

## ARTICLE VII

### Town Center Districts

#### 7.100 General Requirements

Notwithstanding any provision to the contrary, the provisions of this Article shall apply to buildings, structures, uses and activities in the Town Center District as herein defined. In case of conflict between the provisions of this Article and any other provision of the Zoning Law, the requirements of this Article shall govern.

#### 7.200 Definitions

The following definitions shall apply to the Town Center Districts in addition to any other terms that may be defined elsewhere in the Zoning Law.

**ACCESSORY LIVING QUARTERS** – An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY STRUCTURE** – A structure not greater than 3,000 square feet in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

**ADULT USE** – An adult use as defined in Article II of the Zoning Law.

**AGRICULTURAL BUILDING** – A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**AIRPORT** – An area of land or structural surface that is used, or intended for use, for the landing and taking off of aircraft with an overall length greater than 39 feet and an overall exterior fuselage width greater than 6.6 feet, and any appurtenant areas that are used or intended for use for airport buildings and other airport facilities.

**AMBULATORY CARE FACILITY** – Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less-than-24-hour basis to persons who are rendered incapable of self-preservation by the services provided.

**AMUSEMENT CENTER** – An establishment offering five or more amusement devices, including but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

**APPROVED** – Acceptable to the Code Enforcement Officer.

**ATTIC** – The space between the ceiling beams of the top story and the roof rafters.

**ATTIC, FINISHED** – A finished area enclosed by the roof above, knee walls (if applicable) on the sides, and floor, and having level ceilings at least 7 feet high, and at least 6 feet 4 inches under beams, ducts and other obstructions. If a room has a sloped ceiling, at least *one-half* of the finished floor area must have a ceiling height of at least 7 feet. Finished attics must be accessible by a conventional stairway or other approved access.

**AUTOMOTIVE MOTOR FUEL-DISPENSING FACILITY** – That portion of property where flammable or combustible liquids or gases used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

**AWNING** – An architectural projection that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

**BASEMENT** – That portion of a building which is partly or completely below grade.

**BED AND BREAKFAST DWELLING** – An owner-occupied residence resulting from the conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers and containing not more than five bedrooms for such lodgers.

**BEDROOM** – Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**BLEACHERS** – Tiered seating supported on a dedicated structural system and two or more rows high and not a building element.

**BOARDING HOUSE** – A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

**BONFIRE** – An outdoor fire utilized for ceremonial purposes.

**BULK PLANT OR TERMINAL** – That portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank or container.

**CAMPGROUND** – Any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more campsites are offered for use by the public or members of an organization for overnight stays.

**CAMPING TENTAGE** - Any portable temporary shelter or structure designed to protect persons from the elements or to form an enclosure or screen, all or a portion of the covering of which is made of fabric or other pliable materials. This includes, but is not limited to, the following: camping tents, play tents,

recreational vehicle awnings, dining flies and canopies, fabric screen houses, add-a-rooms, ice fishing tents, back-pack tents, and camping tent trailers.

**CANOPY** – A structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration, and may be structurally independent or supported by attachment to a building on one end and by not less than one stanchion on the outer end.

**CHANGE OF OCCUPANCY** – A change in the use of a building or portion of a building. A change of occupancy shall include a change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification.

**CLINIC, OUTPATIENT** – Buildings or portions thereof used to provide medical care on a less-than-24-hour basis to persons who are not rendered incapable of self-preservation by the services provided.

**COMMERCIAL CENTER, REGIONAL** – A completely planned and designed commercial development providing for the sale of general merchandise and / or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

**COMMERCIAL MOTOR VEHICLE** – A motor vehicle used to transport passengers or property where the motor vehicle has a gross vehicle weight rating of 10,000 pounds or more; or is designed to transport 16 or more passengers, including the driver.

**COMMISSARY** - An establishment where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place. It is also the place which is used as the base of operations for one or more mobile food service establishments or pushcarts, where such unit or units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

**COMMUNITY GARDEN** – An area of land managed and maintained by a group of individuals to grow and harvest food crops and / or non-food ornamental crops, such as flowers, for personal or group use, consumption, sale, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**COMPOST** – A humus-like organic material resulting from the biological decomposition of solid waste.

**COMPOSTING** – Combining organic wastes (e.g. yard trimmings, food scraps, manures) in proper ratios into piles or rows, or vessels; adding moisture and bulking agents (i.e. wood chips) as necessary to accelerate the breakdown of organic materials; and allowing the finished material to fully stabilize and mature through a curing process.

**CONGREGATE LIVING FACILITIES** – A building or part thereof that contains sleeping units where residents share bathroom or kitchen facilities, or both.

**CONSUMER FIREWORKS RETAIL SALES FACILITY (CFRS Facility)** – A permanent or temporary building or structure, stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

**CONVERSION** – A change of occupancy or use of a building from a one-family dwelling to a two-family dwelling or multiple dwelling.

**COVERED MALL BUILDING** – A single building enclosing a number of tenants and occupants such as retail stores, drinking and dining establishments, entertainment and amusement facilities, passenger transportation terminals, offices, and other similar uses wherein two or more tenants have a main entrance into one or more malls. Anchor buildings shall not be considered as a part of the covered mall building. The term “covered mall building” shall include open mall buildings as defined below.

**ANCHOR BUILDING** – An exterior perimeter building, of an occupancy other than High-Hazard Group H, having direct access to a covered or open mall building but having required means of egress independent of the mall.

**FOOD COURT** – A public seating area located in the mall that serves adjacent food preparation tenant spaces.

**MALL** – A roofed or covered common pedestrian area within covered mall building that serves as access for two or more tenants and not to exceed three levels that are open to each other. The term “mall” shall include open malls as defined below.

**OPEN MALL** – An unroofed common pedestrian way serving a number of tenants, not exceeding three levels.

**OPEN MALL BUILDING** – Several structures housing a number of tenants such as retail stores, drinking and dining establishments, entertainment and amusement facilities, offices and other similar uses wherein two or more tenants have a main entrance into one or more open malls. Anchor buildings are not considered as a part of the open mall building.

**DANGEROUS** – Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

**DAY CARE, FAMILY** – The keeping for part-time care and / or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

**DETACHED BUILDING (Hazardous Materials)** – A separate single-story building, without a basement or crawlspace, used for the storage or use of hazardous materials and located an approved distance from all structures.

**DORMITORY** – A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management.

**DRIVEWAY** – A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

**DWELLING, MULTIPLE** – A building containing three or more dwelling units.

**DWELLING, ONE-FAMILY** – A building that consists solely of one dwelling unit.

**DWELLING, TWO-FAMILY** – A building that consists solely of two dwelling units.

**DWELLING UNIT** – A single unit, providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, UPPER STORY OVER BUSINESS** – A dwelling unit located on the second floor or higher of a building with non-residential uses located on the street level.

**DRIVE-THROUGH FACILITY** - An establishment where a patron is provided with products or services without departing the vehicle. Also includes facilities that are labeled "drive-thru," "drive-in," and "drive-up." Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

**DRY CLEANING PLANT** – A facility in which dry cleaning (i.e. cleaning by solvents) and associated operations are conducted, including the office, receiving area, and storage rooms.

**EQUIPMENT PLATFORM** – An unoccupied, elevated platform used exclusively for mechanical systems or industrial process equipment, including the associated elevated walkways, stairways, alternating tread devices and ladders necessary to access the platform.

**FLEET VEHICLE MOTOR FUEL DISPENSING FACILITY** – That portion of a commercial, industrial, governmental or manufacturing property where liquids or gases used as fuels are stored and dispensed into the fuel tanks of motor vehicles that are used in connection with such businesses, by persons within the employ of such businesses.

**FOOD SERVICE ESTABLISHMENT** - A place where food is prepared and intended for individual portion service and includes the site at which the individual portions are provided, whether consumption occurs on or off the premises. The term excludes food processing establishments, retail food stores without commercial kitchens, private homes where food is prepared or served for family consumption, and food service operations where a distinct group mutually provides, prepares, serves and consumes the food such as a "covered-dish supper" limited to a congregation, club or fraternal organization.

**GRANDSTAND** – Tiered seating supported on a dedicated structural system and two or more rows high and not a building element (see “Bleachers”)

**GROUP HOME** – A facility for social rehabilitation, substance abuse or mental health problems that contains a group housing arrangement that provides custodial care but does not provide medical care.

**GUEST ROOM** – A room used or intended to be used by one or more guests for living and sleeping purposes.

**HAZARDOUS MATERIALS** – Those chemicals or substances which are physical hazards or health hazards as defined and classified in the Uniform Code, whether the materials are in useable or waste condition.

**HELIPORT** – An area of land or water or a structural surface that is used, or intended to be use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport buildings and other heliport facilities.

**HELIPORT, EMERGENCY USE** - An area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop which is not used as a heliport for any other purpose.

**HELISTOP** – The same as “Heliport”, except that fueling, defueling, maintenance, repairs or storage of helicopters is not permitted.

**HIGH-PILED COMBUSTIBLE STORAGE** – The storage of combustible materials in closely packed piles or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet in height.

**HIGH-RISE BUILDING** – A building with an occupied floor located more than 75 feet above the lowest level of fire department vehicle access. This term shall include any building exceeding five (5) stories or fifty (50) feet in height.

**HISTORIC BUILDINGS** – Buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated as historic under an appropriate state or local law.

**HOME GARDEN** – A garden, located at or adjacent to a residence, and in which food and ornamental plants are grown solely for personal use.

**HOME OCCUPATION** – The partial use of a dwelling unit for commercial or non-residential purposes of a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

**HOSPICE RESIDENCE** – A one- or two-family dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients.

**HOSPITALS AND PSYCHIATRIC HOSPITALS** – Facilities that provide care or treatment for the medical, psychiatric, obstetrical, or surgical treatment of inpatient care recipients that are incapable of self-preservation.

**HOUSEHOLD PETS** – Dogs, cats, rabbits, birds, etc. for family use only (non-commercial) with cages, pens, etc.

**INCINERATOR** - A furnace, machine, apparatus or container that is used for burning trash, garbage, rubbish or other waste material.

**INDUSTRIAL OCCUPANCY** – Includes factories that manufacture products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing.

**INDUSTRIAL OR RESEARCH PARK** – A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

**INHABITED BUILDING** – A building regularly occupied in whole or in part as a habitation for people, or any place of religious worship, schoolhouse, railroad station, store or other structure where people are accustomed to assemble.

**LANDING STRIP** – Ground set aside for the takeoff and landing of aircraft, without normal airport facilities.

**LANDSCAPING** - The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

**LATRINE** – A toilet, usually of the non-flushing type, that is not connected to an approved sanitary sewer or septic system.

**LIQUID STORAGE WAREHOUSE** – A building classified as a High-Hazard Group H occupancy used for the storage of flammable or combustible liquids.

**LODGING HOUSE** – A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

**LPG BULK PLANT** – A facility where the primary function is to store liquefied petroleum gas prior to further distribution. LP-gas is received by cargo tank vehicle, railroad tank car, or pipeline, and then distributed by portable container delivery, by cargo tank vehicle, or through gas piping.

**LPG DISPENSING STATION** – Fixed equipment where liquefied petroleum gas is stored and dispensed into portable containers.

**MAGAZINE** – A building, structure or container, other than an operating building, used for storage of explosive materials.

**MANUFACTURED HOME** – A structure transportable in one or more sections that, in the traveling mode, is 8 feet or more in width or 40 feet or more length or, when erected on site, is 320 square feet minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term “manufactured home” shall also include any structure that meets all of the requirements and with respect to which the manufacturer voluntarily files a certification required by the federal department of housing and urban development and complies with the standards established under the national manufactured housing construction and safety act of 1974, as amended. The term “manufactured home” shall not include any self-propelled recreational vehicle.

**MANUFACTURED HOME PARK** - A parcel (or continuous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARINA** – A facility, generally on the waterfront, for the mooring, storage and/or servicing of vessels in berths, on moorings, or dry storage or dry rack storage. This definition shall include artificially protected works, the public and private lands ashore, and structures or facilities provided for the mooring or servicing of vessels and their crews or passengers.

**MARINE TERMINAL** - A facility comprising one or more berths, slips, piers, wharves, loading and unloading areas, warehouses, and storage yards used for transfer of people and/or cargo between waterborne carriers and land.

**MARINE MOTOR FUEL-DISPENSING FACILITY** – That portion of property where flammable or combustible liquids or gases used as fuel for watercraft are stored and dispensed from fixed equipment on shore, piers, wharves, floats or barges into the fuel tanks of watercraft and shall include all facilities used in connection therewith.

**MARQUEE** – A canopy that has a top surface which is sloped less than 25 degrees from the horizontal and is located less than 10 feet from operable openings above or adjacent to the level of the marquee.

**MEZZANINE** – An intermediate level or levels between the floor and ceiling of any story, not greater than one-third of the floor area of the story below.

**MOBILE FOOD SERVICE ESTABLISHMENT** - A self-contained food service operation, located in a vehicle or a movable stand, self or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service.



**MOBILE HOME** – A moveable or portable dwelling unit that was built prior to June 15, 1976, and designed and constructed to be towed on its own chassis, composed of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, excluding travel trailers.

**MODULAR HOME** – A structure designed primarily for residential occupancy, constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation, or assembly and permanent installation, on a building site. A modular home is certified by the State of New York to have been constructed in accordance with the Uniform Code.

**MORTUARY, FUNERAL HOME** – An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and / or display of funeral equipment.

**MOTEL, HOTEL** - Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**MURAL** - A work of decorative art applied on or attached to an exterior wall or fence within public view that does not include graphics or text that can be interpreted as commercial advertising. Embellishments to or decoration of architectural elements are not considered a mural. Notwithstanding the above definition, a mural may contain bona fide historic recreations of vintage advertising.

**NIGHTCLUB** – Any use of a building or portion thereof where the subject space is classified in Assembly Group A; and where at least 20 percent of the subject assembly space is for concentrated occupancy, with or without fixed seating, where the net assembly floor area per person is 7 square feet or less; and live or recorded entertainment, including but not limited to vocalists, bands, musical reviews, comedy acts, dance music and similar entertainment is normally provided. Entertainment shall not be deemed to include jukeboxes, background music or similar uses of live or recorded music. This definition shall not apply to places of religious worship as defined herein.

**NURSING HOMES** – Facilities that provide care, including both intermediate care facilities and skilled nursing facilities where any of the persons are incapable of self-preservation.

**OCCUPANCY CLASSIFICATION** – For purposes of this Article, certain occupancies are defined as follows:

**ASSEMBLY GROUP A** – The use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation.

**EXCEPTION - Small buildings and spaces.** A building or tenant space used for assembly purposes with an occupant load of less than 50 persons shall be classified a Business Group B occupancy.

**BUSINESS GROUP B** – The use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies may include, but not be limited to, banks, barber and beauty shops, civic administration, educational occupancies for students above the 12<sup>th</sup> grade not otherwise classified, electronic data processing, testing and research laboratories, post offices, print shops, professional services (architects, accountants, attorneys, dentists, physicians, engineers, etc.), radio and television stations, telephone exchanges, and training or skill development not in a school or academic program (such as but not limited to tutoring centers, martial arts studios, gymnastics and similar uses not otherwise classified).

**EDUCATIONAL GROUP E** – The use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12<sup>th</sup> grade.

**FACTORY INDUSTRIAL GROUP F** – The use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as High-Hazard Group H or Storage Group S occupancy.

**HIGH-HAZARD GROUP H** – The use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of hazardous materials in quantities in excess of those allowed in control areas in accordance with the Uniform Code.

**INSTITUTIONAL GROUP I** – The use of a building or structure, or a portion thereof, not otherwise classified, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.

**EXCEPTION** – Care facilities for five or fewer persons receiving care that are within a one-family dwelling shall not be deemed an Institutional Group I occupancy.

**MERCANTILE GROUP M** – The use of a building or structure, or a portion thereof, for the display and sale of merchandise, and involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall be sub-classified as follows:

- (1) **Class A** – All mercantile occupancies having an aggregate gross area of more than 30,000 square feet or occupying more than three stories for sales purposes.
- (2) **Class B** – (a) All mercantile occupancies of more than 3,000 square feet, but not more than 30,000 square feet, aggregate gross area and occupying not more than three stories for sales purposes, or; (b) All mercantile occupancies of not more than 3,000 square feet gross area and occupying two or three stories for sales purposes.

- (3) **Class C** – All mercantile occupancies of not more than 3,000 square feet gross area and used for sales purposes occupying one story only.

**MIXED OCCUPANCY** – A building or structure in which two or more classes of occupancy exist.

**RESIDENTIAL GROUP R** – The use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I occupancy. Residential occupancies shall be sub-classified as follows:

**Residential Group R-1** – Occupancies containing sleeping units where the occupants are primarily transient in nature, including but not limited to boarding houses, hotels and motels for the traveling public.

**Residential Group R-2** – Occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including but not limited to apartment houses and non-transient boarding houses.

**Residential Group R-3** – Occupancies where the occupants are primarily permanent in nature and not otherwise classified, which do not contain more than two dwelling units.

**Care facilities within a dwelling.** Care facilities for five or fewer persons receiving care that are within a one-family dwelling shall be deemed R-3 occupancies.

**Residential Group R-4** – Buildings, structures, or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. This occupancy shall include assisted living facilities, group homes, rehabilitation centers, etc.

**STORAGE GROUP S** – The use of a building or structure, or portion thereof, for storage that is not classified as a hazardous occupancy.

**MISCELLANEOUS GROUP U** – Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy, such as but not limited to agricultural buildings, residential aircraft hangars, barns, carports, fences, grain silos (accessory to a residential occupancy), greenhouses, private garages, sheds, tanks, and towers.

**OPEN BURNING** – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or the use of portable outdoor fireplaces.

**OPEN PARKING GARAGE** – A structure or portion of a structure with openings on two or more sides that is used for the parking or storage of private motor vehicles.

**PARKING LOT** – An open area, other than a street, used for the parking of automobiles.

**PENTHOUSE** – An enclosed, unoccupied rooftop structure used for sheltering mechanical and electrical equipment, tanks, elevators and related machinery, and vertical shaft openings.

**PIT PRIVY** - A small, enclosed room or structure having one or more holes in a seat built over a pit and serving as a toilet.

**PLAYGROUND** – an improved area with a specific design to allow children to play there. It may be indoors but is typically outdoors.

**PORTABLE OUTDOOR FIREPLACE** – A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**PORTABLE TOILET** – A portable latrine used where other restroom facilities are unavailable (as at a construction site) or insufficient (as at special events).

**PUBLIC PLACE** – Any street, sidewalk, avenue, road, alley, lane, highway, concourse, driveway, yard, court, culvert, crosswalk, square, parking lot, stream, river, waterway and park.

**PUBLIC UTILITY STATION** – A structure or facility used by a public or quasi-public utility agency to store, distribute or generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

**RECREATION, INDOOR** – An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and / or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theaters, and related amusements.

**RECREATION, OUTDOOR** – An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

**RECREATIONAL FIRE** – An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**RECREATIONAL PARK TRAILER** – A trailer-type unit that is primarily designed to provide temporary living quarters for recreational camping or seasonal use; and is certified by the manufacturer as complying with ANSI A119.5 (Recreational Park Trailer Standard)

**RECREATIONAL VEHICLE** – A vehicular-type unit that is primarily designed as temporary living quarters for recreational, camping or seasonal use; has its own motive power or is mounted on or towed by another vehicle; which is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the highways; and can be easily transported and set up on a daily basis by an individual.

**RECYCLING FACILITY** – Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials. This term does not include a “Redemption Center” as defined herein.

**REDEMPTION CENTER** – A business that accepts empty beverage containers for redemption from the public, and pays the refund value. This definition includes a person who contracts with one or more dealers or distributors to collect, sort and obtain the refund value and handling fee of empty beverage containers for, or on behalf of, such dealer or distributor.

**REFINERY** – A plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum, natural gasoline or other hydrocarbon sources.

**REHABILITATION CENTER** – An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway house for prison parolees and juveniles.

**RELIGIOUS WORSHIP, PLACE OF** – A building or portion thereof intended for the performance of religious services.

**REMOVABLE RECEPTACLE PRIVY** - A latrine in which the receptacle for human waste consists of a removable container surmounted by a superstructure.

**REPAIR GARAGE** – A building, structure or portion thereof used for the repair, servicing or maintenance of motor vehicles, trailers and similar mechanical equipment, including paint, body and fender, engine and engine part overhaul, brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work.

**RESIDENTIAL AIRCRAFT HANGER** – An accessory building less than 2,000 square feet in area and 20 feet in building height constructed on a one- or two-family property where aircraft are stored. Such use will be considered as a residential accessory use incidental to the dwelling.

**RESTAURANT** – An establishment that sells prepared food for consumption.

**ROOFTOP GARDEN** – Any garden located on the roof of a structure.

**SCHOOL, COMMERCIAL** – A school establishment to provide the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for

profit and that do not offer a complete academic educational curriculum (e.g. beauty school or modeling school).

**SELF-SERVICE STORAGE FACILITY** – Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

**SHOPPING CART** – Any rolling or non-rolling basket or container and any part or parts thereof commonly used in supermarkets or self-service stores or mercantile establishments as a conveyor of goods, wares, and merchandise.

**SIDEWALK CAFÉ** - An area adjacent to and directly in front of a street level eating or drinking establishment located within the sidewalk area of the public right-of-way used exclusively for dining, drinking and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or landscaping planter boxes or a combination thereof.

**SIDEWALK SALE** – An outdoor sale conducted on sidewalks immediately adjacent and contiguous to commercial establishments; provided, the merchandise being sold is consistent with the merchandise of the adjacent and contiguous business.

**SLEEPING UNIT** – A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms or spaces that are also part of a dwelling unit are not sleeping units.

**SPECIAL AMUSEMENT BUILDING** – A building that is temporary, permanent or mobile that contains a device or system that conveys passengers or provides a walkway along, around or over a course in any direction as a form of amusement arranged so that the egress path is not readily apparent due to visual or audio distractions or an intentionally confounded egress path, or is not readily available because of the mode of conveyance through the building or structure.

**STORAGE, HAZARDOUS MATERIALS** – The keeping, retention or leaving of hazardous materials in closed containers, tanks, cylinders, or similar vessels; or vessels supplying operations through closed connections to the vessel, and; where the quantities in storage are required to be reported pursuant to General Municipal Law §209-u.

**STORAGE YARD** - An outdoor area where vehicles, equipment, merchandise, raw materials, or other items are accumulated and stored for an indefinite period until needed. Storage yards are often used in conjunction with a warehouse, storage buildings, sheds or other structures and may be public or private.

**STORM SHELTER** – A building, structure or portions thereof, constructed in accordance with generally accepted standards and designated for use during a severe wind storm event, such as a hurricane or tornado.

**STORY** – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see “Attic”, “Attic, Habitable”, “Basement”, “Building Height”, and “Mezzanine”). For purposes of this definition, the term “story” shall include finished attics, but shall not include basements and mezzanines.

**SWIMMING POOL** – Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

**TEMPORARY STAGE CANOPY** – A temporary ground-supported membrane-covered frame structure used to cover stage areas and support equipment in the production of outdoor entertainment events.

**TEMPORARY USE** – A use that is authorized to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors’ offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

**TENT** – A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except air or the contents that it protects.

**THEATER** – A building used primarily for the presentation of live stage productions, performances or motion pictures.

**TIMBER AND LUMBER PRODUCTION FACILITIES** – Facilities where raw wood products are processed into finished wood products.

**TIRES, BULK STORAGE OF** – The storage of tires where the area available for storage exceeds 20,000 cubic feet indoors, and / or 2,500 square feet outdoors.

**TOWNHOUSE** – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

**UNIFORM CODE** – The New York State Uniform Fire Prevention and Building Code, and/or Energy Conservation Construction Code, and any amendments thereto.

**URBAN AGRICULTURE** – The growing of plants and raising of animals in and around urban areas (beyond that which is strictly for home consumption or educational purposes). This definition generally includes agricultural activities occurring on less than 1 acre of land, but excludes a “Home Garden”.

**VESSEL** – A motorized watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation. Non-transportation vessels, such as houseboats, boathouses and barges, are included in this definition.

**WAREHOUSE** - A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

**WHARF** – A structure or bulkhead constructed of wood, stone, concrete or similar material built at the shore of a harbor, lake or river for vessels to lie alongside of, and to anchor piers or floats.

### **7.300 Establishment of District**

Those portions of the Town of Lyons located within any former boundary of a Village shall be designated Town Center (T-C) Districts. Such Town Center Districts shall be further classified into one of the following Divisions:

Division 1, comprising the areas containing scattered dwellings, farm buildings, and small businesses and industrial occupancies, wherein the fire hazard is low.

Division 2, comprising the areas containing residential, business, and/or commercial occupancies, or in which such uses are developing, wherein the fire hazard is moderate.

Division 3, comprising the areas containing highly congested business, commercial and/or industrial occupancies, wherein the fire hazard is severe.

The location and boundaries of the Town Center Districts are hereby established as shown on the Town Center Zoning Map.

### **7.400 District Regulations**

In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings; the use, height, bulk, and area regulations of the Town Center Districts are hereby prescribed as follows.

### **7.500 Schedule of Regulations.**

Within the Town Center District, principal permitted uses, permitted accessory uses, special permitted uses, and prohibited uses shall conform to Table 7.500 (Schedule of Use Regulations). All dimensional requirements shall conform to Table 7.600 (Schedule of Area Regulations). Where an occupancy, use or activity falls into two or more categories of use, the most restrictive use shall govern.

### **7.700 Supplementary Regulations for the Town Center District**

- A. General Lot and Structure Requirements. Lot and structure requirements for principal and accessory structures shall be as provided in §4.400, except as provided herein. Decks, patios and



terraces more than 1 foot above grade shall be considered part of a building when determining required yards.

(1) Front Yard Exception. In the Town Center District, the minimum required front yard for a principal building may be reduced to the average setback of existing principal buildings within 200 feet of the proposed structure, measured in each direction at both side lot lines on the same side of the street.

(2) Accessory Structures.

(a) In the Town Center District, all accessory structures shall require a building permit, regardless of size.

(b) In the Town Center District, individual accessory structures located on residential lots shall be limited to 3,000 square feet of floor area; larger structures shall be deemed principal structures.

EXCEPTION: Agricultural buildings.

(c) In the Town Center District, setbacks for accessory structures shall comply with the Uniform Code.

(3) Fences.

(a) In the Town Center District, all fences shall require a building permit.

(b) In the Town Center District, fences shall be installed and maintained as required for R-1 Districts (ref. §4.400 G. and §6.500 A.), except as otherwise provided herein.

(c) In the Town Center District, there shall be no required setback for fences.

(4) Brush, Grass and Weeds. In Town Center Districts, lots shall be maintained free of excessive accumulation of brush, grass and weeds as required for R-1 Districts (ref. §4.400 Q.)

(5) Unimproved Building Lots. Unimproved building lots in the Town Center District shall comply with the requirements of §6.500 N. applicable to the R-1 District.

(6) Transition Requirements.

(a) All Group A, Group B, Group E, Group I, and Class B or Class C Mercantile occupancies shall provide a minimum side yard of 50 feet where such side yard abuts a residential (Group R) use.

EXCEPTION 1: Occupancies less than 4,000 square feet in floor area.

EXCEPTION 2: Mixed occupancy buildings with upper story dwelling units.

(b) All Group F, Group H, Group S, and Class A Mercantile occupancies shall provide a minimum side yard of 100 feet where such side yard abuts a residential (Group R) use.

(7) Landscaping Requirements.

(a) Any nonresidential use which is in, abuts, is adjacent to or is less than 50 feet from any residential use, and which is not conducted within a completely enclosed building, such as storage yards, lumber and building materials yards, parking lots and like uses, shall be entirely enclosed by a fence or landscaping sufficient to effectively shield such uses. This section shall not apply to nurseries, and the display for sales purposes of new or used cars, trucks, trailers, bicycles, motorcycles, or farm equipment.

(b) Landscaping is required for all new buildings and additions over 500 square feet in floor area. Said landscaping shall be completed within one year from the date of occupancy of the building.

(c) All required yards and open spaces abutting public streets shall be completely landscaped, except for those areas occupied by utilities, access driveways, parking areas, paved walkways, playgrounds, walls, structures or other required facilities.

(d) All required live landscaping shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized and irrigated on a regular basis.

B. Signs and Sign Structures. Signs shall comply with the general requirements of §4.400 M., except as modified below:

(1) Placement. No sign or sign structure shall be placed upon or attached to any public or private utility pole, lamppost, fire hydrant, bus shelter, sidewalk, bridge, tree or similar installation or improvement, whether situated upon public or private property.

(2) Signs allowed without permit. The following signs are permitted in any use district without a sign permit and shall be limited to one such sign per property:

(a) A nameplate and/or address sign attached to a building, not exceeding one square foot in area.

(b) One attached nameplate or address sign denoting the name and occupation of the resident maintaining a professional office as a home occupation, not exceeding four square feet in area.

(c) One non-illuminated ground or wall sign advertising the sale, lease or rental of the premises upon which the sign is located, not to exceed four square feet in area on residential property or eight square feet on commercial property. Such sign shall be removed within five days after the sale of the premises has been consummated.

(d) One non-illuminated sign announcing a real estate open house or a garage or estate sale, to be erected or placed on the property where such event will take place, not to exceed four square feet in area. Such sign shall be removed within one day after the event has been held and in no event may be maintained on the property for a period exceeding one week.

(e) One non-illuminated wall or ground sign, denoting the architect, engineer or contractor, placed on the premises where construction, repair or renovation is in progress, but expressly excluding products, services or other forms of advertising, not exceeding 4 square feet in area on residential property or 32 square feet in area on commercial property. Such sign shall be removed within 10 days after completion of the project.

(f) Signs which are designed exclusively to inform the general public of a fund-raising campaign, political campaign, social event, civic undertaking, annual festivity or related enterprise of a temporary nature sponsored by a nonprofit organization or governmental unit. Such signs shall be removed the day after the event and may not be placed on public property except by written permission of the Town Board.

(g) Portable signs shall be allowed in the Town Center District, without a permit, provided such signs comply with the following:

- a. Only one (1) such sign shall be permitted to be placed on or in front of a lot or building, except that two (2) such signs shall be permitted on a corner lot, one facing each street.
- b. Such signs shall have not more than two (2) faces, each not exceeding twelve (12) square feet.
- c. Such signs shall not obstruct or in any way interfere with the use of any public street or sidewalk.
- d. Such signs shall be removed when the business is not open for customers; when the National Weather Service issues a high wind warning, tornado or severe thunderstorm warning; during an accumulating snowfall event (3"+).

(3) The provisions of this section shall not apply to signs established pursuant to governmental authority or used for the identification of public buildings, facilities and activities sponsored by a governmental authority or of an official character, such as traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York, civil defense warning signs, railroad crossing designations, bus stop signs and any other sign authorized and required under local, state or federal law or which contains information required and designed for the protection and safety of the general public, such as danger areas, work areas, utility warnings, safety warning devices and similar notices.

(4) All signs should be consistent with the architectural design of the building on which it is to be located.

(5) The following signs are permitted for business uses in Town Center District:

- (a) Buildings containing one business establishment: one wall sign, either non-illuminated or illuminated, which shall be no more than one square foot for each one foot of linear frontage of the building along the street; up to a maximum of 150 square feet with a sign height that shall not exceed 20% of the height of the first story; or one double-faced projecting sign, either non-illuminated or illuminated by indirect light only, which shall be no more than 12 square feet in area per side and project no more than five feet from the face of the building at an angle of 90° therefrom, with a minimum clearance above ground level of eight feet. Without awnings, any sign permitted herein may not extend above the first story of the building to which it is attached and shall not exceed a height of more than 12 feet above ground level measured to the top of the sign. With an awning any permitted double-faced sign meeting the area size requirements will be allowed to be placed up to three feet above the first story so that the sign will be above the awning and its path of movement for storage. If the sign is illuminated, the lights shall be positioned and shielded so that there is no direct light into the second story windows. Also the lights shall be on only during the operating hours of the business.
- (b) Buildings containing more than one business establishment: one wall sign for each ground floor business establishment which shall be no more than one square foot for each linear foot of building frontage occupied by the business, provided that the total sign area of such signs does not exceed the maximum limitations for a single attached sign as provided above.
- (c) Building located on a corner lot: in addition to signs permitted in Subsection (a) and (b) above, one additional attached sign facing the secondary street consistent with the criteria stated above.
- (d) In addition to the signs permitted above, one permanent window sign shall be permitted, per window, with a maximum of two window signs per ground floor business establishment. The area of such sign shall not exceed 25% of the area of the window pane or four square feet, whichever is less. Window signs above the first story of a building are limited to lettering directly on the window, which shall be a maximum height of eight inches per line, with a maximum of two lines, and shall only be located on the primary street frontage of the building. A neon sign is allowable as a window sign if consistent with historic building and district requirements.

- (e) Awnings and canopies and sign information located thereon shall be permitted, subject to the following limitations:
  - a. Awnings and canopies may project over a public sidewalk, provided that such awnings shall be attached to the building only, shall provide eight feet of clearance over the sidewalk and may not project over the sidewalk a distance of greater than  $1/2$  the width of the sidewalk or eight feet, whichever is less.
  - b. Awning sign information, consisting of lettering or graphic display, shall not exceed a combined total area of 10 square feet per business establishment and shall not be permitted above the first floor.
  - c. No sign shall project from an awning.
- (f) In no instance may the combined area of signs permitted herein for a single building exceed 200% of the maximum area permitted for a single sign.
- (g) For multistory buildings with more than four business establishments: one sign directory, either a wall sign adjacent to the principal entrance and not exceeding  $1/3$  the size of the principal entrance opening or one ground sign located in the front yard four feet from any lot line and not exceeding two square feet in area per business identified up to a total of 20 square feet. A ground sign directory shall not identify ground-floor business establishments with signs permitted by this section.
- (h) Signs on the side or rear walls of a building, exclusive of corner lot buildings: one wall sign not exceeding 15 square feet and a maximum height of 12 feet as measured to the top of the sign. Such sign shall be permitted only in cases where the orientation of the building limits the effectiveness of otherwise permitted signs.
- (i) Signs at automotive motor fuel-dispensing facilities and drive-through facilities:
  - a. No more than three business signs, the combined maximum area of which shall not exceed the maximum area for a single sign, or no more than four signs if located on a corner lot. Such sign(s) may include a free standing sign, or a wall sign affixed to the principal building and / or a pump island canopy.
  - b. Price and / or type of service signs located on a pump island shall be limited to six square feet and one sign per island. Signs required to be posted by governmental regulatory agencies shall not be factored into the size and number provisions of this subsection.

- c. On-site directional signage required facilitate internal circulation shall not be factored into the size and number provisions of this Section.

(j) Murals shall be permitted subject to the following provisions:

- a. Murals shall be allowed only upon issuance of a special permit from the Planning Board. All applications for murals shall be accompanied by a sketch or digitized picture, drawn to scale, showing the proposed location, size, height, artwork and color(s) of the mural, as well as the building facade upon which it is to be located. Applications for murals shall also include a written plan for ongoing maintenance of the mural once completed, including the person, agency or organization that will fund maintenance activities and probable costs associated with maintenance.
- b. Mural content shall not be obscene or offensive.
- c. Murals shall not negatively impact historic resources within the Town of Lyons, or cause such resources to lose their local, state and national register eligibility.
- d. A mural shall be maintained and shall not be allowed to fade or lose its integrity. The Town of Lyons is not responsible for maintaining a mural. If the mural is not maintained, the Town of Lyons can require that the mural be removed or covered.
- e. If proposed mural materials are not compatible with the mounting surface, the mural shall be placed on its own substrate, set off from the mounting surface and properly anchored to resist wind and other forces in accordance with the Uniform Code. The use of combustible materials shall not be used where prohibited by fire safety codes.
- f. Sand or high-pressure water blasting that would damage a historic building's facade is prohibited.
- g. If a mural becomes marked with graffiti, the property owner, or other designated party, is responsible for the prompt removal of the graffiti.
- h. The maximum allowed size of a mural shall be determined by the Planning Board on a case-by-case basis.

C. Sidewalks and Sidewalk Use.

(1) Every person constructing a new principal building fronting on a public street in the Town Center District, Division 2 or Division 3, shall construct and maintain in good condition a sidewalk along the frontage of said premises, which sidewalk shall be of the kind and width and at the grade prescribed by the Highway Superintendent or other authority having jurisdiction. Within the Town Center District, Division 1, a sidewalk shall only be required where an existing sidewalk abuts the lot upon which a new principal building is constructed.

(2) No person shall display, place, put, or keep any goods, wares, merchandise, vehicle or other article or thing on any public sidewalks in the Town Center District except while in the process of loading or unloading. During such loading or unloading operation, a passageway for pedestrians shall be kept open unless the nature of the operation makes it impossible to do so.

(3) Sale of items related to the business of the premises will be permitted on the sidewalk related to that business, as long as the following conditions are met:

(a) No personal items can be displayed; only items related to the business of that premises. (The only exception to this rule would be one-day events, such as charitable bake sales, etc.)

(b) All sale items must be removed at closing of the business and/or by 9:00 p.m.

(4) The owner or occupant, tenant, lessee, under tenant, receiver, or assignee of premises abutting any street where a sidewalk has been laid shall have the duty to clear snow from the sidewalk on such premises and keep such premises free from defects so that the sidewalk is in a passable condition and clear from snow and free from defects and in a state of safe repair. If the owner or occupant above mentioned shall fail to remove snow within 48 hours after it has fallen on the sidewalk or otherwise fail to keep the premises in a state of safe repair, and after having been notified of the condition and being requested by the Town to perform the duty set forth above, the Town may, in its sole discretion, provide for the removal or remedy thereof at the expense of the owner of such premises, and such charge shall become a lien upon the premises benefited thereby and shall be collected by the Town Clerk as provided by law.

(5) Sidewalks hereinafter constructed or replaced on public and/or private property in the Town of Lyons shall be constructed according to the specifications hereinafter set forth so as to establish reasonable safeguards for the safety, health and welfare of the general public by the requirement that all sidewalks available for use of the general public in the Town of Lyons be of uniform size and construction. All public sidewalks shall be constructed in accordance with the specifications as set forth by the Americans with Disabilities Act (ADA), and in no circumstance shall the sidewalk be other than natural coloring unless otherwise specified by the Authority Having Jurisdiction or ADA requirements. Public sidewalks shall be continuous across driveways.

(a) Walks shall be a minimum of four feet in width and four inches in thickness.

- (b) The subgrade material shall be free of large stones, tree roots or any other foreign substance, and it shall be thoroughly compacted.
- (c) Forms shall be free from warp and have sufficient strength to resist springing out of shape. The forms shall be well staked or otherwise held to the established lines, and the upper edges shall conform to the established grade of the walk.
- (d) All public sidewalks shall be constructed of concrete; concrete placed in walks shall be Class A concrete, or equally approved concrete, having a minimum twenty-eight-day compressive strength of 3,500 psi.
- (e) The concrete surface shall be scored at intervals of four feet or as otherwise required by the Town of Lyons so that the finished walk will be marked in squares. The concrete shall be finished to produce a smooth and uniform surface. Broom finish is required.
- (f) Transverse construction joints shall extend to the full depth of the slab and spaced 20 feet to 24 feet apart.
- (g) A pre-molded bituminous joint filler shall be installed at all joints between sidewalk and curb, pavement, building, existing sidewalk, driveways and aprons.

D. Clutter, Junk and Debris Prohibited.

(1) The deposit, accumulation or maintenance of clutter, junk or debris, regardless of quantity, is hereby prohibited anywhere within sight of any public right-of-way or neighboring property.

(2) For the purpose of enforcement of this Section, "clutter, junk and debris" shall be defined as any old, discarded, scrapped or dismantled household or commercial materials, such as glass, metal, paper, rags, barrels, cartons, boxes, crates, furniture, rugs and carpets, clothing, mattresses, blankets, tires and other automotive parts, tools, ladders, lumber, brick, stone, shingles, siding, gutters and other building materials, vehicles, appliances, toys, lawnmowers, machinery and equipment no longer intended or in condition for ordinary and customary use, or stored in such a manner as to be offensive to a person of ordinary and reasonable sensibilities.

(3) Any items or material not manufactured and intended for outdoor use, such as upholstered or other non-lawn furniture, toys, appliances, etc., stored outside of an enclosed structure shall be deemed to be clutter, junk and debris under this Section.

E. Parking and Loading. Uses and occupancies in the Town Center District shall comply with the parking and loading requirements of §4.400 H. and §4.400 I., except as modified herein.



(1) For nonresidential uses in the Town Center District, Division 3, up to fifty per cent (50%) of the required parking may be located in on-street parking spaces, provided that such spaces are:

(a) Within 200 feet of the front property line or within the same block of the site, whichever is closer. For purposes of interpretation in determining the extent of the perimeter, a walking distance (likely pedestrian path) measurement and not direct-line measurement should be utilized. The same-block determination may extend along intersecting side sides. Within this established area parking may be located on both sides of a street, unless prohibited for access considerations by the Planning Board, who then may extend the parking perimeter up to an additional 100 feet in directions that do not require pedestrian street crossings.

(b) Demonstrated to be part of a sufficient supply of available on-street parking spaces within the area established in Subsection (a) above and that the number of parking spaces needed to supplement the required parking will not cause the undue displacement of vehicles associated with other uses.

(c) Located with respect to the principal use so that a safe and convenient means of pedestrian access is available, including but not limited to the provision of sidewalks and street crossings.

(d) Located with respect to the travel lanes of the road such that any increase in activity of on-street parking spaces associated with the use will not interfere with the safe and efficient flow of traffic.

(2) The number of required off-street parking spaces for a Place of Religious Worship may be reduced or eliminated if there exists within 500 feet public or private parking lots containing a sufficient number of off-street parking spaces to satisfy any deficiency in parking.

(3) Excluding the area needed for access drives, no more than fifty per cent (50%) of any required front yard may be used for off-street parking. The remainder of such front yard space shall be improved by lawn, trees, shrubs or other forms of landscaping.

(4) No front yard shall be used for open storage or parking of boats, vehicles, travel trailers, snowmobile trailers, and campers or other recreational vehicles, except for parking on clearly defined and recognizable driveways. If adequate driveway space is not available, only one such vehicle may be parked in the front yard temporarily from Memorial Day through Labor Day.

(5) No person shall place, park or leave standing any vehicle, trailer or boat on any street in the Town Center District between the curb and the sidewalk except under the following conditions:

(a) Adequate parking and standing space is neither available nor attainable within the property lines of the parcel adjoining the sidewalk.

(b) Adequate distance shall be available between the curb and sidewalk to allow parking at right angles to curb and sidewalk, with no intrusion nor obstruction to clear passage on either highway or sidewalk.

(c) Space between curb and sidewalk, used for parking or standing, shall be installed and maintained by the owner of the parcel adjoining the sidewalk, and the surface shall be of the type required herein. Any public utility component, sign or other infrastructure required to be removed or relocated shall be done at the adjacent property owner's expense.

(d) Parking between the sidewalk and curb shall be allowed only by permission of the Town Board, and the above conditions shall pertain to all new parking spaces between the curb and sidewalk.

(6) A commercial vehicle may be parked on a residential lot in the Town Center District, as an accessory use; Within the Town Center District, Division 2 and Division 3, such vehicle shall not exceed 26,000 lbs. gross vehicle weight.

(7) Restriction on use. Except as otherwise permitted by this law, no vehicle shall be used as sleeping, cooking or living space while parked on residential property. Commercial vehicles and related equipment shall not be used as permanent or temporary storage buildings, or for housing, nor for any purpose for which the vehicle was not designed, nor as a form of signage, except as expressly permitted elsewhere in this law.

(8) Prohibition of certain cargoes. Except for customary delivery purposes, the following types of cargoes shall be prohibited to be stored on any residential property: flammable or combustible liquids, gases or other materials; explosives; poisons, compressed gases; materials posing an inhalation hazard; radioactive materials; cryogenic materials; hot or burning materials; garbage; combustible waste and refuse; uncovered, noncombustible scrap and junk; medical waste, manure, septic sludge, live animals, hay, or other cargoes with dangerous or objectionable characteristics. Such cargoes may be further restricted in accordance with applicable provisions of the Uniform Code.

(9) Surfacing. In the Town Center District, all off-street parking areas and driveways shall be surfaced with an all-weather, dustless material and be striped to delineate parking spaces. Wheel stops shall be provided where necessary to protect landscaping, light or utility poles, signs and other installations.

EXCEPTION: Parking spaces at detached 1- and 2-family dwellings shall not be required to be striped.

(10) Snow storage. Each parking lot or area shall provide for a system of snow removal and have sufficient on-site snow storage. Landscaped areas may be used to store snow; however,

snow may not be deposited in the front yard or in public right-of-way to a point that impairs visibility. The Planning Board may require the provision of additional snow storage areas.

(11) Loading space exception for small buildings. For buildings less than 2,500 square feet of floor area, the required loading may be in the required off-street parking area.

(12) On-street loading. The Planning Board may allow a loading space to be established within the public right-of-way, provided that it is found that the provision of an on-site loading space is not practical and interferes with the optimal development of the site or parking area; and, further, the use of the on-street loading space is limited to hours of low parking demand or is located in space identified by the Town of Lyons as a designated loading zone.

F. Outdoor Illumination. No illumination shall cause direct light rays to cross any property line. All outdoor floodlight sources, such as used for but not limited to athletic fields, courts, swimming pools, parking lots, security and building floodlighting, shall be steady, stationary shielded sources directed so as to avoid causing a hazard to motorists, pedestrians or causing direct light rays on neighboring properties.

G. Storage and Disposal of Trash.

(1) Generally. No person shall dump, store or collect or permit the dumping, storing or collecting of any trash, refuse or rubbish upon any property except that which accumulates from the normal use of said property and then only when stored in a tightly closed metal or plastic container as hereinafter provided.

(2) The storage of garbage, rubbish, waste materials and all types of refuse containers shall be separated from all adjoining lots or rights-of-way by a screening device not less than four feet in height, or otherwise contained within an enclosed structure, except during such times as are designated for the removal of contents.

EXCEPTION: Lots improved with detached one-family or two-family dwellings.

(3) Separation of refuse. Garbage and rubbish shall be stored and placed for pickup separately from recyclable materials.

(a) Sufficient trash receptacles and / or dumpsters shall be provided at all occupied premises in compliance with applicable provisions of the Uniform Code. Regular pickup of trash and garbage shall be as often as necessary to maintain sanitary conditions on the premises, in no case less than once each two weeks.

(b) Refuse containers may be placed at curbside for pickup for a period of time not exceeding 24 hours. When not placed at curbside for pickup, refuse containers shall be kept in a side or rear yard only.

(4) Dumpsters and roll-off containers.

- (a) Roll-off containers and dumpsters shall be maintained at all times free of surrounding debris, overflow, and any other nuisance.
- (b) Roll-off containers and dumpsters shall not be placed or maintained in a manner that obstructs pedestrian or vehicular traffic.
- (c) Roll-off containers and dumpsters placed on the street or public sidewalk shall be marked or barricaded as required by the authority having jurisdiction, and shall only be placed with the approval of said authority.
- (d) The contents of roll-off containers and dumpsters shall be emptied and disposed of upon reaching the container's water or fill line, or; (i) after a maximum of 2 weeks if containing garbage, or; (ii) after a maximum of 30 days if containing rubbish only.

(5) Composting. Composting is permitted under the following standards:

- (a) In the Town Center District, Division 2 and Division 3, no compost pile or total composting area may exceed 100 square feet in size.
- (b) Commercial and agricultural composting facilities shall comply with NYSDEC regulations governing such facilities, if any.
- (c) The following materials shall not be composted in the Town Center District: meat, poultry, fish, bones, and fatty foods such as cheese and oils; dairy products; cat litter or dog feces.
- (d) Composting areas and structures shall be maintained in a manner that protects adjacent properties from nuisance odors and the attraction of rodents or other pests.
- (e) Composting bins and areas shall not be in contact with wooden structures susceptible to rot.
- (f) All compost bins and compost heaps may be placed only in the rear yard of a lot and must be at least 10 feet from a property line and at least 20 feet from any inhabited building.

H. Animals.

(1) No animals, other than household pets as defined in this Article shall be maintained, housed or harbored in the Town Center District, except for farm animals as part of a lawful customary farm occupation, or as follows:

- (a) Keeping of chickens, ducks, geese or fowl. Chickens, ducks, geese or fowl may be kept not closer than 200 feet from any inhabited building other than the owner's, or as provided in subsection (b) below.

(b) Keeping of chickens. Within the Town Center District, up to seven (7) female chickens (hens) are permitted on lots improved with detached one-family or two-family dwellings. Hens must be provided with a proper building structure (coop) that houses them, and all food must be kept in airtight containers that are out of reach of wild animals. Coops shall be located only in rear yards, or in non-address side yards on corner lots, and no coop shall be located closer than 25 feet to any residential structure on an adjacent lot. The coop structure shall be sized so that there are at least 3 square feet per hen, and a fenced outside run shall be provided, having at least 6 square feet per hen. An annual permit and inspection by the Zoning Officer shall be required, the fee for which shall be \$5.00 or as otherwise provided by law.

(c) Keeping of cattle, horses, sheep, goats or swine. Cattle, horses and sheep may be kept not closer than 100 feet from any inhabited building other than the owner's. Goats, pigs or swine may be kept not closer than 500 feet from any inhabited building except the owner's.

(d) No person shall keep or harbor any bees in the Town Center District.

(e) Every person maintaining animals as permitted by this Section shall keep clean and sanitary every shed, barn or structure housing said animals. Every such shed, barn or structure shall be thoroughly cleaned at least once every 24 hours and refuse from same shall, when collected, be kept in airtight containers until disposed of in accordance with any other provisions of this Law.

(2) The keeping of more than four dogs or four cats in any residential or other unit shall be deemed a kennel, and shall only be permitted as provided for in this Law.

EXCEPTION: The owner of a female dog or cat may keep upon his or her premises the litter of such dog or cat for a period not exceeding four months.

(3) No slaughtering. There shall be no slaughtering of any animals within the Town Center District, except as an incidental activity for a customary farm occupation.

I. Encroachments into the Public Right-of-Way. Any construction occurring in the public right-of-way, whether temporary or permanent, shall comply with relevant provisions of the Uniform Code and as otherwise provided for in this Law. Such construction may include but is not limited to marquees, awnings, canopies, pedestrian walkways and tunnels. Pre-approval from the authority having jurisdiction shall be required.

J. Recreational Vehicles and Camping Tentage.

(1) A recreational vehicles and/or camping tentage shall be permitted to be placed and occupied for a period of up to two (2) weeks in a driveway or rear yard, or non-address side yard on a corner lot. Between Memorial Day and Labor Day, such recreational vehicles and/or camping tentage may be placed in a front yard.

- (2) Recreational vehicles and camping tentage placed and occupied for longer than 14 days shall require a permit, the fee for which shall be \$25.00 or as otherwise required by law, and which shall be valid for ninety (90) days or until September 15<sup>th</sup>, whichever comes first.
- (3) Recreational vehicles occupied for over 14 days shall be inspected and approved for occupancy by the Code Enforcement Officer. Recreational vehicles shall be maintained in general compliance with NFPA 1192 (Standard on Recreational Vehicles), including provisions for smoke and carbon monoxide alarms, portable fire extinguishers, etc.
- (4) No electrical cords or water hoses for supplying temporary utilities shall be permitted to be placed across any public sidewalk or other public place. Recreational vehicles shall be properly connected to a public or private sewage disposal system, or proper sanitary facilities shall be continuously available for use of the occupant(s) within a path of travel not to exceed 500 feet from the recreational vehicle.

K. Change of Occupancy. The change of occupancy of any existing building or portion thereof shall comply with all applicable provisions of the Uniform Code, including but not limited to the following:

- (1) Installation of proper fire-rated construction between occupancies and / or tenant spaces.
- (2) Installation of fire protections systems such as fire sprinklers and / or kitchen hood extinguishing systems.
- (3) Separation of utilities, with separate metering.
- (4) Provision for adequate means of egress such as fire exits, fire escapes, or rescue windows.
- (5) Provision for handicapped accessibility.
- (6) Compliance with energy conservation construction requirements.
- (7) Dwelling unit size and arrangement, and proper clearances for fixtures and appliances.

In addition to the above, all changes of occupancy shall provide for a sufficient number parking and loading spaces, and in the case of residential conversions, shall further comply with the applicable provisions of §4.300 B. (6), §4.400 K., and / or §6.500 D. of this Law. Changes of occupancy shall be limited to lawful principal or special permitted uses and all required approvals shall be obtained prior to occupancy.

L. Large-Scale Development. Large-scale development in the Town Center District, including but not limited to regional commercial centers and industrial or research parks, shall comply with National Fire Protection Association (NFPA) Standard 1141 (Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas). Compliance shall include general requirements, means of access, building access, and water supply. Requirements for automatic fire protection, manual fire protection, automatic fire warning systems, and fire protection during construction shall be in compliance with the Uniform Code.

M. Shopping Carts.

- (1) Removal of carts restricted. It shall be unlawful for any person to remove a shopping cart, or suffer or permit such removal of a shopping cart from the property of any establishment

or business, except to convey the same to an adjoining private parking lot or a sidewalk area immediately in front of or contiguous to such establishment or business, and except that the owners of such establishments or businesses may move shopping carts, in bulk, from one store to another or to another location.

- (2) It shall be unlawful for any person, his / her agent or employee to leave or suffer or permit to be left upon any public place any shopping cart either owned by him / her or in his / her possession, custody or control.

N. Outdoor Fires.

(1) Approved containers. Recreational fires shall be within approved containers such as: fire rings, outdoor fireplaces, commercially manufactured units for open-flame-type burning, fire pits at least 18 inches deep with stones or fire brick lining the perimeter, or metal container with a wire mesh screen. Where open burning is not within an approved container, all combustible vegetation and materials shall be removed from an area three feet around the burn pile.

(2) Portable outdoor fireplaces and similar outdoor solid-fuel-burning devices shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy. Open burning outside of approved containers shall be located at least 50 feet from structures or as otherwise required by the Uniform Code.

EXCEPTION: An outdoor fireplace may be attached to a structure, if providing a minimum three-foot clearance above the roofline and two feet above all structures within 10 feet of the fireplace chimney, and complying with all zoning setback requirements of the main structure.

O. Hazardous Materials Storage. Restrictions on hazardous materials, as provided in the Uniform Code, shall apply in Town Center Districts as follows:

- (1) The storage of LP shall be restricted in Division 2 and Division 3, in accordance with the Uniform Code.
- (2) Flammable cryogenic fluids in stationary containers shall be prohibited in Division 2 and Division 3.
- (3) Class I and Class II liquids in above-ground tanks outside of buildings shall be prohibited in Division 2.
- (4) Class I and Class II liquids in above-ground tanks shall be prohibited in Division 3.
- (5) The storage of combustible fibers shall be restricted in Division 3.
- (6) The storage of any hazardous material in an amount required to be reported pursuant to §209-u of General Municipal Law shall be deemed to require an operating permit.

P. Manufactured Homes. Manufactured homes and mobile homes, where permitted in the Town Center District, shall comply with the following:

(1) Masonry skirting (with a minimum thickness of six inches) shall be installed to enclose the underside of the home and provide a finished exterior appearance.

(2) Any trailer hitch shall be removed and stored beneath the home, or in an enclosed building.

**§7.800 Site plan review.** All special permitted uses, and any principal permitted use or accessory use over 4,000 square feet in floor area and / or which disturbs over 1 acre of land, shall require site plan review and approval by the Town Planning Board prior to issuance of a building permit by the Code Enforcement Officer.

**§7.900 Site Development Standards.**

A. Preservation of Natural Resources. Where flood hazard areas, surface water bodies or wetlands, or conservation areas are located on, or adjacent to, a lot, the development of the lot as a building site shall comply with all applicable (i.e. flood damage prevention, or wetland) requirements.

B. Surface Water Protection. Buildings and building site improvements shall not be located over lakes, ponds, streams and other bodies of water that support or could support fish, recreation or industrial use.

*Exception: Buildings and associated site improvements specifically related to the use of the water including, but not limited to bridges, dry hydrants, piers, bulkheads, marinas, boatyards, boathouses, fish hatcheries, and habitat restoration.*

B. Stormwater Management. Development shall conform to applicable NYS Department of Environmental Conservation regulations as they pertain to stormwater management and erosion control. Stormwater management and erosion control measures shall not redirect or concentrate off-site discharge that would cause increased erosion or other drainage related damage to adjoining lots or public property.

C. Building Site Waste Management.

(1) All slash from vegetation modification and construction debris shall be removed prior to or immediately upon completion of construction.

(2) Land-clearing debris including rock, trees, stumps and associated vegetation shall not be sent to sites that are agricultural land, flood hazard areas, wetlands, or conservation areas except where approved by the Code Enforcement Officer.

(3) Combustible debris shall not be accumulated within buildings. Combustible debris, rubbish and waste material shall be removed from buildings at the end of each shift of



work. Combustible debris, rubbish and waste material shall not be disposed of by burning on site unless approved.

D. Transportation Impact.

- (1) Walkways and Bicycle Paths. Not less than one independent, paved walkway or bicycle path suitable for bicycles, strollers, pedestrians, and other forms of non-motorized locomotion connecting a street or other path to a building entrance should be provided. Walkways and bicycle paths shall connect to existing paths or sidewalks, and shall be designed to connect to any planned future paths.
- (2) Bicycle Parking and Storage. Bicycle parking should be designated on the site plan. The number of spaces should be not less than 4 for assembly occupancies, and not less than 2 for all other occupancies.
- (3) Bicycle Parking Areas. Where provided, bicycle parking shall comply with the following:
  - (a) It shall be provided with illumination of not less than 1 footcandle (11 lux) at the parking surface.
  - (b) It shall be at the same grade as the sidewalk or at a location reachable by ramp or accessible route.
  - (c) It shall have an area of not less than 18 inches by 60 inches for each bicycle.
  - (d) It shall be provided with a rack or other facility for locking or securing each bicycle.
  - (e) It shall be located within 100 feet of, and visible from, the main entrance.
- (4) Hitching Posts. At least one (1) hitching post should be installed in each of the following locations:
  - (a) Customer parking lots for mercantile and business occupancies.
  - (b) Customer parking lots for public transportation facilities, parks and government buildings.

Where off-street hitching posts are installed, they should be located in such a way as to avoid primary traffic circulation routes.

E. Site Lighting. Uplight, light trespass and glare shall be limited for all exterior lighting equipment as described below:

*Exceptions: Specialized signal, directional and marker lighting associated with transportation; Advertising signage or directional signage; Lighting integral to equipment or instrumentation and installed by its manufacturer; Theatrical purposes, including performance, stage, film*

*production and video production; Athletic playing areas where lighting is equipped with hoods or louvers for glare control; Temporary lighting; Lighting for industrial production, material handling, transportation sites, and associated storage areas where lighting is equipped with hoods or louvers for glare control; Theme elements in theme and amusement parks; Roadway lighting required by governmental authorities; Lighting used to highlight features of public monuments and registered landmark structures; Lighting classified for and used in hazardous areas; Lighting for aquatic vessels and water features; Light poles not exceeding seven (7) feet in height on the premises of 1- and 2-family dwellings, which are listed for residential use; Required emergency and/or security lighting.*

(1) Town Center, Division 1.

- (a) Uplight. Directionally shielded lighting fixtures are required for all outdoor walkway, parking lot, canopy and building/wall mounted lighting.
- (b) Light trespass and glare. On lots which abut property that is residentially developed, vacant or open space, all outdoor lighting fixtures shall be set back from the nearest residential lot line a distance equal to ½ the height of the lighting fixture, or “house-side shielding” shall be used on the residential property side of the lighting fixture. All outdoor lighting fixtures must be aimed, located and maintained to prevent glare that causes reduced visibility.
- (c) Light pole heights. The maximum height of light poles shall be 40 feet.

(2) Town Center, Division 2 and 3.

- (a) Uplight. Full cut-off lighting fixtures are required for all outdoor walkway, parking lot, canopy and building/wall mounted lighting.
- (b) Light trespass and glare. All outdoor lighting fixtures must be aimed, located and maintained to prevent glare that causes reduced visibility.
- (c) Light pole heights. The maximum height of light poles shall be 20 feet.