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<b>Municipality:</b>	Town of Middleburgh
<b>Year (adopted, written, etc.):</b>	2008
<b>Community Type – applicable to:</b>	Suburban
<b>Title:</b>	Nonconforming uses, structures and lots
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### ***Abstract***

The Town of Middleburgh has several districts which must meet certain specifications. Parcels in the Flood Protection District (FPD) must comply with the Flood Damage Prevention Law and new parcels (after 12/31/07) must comply with the district requirements. The Planned Development District (PDD) was designed to accommodate such large-scale uses as to the benefit to the community. The law is not intended to restrict the construction or use of underground or overhead public utility distribution facilities. There are specific restrictions on gasoline stations, public garages, excavations/mining, and manufactured homes. Manufactured homes must conform to certain environmental requirements for density and lot size, separation, setback, and road layout, and open space areas. There are specific delineated duties prescribed to the park operator, park occupants, and park inspector. Home based businesses are encouraged in the district but must meet certain specifications such as a maximum square footage allotted to the business, the owner of the business must also be the owner of the property, and the business must be secondary to the use of the property as a residence. The business cannot alter the character of the neighborhood and cannot induce excessive traffic or congestion. Existing undersized lots may remain as long as they are not smaller than a specified measurement. There are height requirements but exceptions exist for structures such as church towers and chimneys. Outdoor advertising off-premises signs are permitted in the districts as designated subject to certain restrictions.

## ***Resource***

### ARTICLE IV

#### REGULATIONS AND STANDARDS

##### 4.1 Use Schedule

The attached District Regulations shall be deemed to be part of this Section and is referred to herein as the “District Regulations”, attached at end of law, Attachment I (page 18).

##### 4.2 Land Use Activities, Districts, and Special Requirements

###### 4.21 R-1 High Density Residential District

See Attachment I for district use standards and regulations

###### 4.22 R-2 Medium Density Residential District

See Attachment I for district use standards and regulations

###### 4.23 R-3 Low Density Agriculture/Residential

See Attachment I for district use standards and regulations

###### 4.24 C – Commercial District

See Attachment I for further district use standards and regulations.

###### 4.25 FPD – Flood Protection District

The regulations outlined in the Town of Middleburgh Flood Damage Prevention Law (Attachment IV, page 45) shall be followed at all times in the Flood Protection District in addition to the regulations of the underlying zoning district.

###### 4.25.1 New Parcels in Flood Protection District

Parcels in existence in the Flood Protection District (special flood hazard area as indicated by most current Flood Insurance Rate Map) prior to December 31, 2007 can be utilized without the necessity of an area variance as long as the parcel complies with the area requirements of the underlying zoning district. Any new parcel proposed in the Flood Protection District must meet the corresponding area requirements when the only designated building site is in the regulated floodplain. If a new parcel has a designated building site located outside of the regulated floodplain, the underlying, less stringent zoning district area requirements can be used.

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###### 4.26 PDD - Planned Development District

A Planned Development District (PDD) shall be treated as an amendment to this zoning law. The PDD is designed to accommodate such large-scale uses as will

be of benefit to the community, but which could not have been anticipated at the time of adoption of this law.

Where the planned development concept is deemed appropriate through the rezoning of land by the Town Board to a Planned Development District, the set of conventional land use activities and area specifications as set forth elsewhere in this ordinance are hereby replaced by a review and approval process in which an approved Development Plan becomes the basis for land use controls in said Planned Development District.

For administrative procedure in approving a PDD see Attachment III Section 6 for further district regulations.

#### 4.3 Special Conditions and Special Use Permits

Land Use activities listed in Attachment I as being special uses shall not be permitted until such special uses meet all conditions as required by the Planning Board in accordance with the provisions of Attachment III Section 7.0 of this Law.

#### 4.4 Supplementary Use Regulations

##### 4.41 General Provisions

###### (1) Public Utilities

This Law is not intended to restrict the construction or use of underground or overhead public utility distribution facilities or of other public utility structures operating under the laws of the State of New York, except as otherwise provided in this Law, and except that any such structures shall conform in character to the environment in which erected.

Telecommunications Facilities are considered public utilities when needed by a licensed public utility and the Town of Middleburgh recognizes the need for such services. However, telecommunications facilities require a special use permit as outlined in Attachment III Section 7.7.

###### (2) Damaged Buildings

Any building which is damaged by fire or other accidental cause, or by flood, wind, lightning or other natural cause, to the extent that it is no longer used for its regular or former purpose, shall be repaired, rebuilt, or razed within 120 days after the damage is sustained. At the request of the Enforcement Officer, the Board of Appeals may grant an extension for a period not to exceed one year after the expiration of the 120-day period. Such extension will only be granted if the owner of the property can demonstrate that progress has been made and sufficient reasons exist for not complying with the original 120-day time period.

###### (3) Principal Uses per Parcel

No more than one dwelling per parcel shall be allowed in any district unless

approved as a Planned Development District (PDD).

#### 4.42 Gasoline Stations

In a district where permitted, a gasoline station shall be subject to the following restrictions:

(1) No fuel pump shall be located closer than 20 feet from any side lot line nor closer than 25 feet from any street line or highway street line or highway right of way measured from the edge of the fuel island.

(2) No access drive shall be within 200 feet of and on the same side of a street as a school library, theater, church, or other public gathering place, park, playground or fire station.

(3) All major repair work and servicing shall be done within a completely enclosed building.

(4) Gasoline stations that do not perform service or repair work shall not have any apparent unused cars stored on the property.

#### 4.43 Public Garages

(1) No public garage shall have an opening in the roof side of rear walls less than fifteen feet from any lot line.

(2) All repair work requiring more than 12 hours elapsed time shall be done within a completely enclosed building whenever possible. A vehicle may be repaired outside provided the vehicle and disassembled parts are not in the way of automotive or pedestrian traffic.

#### 4.44 Excavations and Mining

Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavation shall not create unreasonable dust or noise, contribute to soil erosion or create any kind of noxious or injurious substance or condition nor cause public hazard. No topsoil shall be stripped, excavation and grading incidental to construction on the premises from which it is removed unless a layer of not less than six (6) inches of topsoil is left on the premises and this remaining layer is seeded to prevent erosion.

All proposed excavation and mining activity shall be in the Commercial or R3 Districts by Special Use Permit (Attachment III, Section 7.0) authorized by the Town Planning Board. Such Special Use Permit shall be renewed annually, subject to Town Planning Board approval of an operating plan for said activity and a plan for reuse of the excavation area. A performance bond may be required

by the Town Planning Board.

#### 4.45 Manufactured Home

Manufactured homes, not located in a Manufactured Home Park, will be permitted only under the following conditions:

(1) In all districts a manufactured home located on a private lot owned by the owner of said manufactured home will be permitted when:

(a) All of the area regulations for such districts, as listed in Attachment I – District Regulations, have been complied with.

(b) The manufactured home shall be placed on a 6” reinforced concrete slab or suitable foundation capable of containing the manufactured home in a stable position and with anchors or tie-downs capable of securing the stability of the manufactured home.

(c) The manufactured home is provided with skirts to screen the space between the manufactured home and the ground. Such skirts shall be of a permanent material and providing a finished exterior appearance.

(d) Unit Installation – At the time of installation of the manufactured home, the tires and wheels, and the hitch, shall be removed and the unit shall be securely blocked, leveled, tied down, and connected to the required utility systems and support services.

(e) Any construction of storage space, additional rooms, or enclosed patios or carports shall have a finished exterior appearance similar to the existing manufactured home. No exposed building paper, wallboard, or other structural material will be permitted.

(f) The manufactured home bears the seal required by the State of New York or an equivalent acceptable to the State of New York. New manufactured home installations shall consist of manufactured homes no older than 15 years old.

(g) A Certificate of compliance indicating that all the requirements of this Section 4.45 (1) have been met.

(2) Special Necessity: In R-3 districts the Planning Board may authorize a temporary special use permit for one or more manufactured homes to be located on land not owned by the occupants of such manufactured homes, provided that:

(a) All of the requirements set forth in Section 4.45(a-g) above are met.

(b) Written proof is presented to the Planning Board by the property owner that a special necessity exists by reason of an employer/employee relationship between the owner of a farm operation as defined in Agriculture and Markets Law Section 301 and his tenant employee where said owner desires to have the tenant employee reside on such farm; and such tenant employee is involved in the production function of the farm operation on a minimum of a parttime seasonal basis and such tenant employee is not a farm partner/owner. Such temporary permit shall be reviewed by the Planning Board and only issued if a majority of the Planning Board agrees that a special necessity exists. Such temporary permit shall expire twenty-four (24) months from the date of issuance and only renewed by the Planning Board if the standards for the special necessity continue to be met.

(3) Interim Dwelling: In any district the Planning Board may authorize a temporary special use permit for a manufactured home or recreational vehicle when such manufactured home or recreational vehicle is to be used as an interim dwelling during construction of a permanent residence or in the event a permanent residence has been damaged or destroyed or other similar hardship conditions. In such cases said manufactured home shall be removed within 18 months from the date of issuance of the temporary special use permit. An extension may be granted by the Planning Board.

#### 4.46 Manufactured Home Park

Manufactured Home Parks are allowed in R-3 Districts only, by Special Use Permit authorized by the Planning Board, when the provisions of this Section 4.46 have been complied with.

(1) Application for Permit – Written application for a permit will be filed in duplicate with the Enforcement Officer and shall include the following:

(a) Names and addresses of all applicants, if an individual or partnership, and the names and addresses of principal officers if a corporation;

(b) Name and address of owner of land upon which the manufactured home park is to be located;

(c) Location map;

(d) Sketch drawing(s) of the proposed manufactured home park indicating how it is to be designed so as to be in conformity with the requirements of Section 4.46 (4) of this law;

(e) If public water and sewerage systems are not to be used, a written statement from the health officer for the County indicating what measures will be necessary for the park;

(f) Sketch plans or written descriptions of all buildings, streets, parking areas, recreation and open spaces, and landscaping to be constructed or provided within the manufactured home park;

(g) An indication of existing topography and drainage patterns including wet or swampy areas;

(h) A copy of all contemplated park rules, regulations and covenants; a list of management and tenant responsibilities; a written statement of any entrance and exit fees, utility connection fees, or any security deposits to be charged.

(i) Such further information as the developer may feel is necessary to describe his intent and ability to comply with the environmental, health, and safety standards of this law.

## (2) Procedure and Permits

(a) The Enforcement Officer shall follow the procedures specified in Attachment III, Section 1 of this Law.

(b) The Planning Board shall act in accordance with Attachment III, Section 7.0 of this Law except that the special use permit, if authorized, shall be temporary. Issuance of a temporary special use permit is authorization for the applicant to proceed with final plans incorporating any conditions attached to said temporary special use permit.

(c) Final plans for the proposed manufactured home park, or a portion of it if construction is to be staged, shall be submitted to the Planning Board within one year from the date of issuance of the temporary special use permit or such temporary special use permit may be withdrawn.

(d) Upon approval of final plans by the Planning Board the Enforcement Officer shall issue a permit for construction.

(3) Renewal of Permits – The Enforcement Officer shall review a manufactured home park permit every two years from the date of issuance. If the manufactured home park has not been constructed in accordance with approved plans and all conditions attached thereto, or if a violation of this Law shall be found, or if any unapproved change shall have taken place, the permit will not be renewed until said manufactured home park has been brought into compliance. In such case the Enforcement Officer shall serve an order upon the holder of the permit in accordance with the provisions of Section 7 of this Law.

#### (4) Environmental Requirements

(a) Density and Lot Size – The density of development in a manufactured home park shall not exceed 4.0 units per gross acre. Generally, manufactured home lots shall have a minimum area of 6,000 square feet and a minimum width of 55 feet.

(b) Separation – Manufactured home units may be positioned in a variety of ways within a park provided that a separation of at least 30 feet is maintained between units. A drawing of the proposed layout of manufactured home units should be prepared.

(c) Setback – No manufactured home shall be located less than 25 feet from the pavement edge of a private street or 15 feet from the right-of-way of any public street within the manufactured home park. A minimum of 25 feet shall be maintained between manufactured home units and all property lines except that at least 50 feet shall be maintained between all units and any property line abutting an existing public road or highway.

(d) Road Layout and Construction – A drawing of the proposed park road layout, including connections to be made to adjacent existing roads or highways, shall be included in all manufactured home park plans. Straight, uniform gridiron road patterns should be avoided unless manufactured home clustering, landscaping, and an interesting open space system can relieve them. All roads within a manufactured home park shall be at least 20 feet wide and constructed in a manner acceptable to the Town Planning Board.

(e) Parking – At least Two off-street parking spaces shall be provided for each manufactured home site. Such spaces may be located on the individual site or grouped to serve 2 or more manufactured home sites. Off-street parking spaces shall be constructed of at least a 12-inch gravel base with a 4-inch limestone surface material, such as crusher run. Supplemental parking area shall be provided for the storage or temporary parking of travel trailers,



campers, boats, snowmobiles, and similar auxiliary vehicles.

(f) **Manufactured Home Sales Area** – The display and sale of manufactured homes shall be permitted only if the sales area is landscaped and provided with a hard, dust-free surface for the offstreet parking of at least 6 cars and no more than 8 units are displayed at any one time. No display unit shall be located less than 15 feet from a public right-of-way.

(g) **Open Space Areas and Landscaping** – A variety of open spaces shall be provided so as to be usable by, and easily accessible to, all park residents. Such open space shall be provided on the basis of 500 square feet for each manufactured home unit with a total minimum requirement of 12,000 square feet. Part or all of such open space shall be in the form of developed recreation areas located in such a way, and of adequate size and shape, as to be usable for active recreation purposes.

(h) **Manufactured Home Stand** – Each manufactured home site shall be provided with a stand, which will give a firm base and adequate support for the manufactured home. Such stand shall have a dimension approximating the width and length of the home and any expansion or extensions thereto. Well-anchored tie-downs shall be provided at least on each corner of the stand with spacing no greater than 10 feet apart on each side. The manufactured home shall be placed on a 6" reinforced concrete slab or suitable foundation capable of containing the manufactured home in a stable position and with anchors or tie-downs capable of securing the stability of the manufactured home.

(i) **Unit Installation** – At the time of installation of the manufactured home, the tires and wheels, and the hitch, shall be removed and the unit shall be securely blocked, leveled, tied down, and connected to the required utility systems and support services. The manufactured home shall be completely skirted prior to occupancy. Said skirts shall be of a permanent material and provide a finished exterior appearance.

(j) **Water Supply** – When a public water supply is not available an approved private supply and system shall be established. Private systems shall provide 150 gallons per unit per day and be adequate to supply at least 6 gallons per minute at a pressure of 20 pounds per square inch to each manufactured home stand. Water connections shall follow details of the manufactured home Manufacturers' Association.

(k) Sewage Disposal – When public sewage disposal is not available an approved private system shall be established. The design and construction of all components of such system shall be subject to the inspection and approval of the appropriate health department or local official.

(l) Solid Waste Disposal – Provisions shall be made and approved for the storage, collection, and disposal of solid waste in a manner that will cause no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. Storage for solid waste containers shall be screened from public view.

(m) Electricity and Telephone – The distribution system for electrical and telephone service shall be installed underground and shall comply with the requirements of the utility and telephone company.

(n) Fuel Systems – All manufactured home sites shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(o) Mail Service – Mailbox location shall provide safe and easy access for the pickup and delivery of mail. Mailboxes grouped for cluster delivery shall be located so that stopping for pickup and delivery will not occur on the public right-of-way.

#### (5) Park Operation, Maintenance and Inspections

(a) Occupancy Restrictions – No space shall be rented in any manufactured home park for the placement and use of a manufactured home for residential purposes, except for periods in excess of 60 days. No manufactured home manufactured more than fifteen years prior to its placement in the manufactured home park may be occupied.

(b) Responsibility of Park Operator – The person to whom a permit for a manufactured home park is issued shall be responsible for operation of the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its common grounds, streets, facilities and equipment in good repair and in a clean and sanitary condition.

(c) Responsibility of Park Occupants – The park occupant shall be responsible for the maintenance of his manufactured home and any appurtenances thereof, and shall keep all yard space on his site in a

neat and sanitary condition.

(d) Inspection – It shall be the duty of the Enforcement Officer to make necessary inspections required every second year for renewal of manufactured home park permits. Such inspection shall be carried out at reasonable times, after prior notice to the park operator, and in emergencies, whenever necessary to protect the public interest.

#### 4.47 Home Occupation

The Town of Middleburgh recognizes the need to nurture and encourage homebased business and to grow its local economy. Home based businesses represent a strong potential for our economy. These types of businesses also provide alternative incomes for families. Because some home based businesses may require additional services and infrastructure and there may be negative impacts on traffic, signage, noise and other qualities, the Town desires to set specific performance criteria and review criteria for home based businesses. Home Occupations are allowed in all zones listed in the Use Schedule (Attachment I). For review of Home Occupation, a Home Occupation application must be obtained from the Town Clerk's Office then submitted to the Enforcement Officer for review. To be determined a Home Occupation by the Enforcement Officer, the following standards must be met:

(1) The Home Occupation must be operated by the owner of the property. Proof of ownership may be requested by the showing of a tax bill, survey or deed.

(2) No more than five hundred (500) sq. ft. of floor area of the dwelling unit or (30%) of the total floor area of the dwelling unit may be used in connection with a Home Occupation, whichever is lesser. Floor area requirements refer only to heated habitable rooms within the dwelling unit.

(3) An EXISTING accessory structure can be used for a Home Occupation provided that there are no exterior modifications and that the use will not change the residential or agricultural character of the area. A NEW accessory structure can be use for a Home Occupation provided the use will not change the residential or agricultural character of the area.

(4) The total number of Home Occupations conducted within the dwelling is not limited, except that the cumulative impact of all Home Occupations conducted shall not exceed the impact of a single, full time Home Occupation. (example: day care during the day with a bed and breakfast at night.)

(5) Home Occupations must meet all requirements of the zoning district in which it is located. In addition, the following standards are required:

(a) Employees. A home occupation shall be incidental and secondary to the use of a residence or home. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of the neighboring property to enjoy the peaceful occupancy of their dwelling unit, and does not alter the character of the neighborhood. A home occupation may be conducted within a dwelling unit and/or within accessory structures. The home occupation is to be conducted with no more than two non-resident assistants or employees at any one time. (Day care for children shall be based on a case by case basis)

(b) Signs. Any signs used in conjunction with a home occupation shall meet the requirements of Section 4.6 (page 12) of the local law, and shall not exceed 8 sq. ft. In addition, the sign shall be an unanimated, non-illuminated flat or window sign. The sign shall be permitted on the street front of the lot which the dwelling is located. A sample of the sign and location of the sign is required on the site plan if the sign is not located on or in the window of the dwelling.

(c) Parking. Off street parking shall be provided as required in Section 4.7 (page 13) of the local law. No more than one vehicle larger than a passenger vehicle may be parked in a location visible from a public road or neighboring properties.

(d) Traffic. Automobile and truck traffic generated shall not be excessive, considering both the character of the road on which the use is located and the volume of traffic that would otherwise be generated by a typical residential use.

(e) Outside Storage. There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from other properties.

(f) Nuisance. No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur. The use of substances which may endanger public health or safety or which pollute the air or water are prohibited.

(g) Fees. After meeting with the Enforcement Officer and the determination is made that the proposed use is an allowable Home Occupation, a one time application fee as set by the Town Board (payable to the Town of Middleburgh) shall be made at the same time of the submittal of the completed application to the Enforcement

Officer.

(h) Validity. Once the application is approved, the owner has one year from the approval date to complete the requirements agreed upon and obtain a Certificate of Compliance from the Enforcement Officer. The Home Occupation permit is non transferable.

(i) Expiration of Approval. If the applicant does not get a Certificate of Compliance within one year, the approval is rescinded. Extensions may be granted if requested by the applicant in writing stating the exact completion date.

(j) Required Inspections. Before any Certificate of Compliance is issued by the Zoning Enforcement Officer, all required inspections will take place. A building and zoning permit may be required if alterations are made to the interior, exterior, parking or signage. The Enforcement Officer may inspect the site for compliance purposes.

#### 4.48 Existing Undersized Lots

Any lot held in single and separate ownership prior to the original adoption date and subsequent amendments of the Town of Middleburgh Zoning Law whose area and/or width and/or depth are less than the specified minimum lot requirements for that district, may be considered as complying with such minimum lot requirements, and no variance shall be required, provided that:

(a) Such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line.

(b) The following minimum yard dimensions are maintained: each side yard, 8 feet; front yards, 20 feet; and rear yards, 15 feet.

(c) All other requirements for that district are complied with.

##### 4.48.1 Height Exceptions

The height limitations of this law, as shown on the Area Schedule shall not apply to the following structures: farm buildings and structures, church spires, belfries, cupolas, chimneys, ventilators, skylights, water tanks, bulk heads, and other necessary mechanical appurtenances usually carried above the roof level.

#### 4.49 Transition Requirements for District Boundaries

(a) Where a lot in a commercial or PDD district abuts a lot in a residential district, a strip 12 feet wide immediately adjacent to said residential lot shall not be used for storage of any material or goods, parking, or

roadway and shall be provided with a solid wall, fence, or hedge at least six feet but no more than 8 feet in height. Such wall, fence, or hedge shall begin at a point no more than five feet from the front and/or side property line and shall extend along the full dimension of the abutting lots and shall be properly maintained.

#### 4.50 Yards (set in the area schedule, and defined)

4.501 Corner Lots - On a corner lot, each side, which abuts a street, shall be deemed a front lot line, and the required yard along each such lot line shall be a required front yard. The owner shall decide which of the remaining yards shall be required side yard and the required rear yard.

4.502 Side Yards for Row Houses – Side yards for row houses shall be required at the ends of the row structure.

4.503 Double Frontage – For any through lot, fronting on two different streets, both frontages shall comply with the front yard requirements of the district in which it is located.

4.504 Obstructions at Street Intersections – On a corner lot in any district, no fence, wall, hedge or structure shall be so located so as to limit visibility at a street intersection. In general, no such item with a height of over two and one-half feet and a width or length of over three feet shall be allowed within the triangular area formed by the intersecting street lines for a distance of 30 feet from the intersection.

4.505 Only one accessory building per lot will be allowed. One accessory building, under 12' X 12' in size, may be placed within the required rear or side yards. Said accessory building must be located a minimum of 3' from the property line.

4.506 Junk Yards – All junk yards shall comply with the Town of Middleburgh Automobile Junk Yard Ordinance, and shall further provide, in all junk yards as defined in this law, proper fencing, distance from highways and other establishments, and shall be licensed by the Town of Middleburgh. Junkyards are only permitted by special use permit in the C districts.

#### 4.6 Signs

All signs hereafter constructed, erected, or otherwise established, moved, altered or changed within the limits of the Town of Middleburgh shall comply with the following regulations:

4.601 Outdoor Advertising Signs – Outdoor advertising off-premises signs are

permitted in the districts as designated on the Use Schedule subject to the following restrictions:

(a) Off-premises Outdoor Advertising signs are permitted only along State Highways.

(b) No off premise outdoor advertising signs shall be located less than 350 feet from any such highway right-of-way.

(c) No off-premise outdoor advertising signs shall exceed 300 square feet.

(d) Off-premise outdoor advertising signs are restricted to signs erected for the purpose of advising a traveler of the availability and location of a service or attraction within the nearby area. Specifically, offpremises outdoor advertising signs are prohibited from advertising such products as beer, gasoline or cigarettes, which are not unique to the Middleburgh area, regardless of the fact that such products may be sold in the Town and Village of Middleburgh.

(e) Temporary signs and banners: Political signs are considered temporary signs. All political signs must be removed within seven (7) days after an election and may be erected or placed not more than ninety (90) days prior to the election. Banners advertising an event or an activity are considered temporary signs and are permitted as such, and must be removed within three (3) days after the event advertised and may be erected or placed not more than thirty (30) days prior to the event advertised. Banners advertising a product for special promotional sales are also considered temporary signs and must be removed within three days after the promotional sale and may be erected or placed no more than seven (7) days prior to the advertised promotional sale.

(f) All outdoor advertising signs, if not maintained for a period of 90 days or more, shall be removed at the landowner's expense.

4.602 Signs in Residence Districts – On-premise Signs in any residential district or in connection with any residential building in any other district shall not exceed 8 square feet in area. No more than one such sign shall be permitted. Flashing lights are not permitted.

4.603 Business Signs and Professional Signs in Commercial or PDD Districts – On premise business signs and Professional signs in business districts are permitted provided such signs or lettering contain only the name or names of the lawful owners or occupants or their trade marks and shall identify only the business, profession, general goods or services and conducted or dispensed on the premise.

(a) The total area of any sign shall not exceed 100 square feet.

(b) Colored lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. Unlighted signs that can be confused with traffic control devices are also prohibited. No flashing lights are permitted.

(c) Such signs shall not exceed two in number for each property.

(d) The maximum combined area of both signs permitted on each property shall not exceed 150 square feet.

#### 4.7 Off-street Parking

(a) Parking Areas in Residential Districts – No open or enclosed parking area shall encroach on any required yards or required open areas.

(b) Parking Areas in Planned Development Districts – Open parking areas may encroach on a required side or rear yard to within three feet of a side or rear lot line. Non-attendant operated parking lots shall allow 300 square feet per parking space per vehicle. No parking space or access thereof, except entrances or exit drives, as limited in this section, shall be within 15 feet of a street right-of-way line. Entrance or exit drives connecting the parking area and the street shall be permitted within the 15-foot strip required above, provided:

(1) No entrance or exit shall exceed 25 feet in total width.

(2) Drives shall have clear visibility at their intersection with the street.

(3) There shall be at least 40 feet between access drives and between access drives and the right of way lines at a street intersection.

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(c) Parking Areas in Planned Development Districts – No parking area shall encroach on any required front yard. Open parking areas may encroach on any required side or rear yard to within 15 feet of a side or rear lot line.

(d) Required Parking Spaces – No required off-street parking space shall be used for storage, servicing, or dismantling of automobiles or other vehicles, loading or unloading except as provided elsewhere in this

Section 4.7.



(e) Landscaping – Parking lots for more than 20 cars shall be provided with landscaped areas amounting to an aggregate minimum of 5 percent of the total paved area of the parking lot. Each landscaped area must be at least 30 square feet and shall be adequately maintained.

(f) Required Screening – Open off-street parking or loading areas shall be screened from adjoining residential lots by walls, fences, or hedges of sufficient height to prevent the viewing of parked vehicles by a line of sight originating 5 feet above any point on the minimum side or rear yard setback line of such adjoining residential lots.

#### 4.8 Off-street Loading

All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Each required loading berth may be open or enclosed and shall have the minimum dimensions: 35 feet long, 12 feet wide, 14 feet high. Open off-street loading areas shall not encroach on any required front or side yard, off-street parking area, or access-way. All uses with at least 5,000 square feet of floor space shall have at least one loading space.

#### 4.9 Activity Standards for Noisome and Injurious Substances, Conditions, and Operations

The following activity standards shall apply in all districts except with respect to normal farm uses which include, but are not limited to, forestry use tools, crop harvesting, feed lot operation, etc.

(a) Vibration – No vibration shall be discernible at the lot lines or beyond.

(b) Smoke – No emission of dense smoke.

(c) Odors – No offensive odors shall be noticeable at the lot lines or beyond.

(d) Fly Ash, Dust – No emission which can cause any damage to health, animals, or vegetables or other forms of property or any excessive soiling.

(e) Liquid or Solid Wastes – No discharge into any present or future disposal system, public or private, or streams or into the ground, of any materials of such nature or temperature as to contaminate ground water supply.

(f) Radioactivity – No activities which emit dangerous radioactivity at any point, as covered by Federal Government Standards.

(g) Noise – No continuous hum, intermittent noises or shrills noise noticeable at lot lines.

(h) Fire and Explosion Hazard – No process or storage of materials in such manner as to create undue hazard by reason of fire or explosion.