

ARTICLE 91-800: SUPPLEMENTAL REGULATIONS

Section 91-801. Private Swimming Pools

A private swimming pool may be installed and maintained in a CR, CAMP, CA, SR or MR District provided that it meets the following requirements:

1. Any inground or partially inground pool which is installed shall be completely enclosed by a security fence not less than four feet in height, with all doors and gates opening through such enclosure equipped with self-closing and self-latching devices capable of keeping such gates and doors securely closed at all times when not in actual use.

2. Such pools shall be equipped with an integral filtration system and filter pumps or other mechanical devices which shall be so located and constructed as not to interfere the peace, comfort and repose of the occupant of any adjoining property.

3. A development permit shall be required for the installation of any private swimming pool.

4. All private swimming pools shall be a minimum of twenty-five feet from all property lines.

Section 91-802. Off-Street Parking

Off-street parking spaces, with a proper and safe access shall be provided within a structure or in the open in such a number or numbers for each use as is required pursuant to Article 91-400 of this Local Law.

1. Any application for any development permit or a special use permit shall include with it a plot plan showing any parking or loading or unloading facilities in existence or to be constructed in compliance with the regulations of this Local Law.

2. A required off-street parking space for institutional, commercial or industrial use shall be an area not less than 162 feet square or less than 8 1/2 feet wide by 19 feet long, exclusive of access drives or aisles, ramps, columns or office and work area, accessible from streets or alleys or from private driveways or aisles, leading to streets or alleys and to be used for the storage of parking or passenger automobiles or commercial vehicles under one and one-half ton capacity. Aisles between vehicular parking spaces shall not be less than twelve feet in width when serving automobiles parked at a forty-five degree angle in one direction not less than twenty feet in width when serving vehicles parking perpendicular to the aisles and accommodating two-way traffic.

3. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb in any district shall exceed twenty-five feet in width.

4. No parking space or portion thereof established on the same zoning lot with a building shall be located within a required front yard. No parking spaces or portions thereof established on a lot without a building shall be located closer to any street line than the front yard setback required for the district in which the parking lot is located. Further, any wall, fence or hedge developed around any parking area shall be subject to the front yard setback requirement of this Local Law in the same manner as a structure or building.

Section 91-803. Loading and Unloading

Off-street loading and/or unloading spaces for commercial and/or industrial vehicles with loading and/or unloading shall be provided on, each lot where such facilities are required to serve the use or uses on such lot. The number of loading and/or unloading spaces required for commercial and/or industrial vehicles while loading and/or unloading shall be in addition to the off-street parking requirements listed in the section above. Each loading and/or unloading space shall be at least fifteen foot vertical clearance with a sixty foot maneuvering area and shall have an all-weather surface to provide a safe and convenient access during all seasons.

No off-street loading and/or unloading space shall be constructed between the street right-of-way line and the building setback line.

1. Loading and/or unloading facilities shall be, designed so that trucks or other such vehicles need not back in or out or park in any public right-of-way.

2. At least one off-street loading and/or unloading space shall be provided for all commercial and industrial establishments in excess of 3,500 square feet of floor area.

Section 91-804. Signs

Except as otherwise provided in this local law no "for sale" signs, advertising signs, or billboards shall be permitted in the Town of Busti after the adoption of this local law except as follows:

1. Signs permitted in all districts:

a. Street, traffic, public safety or public service signs, erected by the governmental subdivision or agency, or a public utility, advertising the availability of rest rooms, telephone or similar public conveniences.

b. No more than one directional sign, of not more than three square feet, located on premises other than those owned by the applicant, advising as to the applicant's business location.

c. Not in excess of three signs, not to exceed 2 x 2 square feet each, located upon the premises, advertising an open house, a garage sale, an event, sale, activity of a church, or other groups operating not for profit, including political candidates, provided that such signs are removed within 30 days of erection.

d. Political campaign signs shall not exceed 16 square feet in size and shall not be allowed except during a period 45 days prior to primary election day and 45 days prior to the general election.

e. One sign, the facing not to exceed six square feet, located upon the premises, announcing the sale or rental of real property or any part thereof.

f. One announcement or professional sign, facing riot to exceed three square feet, erected in conjunction with a customary home occupation, home occupation of a restricted nature or a home enterprise occupation.

2. CR, CAMP, CA, SR, MR, LC, GC AND HC Districts: One identification sign or announcement on premises shall be permitted for each church institution, public use, recreational facility, or other uses permitted by right or special permit within a CR, CAMP, CA, SR, MR, LC, CC or HC District, provided that such sign shall not exceed 20 square feet in area, except that such sign for a customary home occupation, or for a home occupation of a restricted nature, or a home enterprises occupation shall riot exceed three square feet in size.

3. I and LMR Districts: Signs on premises used for authorized business purposes shall be permitted in I and LMR Districts provided that the facing of such sign does not exceed 60 square feet.

4. HC, GC, and LC Districts: One lighted, but non-flashing portable sign, not exceeding 32 square feet shall be permitted on premises located in LC, GC, and HC Districts.

5. Sign Regulations: The following regulations shall apply to all signs lawfully permitted in the Town of Busti except those required by law:

a. Condition: Each sign must be constructed out of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed at the expense of the owner or lessee or the property on which it is located.

b. Electrical Bulbs: No electric bulbs shall be exposed unless satisfactorily shielded from view by a globe or other visible barrier.

c. Ingress and Egress: No signs shall be erected or located so as to prevent free ingress and egress from any window, door or fire escape.

d. Light and air: No sign shall be placed in such a position that it obscures light or air from the building.

e. Attachments: No signs shall be permitted which are posted, stapled or other wise attached to public utility poles within the street right-of-way line.

f. Traffic: No sign shall be so erected or located that by reason of its location, shape or color (or the color, shape or location of the lights used in conjunction therewith)

such sign might interfere with traffic or be confused with or obstruct the view of effectiveness of any traffic signal, traffic sign, traffic marking or block the view of traffic at ingress or egress points to the property.

g. Glare: Illuminating arrangements for signs shall be such that the light is concentrated upon such sign and there shall be no glare cast upon the street, sidewalk or adjacent property.

h. Flashing signs: No sign shall be a flashing sign. Flashing signs shall be defined herein as any sign that: flash by giving off reflected light; or moves; or revolves in any way, or has flowing or moving lights or parts of the signs; or alternated in any way its color, shape or intensity of illumination.

i. Abutting sign: No sign in a commercial or industrial district shall be placed to face an abutting residential district except where authorized by a special exception.

j. Contrary to zoning: No sign shall be erected containing information on which it states or implies that a property may be used for any purpose not permitted under the provisions of the Town of Busti Zoning Code.

k. Cessation: Where the use ceases for a period of six calendar the sign advertising or describing such use must be removed.

l. Within roads: No signs shall extend within a street or road right-of-way.

m. Setbacks and yards: Signs shall be set back at least 25 feet from property boundary.

n. Height: The top of a sign shall be no more than twenty feet in height measured from the surface of the earth.

o. Building sign: Signs attached to a building or buildings shall not project more than eighteen inches from the wall on which such signs are attached. Signs must be attached to parapet walls or other wall surfaces made a part of the main structure. Signs shall be erected on a separate super structure made a part of the main structure. Signs erected on a separate super structure attached to the roof of the building or any other part of the building above the roof lines shall not be permitted. No signs shall project higher than four feet above the parapet line of the roof line, whichever is higher.

6. No permit shall be required for any sign erected in conformance herewith. Any person wishing to erect a sign not in conformance herewith may do so only after having made application to the Zoning Officer for a variance pursuant to, and upon the grounds stated, in Section 91-1302 of this code. All such applications shall, in addition to the information required by Section 91-1302 hereof, contain the following:

- a. Name, address and telephone number of the applicant and if different, the written permission of the owners of the property on which the sign is to located.
- b. Location of the building, structure or lot to which or upon which the sign is to be attached or erected.
- c. Type, size and location of the sign.
- d. The name of the person, firm or corporation or association erecting the sign.
- e. A statement as to whether or not such sign utilizes electricity.
- f. Such other information as the Zoning Officer shall require.
- g. The application for a variance shall be determined by the Zoning Board of Appeals in accordance with the standards set forth herein in Section 91-1302.

7. No special use permits shall be allowed for signs in any district.

8. Any person grieved by the Zoning Officer's denial of a sign permit may appeal such decision to the Zoning Board of Appeals in accordance with Article 91-1300 of this Local Law provided that such appeal is taken within thirty (30) days of the notification of such denial.

9. Upon the effective date of this Local Law, the Zoning Officer shall give notice to the owner or occupant of the premises wherein or whereon any non-conforming sign is located to remove such sign on or before January 1, 1984. Such notice shall be in writing and shall be served personally or by mailing a copy thereof by certified mail, return receipt requested, addressed to the owner or occupant of the premises at his or her last known address within ninety (90) days of the enactment of this Local Law or as soon thereafter as possible. In the event that the owner or occupant does not remove such sign or discontinue such use in compliance with such notice on or before January 1, 1984, the Zoning Officer shall be empowered to remove the same, if it be located upon public property or within a public right-of-way, or to bring action for an injunction and/or for the penalty or penalties set forth in this Local Law with respect to a violation of the same.

Section 91-805. Performance and Design Standards for Commercial and Industrial Uses

The following regulations shall be observed for commercial and industrial uses:

1. Fire and Explosive Hazards: All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices.

2. Noise and Vibration: There shall be no violation or noise level above 85 Dbl at the property line.

3. Glare: No direct or sky-reflected glare, whether from floodlights or from high temperature process shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

4. Odor: There shall be no emission or odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.

5. Operation: All primary operations shall be conducted entirely within closed buildings.

6. Screening: A planted visual barrier or landscaped screen, shall be provided and maintained by the owner or lessee of the property between any district and contiguous residentially zoned districts, except where natural or physical man-made barriers exist. This screen shall be composed of plants and trees arranged to provide both a low-level and a high-level screen. The high-level screen shall consist of trees planted with specimens no shorter than six foot and planted at intervals of not more than ten feet. The low-level screen shall consist of shrubs or hedges planted at an interval height of not less than two feet and spaced at intervals of not more than five feet. The low-level screen shall be placed at alternating rows to produce a more effective barrier. All plants not serving three years after planting must be replaced.

Any existing business affected by these regulations at the time of passage of this Local Law shall not be required to comply with the above screening requirements except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after the passage of this Local Law initiated by a residential developer abutting a commercially or industrially zoned property for which these regulations apply, these screening requirements shall not be imposed upon such commercial or industrial property.

7. Storage: All materials will be stored inside an enclosed structure. All organic rubbish or storage shall be contained in air-tight, vermin-proof containers which shall also be screened from public view.

8. Landscaping: Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted with a maintained all-season ground cover, or mown lawn, and shall be landscaped with trees and shrubs. This shall be done in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants should be included. Shrubs, planting, trees, all shall be planted as not to obstruct view at intersection.

9. Shopping Cart Storage: Any establishment which furnishes carts or mobile baskets as an adjunct to shipping, shall provide definite areas within the required parking space areas for storage of said carts. Each designed storage area shall be clearly marked for storage of shipping carts.

10. Lighting: All parking areas, driveways and loading areas shall be provided with a lighting system which shall furnish a minimum of 15-foot candles at any point during hours of operation with lighting standards in parking areas being located not farther than one hundred (100) feet apart. All lighting shall be completely shielded from traffic on any public right-of-way and from any residential district.

11. Building Design: Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one portion of the lot. At least one entrance way shall be maintained at ground level. All pedestrian entrances shall be paved with an all-weather surface.

12. Buffer Strip: A one hundred and fifty (150) foot wide "greenbelt" of maintained all-season groundcover, mown lawn or landscaping of trees and shrubs shall be required along the zoning district boundary lines in the industrial districts. This buffer strip can be waived in writing by the Planning Board if a natural, physical, visual barrier exists.

Section 91-806. Lakeshore Regulations

Within fifty (50) feet of the shoreline of any lake the following regulations shall apply:

1. Except in the Lakeshore Commercial District, no principal building or structure shall be permitted within fifty (50) feet of the shoreline at average high-water mark.

2. Except in the Lakeshore Commercial District, the only accessory buildings and structures that shall be permitted within fifty (50) feet of the shoreline shall be automobile parking or storage and water oriented structures, including boat houses, boat launches, piers, wharves, docks, bulkheads and jetties.

3. Any waterline that varies from the natural waterline and is interconnected to a lake must be bulkheaded to the satisfaction of the Zoning Officer.

4. No wharf, dock, pier or jetty of a permanent character shall extend into the navigable water for a distance of more than forty feet from the shoreline or to a depth of water not greater than four feet at the outer edge of the proposed structure, as measured at the ordinary low stage of such body of water.

5. No person shall drain, deposit or cast any dead animal, carrion, offal excrement, garbage or other putrid or offensive matter into the water.

6. All docks and/or floating rafts must be securely anchored to the lake bottom or shoreline.

Section 91-807. Prohibition Against Mobile Homes

No person or persons being the owner or occupant of any mobile home shall park or otherwise locate said mobile home upon any premises within the Town of Busti for the purpose of using the same for living, sleeping or eating quarters, nor shall any person use or occupy any mobile home for living, sleeping or eating therein, except in a duly authorized mobile home established in accordance with Section 91-601 of this Local Law, and no such mobile home shall be parked, stored or otherwise be placed in any location in the Town of Busti except in a duly authorized mobile home park.

Section 91-808. Communications Device

A satellite communications device or dish shall in matters relating to setbacks, sideyards and heights be treated as a "building" within the meaning of the Town of Busti Zoning Code.