, the Planning Board may request that the Town Board require a resubmission of the Preliminary District Plan for review and that the rezoning and approval actions by both Boards be repealed.

- G. The Planning Board shall review the Final District Plan for its conformity with the approved X-B District. The permitted development must be confined to the specific designated area as the approved rezoning.
- H. Upon approval by the Planning Board, the Town Clerk shall be notified to proceed with the filing of all amendments for the rezoning with the Department of State. The zoning map shall be amended to show the change and an article shall be added to this text stating the requirements approved for that specific district. Each X-B District shall be numbered consecutively as part of its name. The amendments to this Law shall become effective immediately upon filing with the Department of State.
- I. In order to exceed any of the above time frames for adoption of an X-B District, there must be agreement by both the applicant and the Town Board.
- J. An X-B District that is in effect shall only be expanded if in compliance with original permits granted. Expansion requiring new permits shall undergo the review process again.



LEGEND

- AR Agriculture & Rural Residence
- R-1 Residential 1
- R-2 Residential 2
- B-1 Business 1
- B-2 Business 2
- I Industrial
- MHO Mobile Home Overlay
- Main Transportation Arterials

TOWN OF WILNA ZONING MAP