

# ZONING ORDINANCE

TOWN OF KNOX, N.Y.

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## ARTICLE I

### **ARTICLE I - SCOPE, TITLE, OBJECTIVES, AUTHORITY**

#### **Section 10 - Scope**

An ordinance regulating and controlling the location, construction and use of buildings, structures, and the use of land in the Town of Knox and for said purposes dividing the Town of Knox into zoning districts.

#### **Section 11 - Title**

This ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Knox, New York."

#### **Section 12 - Objectives**

The objective of this ordinance is to promote the health, safety and general welfare of the Town of Knox, to provide for the protection and preservation of clean air, water, and soil, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other requirements as may become necessary from time to time.

#### **Section 13 - Authority**

Pursuant to the power and authority granted by Chapter 62, Article 16 of the Consolidated Laws, and any amendment thereto, to regulate the height of buildings and number of stories thereof, and percentage of lot that may be occupied, the size of yard and other open spaces, the density of population, and the use of buildings, structures, and the land for agriculture, trade, industry, residences or other purposes by the establishment of zones, or districts, in the Town of Knox.

## **ARTICLE II - DEFINITIONS**

### **Section 20 - Introductory Statement**

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular: the word "lot" includes the word "plot", and the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

**ABANDONMENT:** The voluntary, absolute relinquishment; the giving up of a known right to which one is entitled, with the intention of permanently terminating or parting with such right. Abandonment depends upon the concurrence of two elements or factors: (a) the intention to relinquish, to permanently give up a known right to continue the non-conforming use, and (b) the cessation of such non-conforming use, an overt act or failure to act, implying that the owner intends to permanently cease from putting the premises to the non-conforming use, or such other non-conforming use as may be permitted by this ordinance.

**ACCESSORY USE:** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

**AIRPORT, COMMERCIAL:** An aviation facility operated directly by a public authority in conjunction with appropriate federal agencies.

**AIRPORT, GENERAL AVIATION:** An aviation facility operated by a private enterprise and subject to federal regulation wherein general aviation aircraft are stored and/or serviced.

**AIRPORT, PERSONAL:** An aviation facility owned by a private individual for the purpose of providing landing and takeoff capability only for general aviation aircraft personally owned by the private individual. No general aviation, transient aircraft use is permitted.

**AIRPORT, PRIVATE:** An aviation facility owned by a private individual solely for the purpose of providing landing and takeoff capability for privately owned general aviation aircraft. No extensive use by transient aircraft is permitted.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts of existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height, or the moving of such building or structure from one location to another.

**AREA, BUILDING:** The total of areas taken on a horizontal plane at the main level of the principal building and all accessory buildings exclusive of patios, terraces and uncovered steps.

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**AREA, LAND:** The term "LAND AREA" (as used in the Density Control Schedule) when referring to the required area per dwelling unit, means "net land area", the area exclusive of street and other public open space.

**ATTIC:** That space of building which is immediately below and wholly or partly within the roof framing. An attic with a finished floor shall be counted as one-half story in determining the permissible number of stories.

**AUTOMOTIVE VEHICLE WRECKING YARD:** The use of any area or portion of any lot or plot, whether inside or outside a building, for the temporary storage of automotive vehicles awaiting dismantling, or the dismantled parts of automotive vehicles, or for the dismantling, cutting, demolition or burning of automotive vehicles.

**BASEMENT:** A story partly below finished grade, but having at least one-half of its height measured from floor to ceiling, but not less than four feet above average finished grade. A basement shall be counted as one story in determining the height of a building in stories.

**BED AND BREAKFAST:** Any one-family dwelling occupied by the owner(s) which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance(s) which is intended for providing overnight lodging and breakfast only. A Bed and Breakfast shall be considered a home occupancy.

**BOARDING HOUSE:** Any dwelling in which more than four persons, either individually or as families, are housed or lodged for hire, with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

**BUILDING:** Any structure other than a mobile home which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing, or enclosure of persons, animals or chattel.

**BUILDING, ACCESSORY:** A building detached from and subordinate to a main building on the same lot and used for purposes customarily incidental to those of the main building.

**BUILDING, DETACHED:** A building surrounded by open space on the same lot.

**BUILDING, FRONT LINE:** The base line of a vertical plane parallel to the street line, and extending from one lot line to another, beyond which no portion of a building shall extend into the front yard. Side and rear lines shall be determined in a comparative manner.

**BUILDING GROUP:** A group of two or more principle buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

**BUILDING HEIGHT:** The vertical distance measured from the average finished grade along the wall of the building (or adjacent to the side of the structure) to the highest point of such building or structure.

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**BUILDING, PRINCIPLE:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING, SEMI-DETACHED:** A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

**BULK:** A term used to describe the size, volume, area and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same buildings; and all open spaces required in connection with a building, and other structure, or tract of land.

**CAMP:** Any one or more of the following, other than a hospital, place of detention, or school offering general instruction:

Type 1. Any area of land or water on which is located cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or,

Type 2. Any land, including any building thereon, used for any assembly of persons for what is commonly known as "day camp" purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups (See also Seasonal Dwelling).

**CELLAR:** A story partly underground and having one-half or more of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**CLUB, MEMBERSHIP:** An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted for profit providing there are no vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

**COMMERCIAL VEHICLE:** A commercial vehicle is a vehicle adapted for or engaged in the carrying of merchandise.

**CONSTRUCTION, FIRE RESISTANT:** That type of construction in which the walls, ceilings, partitions, columns, floor and roof are noncombustible with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story or from room to room.

**CONTRACTOR'S YARD:** Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, which are in active use by a construction contractor.

**COURT:** An unoccupied open space, other than a yard, in the same lot with a building which is bounded on two or more sides by the walls of such building.

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**COURT UNIT:** The lot or space in any Mobile Home Court which shall be assigned to or used and occupied by any one Mobile Home.

**DESIGNED SHOPPING CENTER:** The division of a single structure or the grouping of buildings which will constitute a convenient, effective shopping center designed as a planned harmonious unit.

**DEVELOPMENT:** The utilization of a lot or tract of land for the planned construction of homes and/or businesses.

**DISTRICT, MORE RESTRICTED OR LESS RESTRICTED:** In the following list, each district shall be deemed to be more restricted than the districts which follow it: LC1, LC2, RR, A, ~~A/M~~, R, B

**DOG KENNEL:** The keeping of more than three dogs that are more than six months old.

**DRIVE-IN MOVIE THEATER:** An open lot or part thereof, with appurtenant facilities devoted primarily to the showing of moving pictures, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

**DUMP:** A lot or land used for, including but not limited to, the disposal by abandonment, storage, dumping, burial, burning, or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, waste material of any kind, or any regulatable or recycled product.

**DUMP, TOWN:** An area of land herein or hereinafter designated by the Town Board as a dumping place.

**DWELLING:** A building designed or used principally as the living quarters for one or more families. The terms "dwelling", "one-family dwelling", "two-family dwelling", "multi-family dwelling", "multiple dwelling", or "dwelling group" shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

**DWELLING, ONE-FAMILY:** A building containing one dwelling unit only.

**DWELLING, TWO-FAMILY:** A building containing two dwelling units.

**DWELLING, MULTI-FAMILY OR MULTIPLE:** A dwelling containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.

**DWELLING GROUP:** A group of three or more, attached single or two-family dwellings with party walls between.

**DWELLING, PRIVATE:** A dwelling occupied exclusively for residence purposes by one or two families and having not more than four boarders, roomers or lodgers in one or both housekeeping units.

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**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one family.

**ESTABLISHED PLACE OF BUSINESS:** A building or store in which the person transacts business and deals in the goods, wares and merchandise the person hawks, peddles or solicits for during regular business hours.

**FAMILY:** A "family" consists of (a) one person, or two or more persons who are related by blood, marriage or adoption, or (b) not more than six (6) persons not necessarily related by blood, marriage or adoption, and in addition any domestic servants or gratuitous guests, who live together in a single dwelling unit and maintain a common household.

**FARM:** Any parcel of land containing at least ten acres which is used for gain in raising of agricultural products. It includes necessary farm structures and storage of equipment. It excludes cat or dog kennels.

**FARM, HOG OR SWINE:** A farm used for the raising of more than ten hogs; or raising any number of hogs for the purpose of sale, barter or exchange.

**FINISHED GRADE:** The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade — in computing height of buildings and other structures or for other purposes — shall be the average elevation of all finished grade elevations around the periphery of the building, except that this average shall not exceed one-half of the floor to ceiling height.

**FLEA MARKET:** A retail business to provide space intended for the temporary use of private individuals for the purpose of selling used personally owned merchandise and collectibles.

**FLOOR AREA:** The aggregate sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating two buildings. In particular, the "floor area" of a building or buildings shall include:

- a. Basement space;
- b. Elevator shafts and stairwells at each floor;
- c. Floor space for mechanical equipment, with structural headroom of seven feet and six inches or more;
- d. Penthouses;
- e. Attic space (whether or not a floor has actually been laid) provided with structural headroom of seven feet and six inches or more;
- f. Interior balconies and mezzanines;
- g. Enclosed porches;
- h. Accessory uses, not including space for accessory off-street parking.

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However, the "floor area" of a building shall not include:

- a. Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking space and accessory off-street loading berths;
- b. Elevator and stair bulkheads, accessory water tanks, and cooling towers;
- c. Floor space used for mechanical equipment, with structural headroom of less than seven feet and six inches;
- d. Attic space, whether or not floor has actually been laid, provided structural headroom of less than seven feet and six inches;
- e. Uncovered steps; exterior fire escapes;
- f. Terraces, breezeways, open porches, and outside balconies and open spaces;
- g. Accessory off-street parking space;
- h. Accessory off-street loading berths.

**FLOOR AREA RATIO:** The ratio between the total floor area of the building or buildings and the total lot area.

**FULL CUT-OFF LIGHTING FIXTURE:** A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.

**GARAGE, PRIVATE:** An enclosed space for the storage of one or more motor vehicles, provided that no business occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

**GARAGE, PUBLIC:** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

**GARBAGE:** Any refuse, rubbish or waste matter whatsoever, including but not limited to, discarded metal, plastic bottles, metal cans, waste foods, paper wrappings, animal bedding hay, waste vegetable matter, dead animals or parts thereof, discarded wood or lumber, ashes, newspapers, rags, rubber, leather, bedsprings, discarded auto parts or discarded autos, discarded appliances.

**GARBAGE COLLECTOR:** Any person who engages in the business of collecting garbage.

**GASOLINE FILLING STATION:** An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle, of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

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**HAWKER AND PEDDLER:** Any person, either principal or agent, who, in any public street or public place or by going from house to house or place of business to place of business, on foot or on, or from, any animal or vehicle standing in the street or highway, sells or barter, offers for sale or barter or carries or exposes for sale or barter, any goods, wares, or merchandise, except as hereinafter exempted.

**HELIPORT:** An aviation facility devoted solely to support the operations of rotary winged aircraft.

**HOME OCCUPATION:** An accessory use of a service character conducted within a dwelling by the resident thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate or sign.

**HOSPITAL:** Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, clinic, rest home, nursing home, convalescent home and any other place for diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**HOTEL:** A building or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

**JUNK MOTOR VEHICLE:** Is hereby defined as any inoperative motorized vehicle, (including automobiles, vans, trucks, pickup trucks, buses, tractors, construction vehicles or equipment, motorcycles, snowmobiles and over the road trailers as defined in N.Y.S. Vehicle & Traffic Law, Sec. 156) in its actual and present condition as of the date of the determination by the enforcement officer, allowed to remain stored outside of any building for a period of more than thirty days.

**JUNK YARD:** A lot, land area, or part thereof, used for the collecting, storage and/or sale of Junk Motor Vehicles or parts there from, waste paper, waste rags, scrap metal, plastic or building materials, scrap construction materials of any kind, scrap road paving materials of any kind, discarded appliances of any kind; or for the collecting dismantling, storage or salvaging of any of the previously items or for the sale of parts of any of the previously mentioned items, shall be deemed a Junk Yard for the purposes of this Ordinance.. Outside storage of two or more junk motor vehicles for more than thirty days shall constitute a Junk Yard.

(Proof of ownership, in the form of a valid NYS Motor Vehicle Title or a notarized bill of sale, shall be required for all items held in a collection.)

**KENNEL:** Any place at which there are kept three or more dogs or cats more than six months of age, or any number of dogs or cats that are kept for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

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**LAUNDERETTE:** A business premise equipped with either individual clothes washing, drying, and/or dry cleaning machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or a multiple family dwelling.

**LINE, STREET:** SEE ROAD LINE OR STREET

**LIVING SPACE:** That portion of a residence used specifically for human occupancy and specifically excluding garages, breezeways, storage sheds, attics and/or basements.

**LOT:** A defined portion or parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use of ownership, and the customary accessories and open spaces belonging to the same.

**LOT, CORNER:** A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle of intersection does not exceed 135 degrees.

**LOT, COVERAGE:** That lot area or percentage of lot area covered by building or structures, including accessory buildings and structures.

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

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets or roads.

**LOT FRONTAGE:** A lot line which is coincident with a road or street line.

**LOT LINES:** The lines bounding a lot as defined herein.

**LOT OF RECORD:** Any lot which has been established as such by plat, survey, record, or deed prior to the date of this enactment as shown on the records of the Albany County Clerk's Office.

**LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depths at a point midway between the front and rear lot lines; or the width of a lot measured along the rear line of the required front yard.

**METEOROLOGICAL TOWER, COMMERCIAL** is a temporary structure erected to hold measuring sensors and instruments which collect and record the various parameters of weather and wind profiles. Such as, but not limited to, barometric pressure, wind velocity, direction, duration, temperature, date and time of the measurements, maximum and minimum velocity over a predetermined time period along with any data recording and transmitting equipment. The data collected is used to determine the suitability of the site for use as a Wind Turbine Farm. Commercial Meteorological Towers shall not exceed 180 feet (55 meters) in height and must be removed within 18 months of the issuance of a Building Permit.

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**MINERAL:** Any naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this title, peat and topsoil shall be considered minerals.

**MINING:** The extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings, and waste at the mine location. Mining shall not include the excavation, removal, and disposition of minerals from construction projects, exclusive of the creation of water bodies or excavations in aid of agricultural activities.

**MOBILE HOME:** Any vehicle or combination thereof used, designated for use, or capable of being used as sleeping or living quarters whether propelled by its own power or by the power of another vehicle to which it may be attached. For the purposes of this Ordinance, a Mobile Home shall be deemed a "House Trailer".

**MOTORCYCLE:** Every motor vehicle, including a motocross bike, having a seat or saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

**MOTOR VEHICLE REPAIR SHOP:** A building, or portion of a building, arranged, intended or designed to be used for making repairs motor vehicles.

**MOTEL:** A building or group of buildings, whether attached or detached, containing for hire individual living and sleeping accommodations, each of which is considered a unit, each of which is provided with a separate entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, roadside hotel.

**NON-CONFORMING BULK:** That part of a building, other structure or tract of land, which does not conform to one or more of the applicable bulk regulations of this Ordinance, either following its effective date or as a result of subsequent amendment thereto.

**NON-CONFORMING USE:** Any use of a building, other structure, or tract of land, which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Ordinance or as a result of subsequent amendments thereto.

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**NUISANCE:** A use, other than for farm purposes, on any property in the Town of Knox, which results in an offensive, annoying, unpleasant, or obnoxious condition or conditions being created of such nature or degree, that they are detrimental to the health, safety and general welfare of persons or property. Common examples include, but are not limited to, excessive and prolonged odors, noise, dust, vibration, light or glare, liquid runoff, traffic or electrical / electronic interference.

**NURSING OF CONVALESCENT HOME:** A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

**NURSERY SCHOOL:** Any place, however designated, operated for the purpose of providing daytime care or instruction of two or more children from two to five years of age, inclusive, and operated on a regular basis, including kindergartens, day nurseries and day care centers.

**OFFICE BUILDING:** A structure, the principal use of which shall be the accommodation of offices for administrative, governmental, public utility, professional or sales activity including retail stores, shops, restaurants, and cafes.

**OPEN SPACE:** An unoccupied space open to the sky on the same lot with a building.

**OFFICE/RESEARCH PARKS:** Those areas set aside specifically for use by research, engineering and business office purposes, wherein light manufacturing, engineering, development and research may be conducted.

**OVERBURDEN:** All of the earth, vegetation & other materials which lie above or alongside a mineral deposit.

**PARKING SPACE UNIT:** An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street, highway or alley.

**PEDDLER:** See HAWKER.

**PERSON:** One or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

**PREMISES:** A lot together with all the buildings and uses thereon.

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**RECREATIONAL FACILITY:** A large tract of land open to the public for such participant recreational activities as skiing, hiking, camping, fishing or other uses which preserve the rural, wooded or agricultural character of the land. Recreational activities which feature the use of motorized recreational vehicles or equipment such as snowmobiles or trail bikes are not permitted in a Recreational Facility. Except in the Land Conservation Districts, the Recreational Facility may include accessory uses such as lodging, dining and the sale or rental of equipment, supplies or apparel used for the Recreational Facility.

**RESIDENCES, RESIDENTIAL:** A building, or any part of a building which contains living and sleeping accommodations for permanent occupancy. "Residences", therefore, includes all one-family, multi-family, boarding, fraternity and sorority houses. However, "residences" shall not include the following: a) transient accommodations such as hotels, motels and hospitals, or b) that part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.

**RIDING ACADEMY:** Any establishment where horses are kept for riding, driving or stabling for compensation.

**ROAD:** An existing public way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plat approved by all appropriate official agencies.

**ROAD LINE OR STREET LINE:** A road or street line is the right-of-way line of a road or street as indicated by dedication, by deed or record, or as shown on a plat approved by all appropriate official agencies (e.g., the dividing line between the street or highway and the abutting real properties). If there is no map, assume that the street line is 25 feet from the centerline of the roadway.

**ROAD STAND:** A structure with a roof, either attached to the ground or movable, intended for the sale of produce to the general public.

**SEASONAL DWELLING:** Any area of land or water and/or house, cabin, tent, trailer, houseboat, or other accommodation of a design or character suitable for occupancy during a limited period of time, specifically associated with a given season of the year regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise (see also Camp).

**SENIOR HOUSING:** Housing specifically for persons age 55 and older. This includes both Multiple Dwellings, with three units or more, and cluster developments under single ownership.

**SETBACK:** The distance in feet from the street line to the principal building.

**SEWAGE DISPOSAL SYSTEM:** A septic tank, leaching pit, cesspool, chemical toilet, privy, pipe or other means to dispose of sewage or sink wastes.

ARTICLE II: Section 20

**SIGN:** Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking or representation used as, or which is in the nature of, an announcement, direction, or advertisement. A "sign" includes a billboard, neon light, fluorescent tube, or other artificial light or string of lights, outlining or hung upon any part of a building or lot for the purposes mentioned above, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or similar organization campaign, drive, movement, or event which is temporary in nature.

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

**SIGN AREA –** The area within the shortest lines that can be drawn around the outside perimeter of a sign including all decorations and lights, but exclusive of the supports if they are not used for advertising purposes. All faces of the sign shall be counted in computing the area. Any neon tube, string of lights or similar device shall be deemed to have minimum dimensions of one foot.

**SIGN, BILLBOARD-STRUCTURAL ADVERTISING:** Any commercial outdoor sign, advertising medium, structure or device which advertises, directs or calls attention to any business, article, substance, or service, which is conducted, sold, or offered elsewhere than upon the lot on which such sign is situated and which is painted, printed, posted, or affixed to any building, billboard structure, wall, fence, railing, natural object or structure of any kind on real property or upon the ground itself.

**SIGN, BUSINESS:** Means a "sign" which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign relating to the property on which it is displayed shall be deemed a "business sign."

**SIGN, COMMUNITY:** A sign owned and maintained by the Town or by a group of business people as approved by the Town Board and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

**SIGN, DIRECTLY ILLUMINATED:** A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radioactive or gaseous material or substance.

**SIGN, FLASHING:** An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

**SIGNS, ILLUMINATED:** A sign designed to give forth any artificial light, or designed to reflect such light derived from any source which is intended to cause such reflection.

**SIGN, INDIRECTLY ILLUMINATED:** A sign illuminated with an artificial light source which is separated from or is not an intrinsic part of the sign itself.

ARTICLE II: Section 20

**SIGN, REPRESENTATIONAL:** Any three-dimensional sign which is built so as to physically represent the object advertised.

**SINGLE OWNERSHIP:** Possession of land under single or unified control, whether by sale, joint, common or other ownership, or by lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

**SITES, CAMP:** Any lot, piece or parcel of ground on which camp trailers or tents or other non-permanent shelters are parked or located for periods of time not to exceed one hundred twenty days (120) in any calendar year.

**SOLICITOR:** Any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except as hereinafter exempted or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

**STREET:** See ROAD.

**STRUCTURE:** A static construction of building materials, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, reviewing stands, gasoline pumps, mobile dwellings (whether mobile or stationary at the time) and the like.

**STRUCTURE INTENDED FOR HUMAN HABITATION:** Any vehicle, house car, camp car or other type of vehicle, whether on wheels or not, if used for living or sleeping purposes, and an "erection" of a structure intended for human occupancy shall include the parking of such a vehicle with the intent that it be occupied by humans. A tent or camp car erected and used for one week or less shall not be deemed a structure intended for human occupancy.

**STORY:** That part of a building comprised between a floor and the floor or roof next above it (See "Attic", "Basement" and "Cellar").

**STORY, HALF:** That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

**SWIMMING POOL:** Any outdoor water pool intended for bathing or swimming purposes made of concrete, masonry, metal or other impervious material which will cause the retaining of water to a greater depth than eighteen inches and have a plane surface area of water greater than one hundred square feet.

**THEATER, OUTDOOR DRIVE-IN:** An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis to patrons seated in automobiles or in outdoor seats.

**TOP SOIL:** The surface layer of the soil containing more or less organic matter. The "A" horizon of the soil column.

ARTICLE II: Section 20

**TOURIST HOME:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

**TOWN HOUSE:** A building consisting of a series of one-family, attached dwelling units having common partition walls between each dwelling unit.

**TRAILER, CAMP:** A truck camper, camp trailer, tent trailer or tent camping trailer designed for temporary use for camping, hunting, fishing or other recreational use and not intended primarily for use as a house trailer.

**TRAILER, CAMP SITES:** A lot, piece or parcel of ground on which camp trailers are parked or located for periods of time not to exceed one hundred twenty days (120) in any calendar year.

**TRAILER COURT:** Any lot, piece or parcel of ground whereon ten (10) or more Mobile Homes or House Trailers used as living or sleeping quarters are parked or located and for which use said premises are held open to the public; a fee being collected for such use.

**TRAILER COURT UNIT:** The lot or space in any trailer court which shall be occupied by any one Mobile Home or House Trailer.

**TRAILER, HOUSE:** Any vehicle or combination thereof used, designated for use, or capable of being used as sleeping or living quarters, whether propelled by its own power or by the power of another vehicle to which it may be attached. For the purposes of this Ordinance, a House Trailer shall be deemed a Mobile Home.

**USE:** This term is employed in referring to:

- a) The purpose for which any buildings, other structures or land may be arranged, designed, intended, maintained, or occupied;
- b) Any occupation, business activity, or operation conducted (or intended to be conducted) in a building or other structure, or on land.

The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use or use requiring Special Use Permit.

**USED CAR LOT:** Any place outside of a building where two or more motor vehicles in operating condition are offered or displayed for sale.

**VACATION RESORT:** Any area of land on which are located two or more cabins, cottages or a hotel or group of buildings, containing living and sleeping accommodations hired out for compensation, which may have a public lobby serving the guests, and may contain one or more dining rooms and recreational facilities of a design and character suitable for seasonal or more or less temporary living purposes, regardless of whether such structure or other accommodations actually are occupied seasonally or otherwise.

**WAY:** A thoroughfare, however designated, permanently established for passage of persons or vehicles.

ARTICLE II: Section 20

**WIND ENERGY CONVERSION SYSTEMS (WECS):** shall mean any mechanism designed for the purpose of converting the kinetic energy of wind into electrical or mechanical energy. A non-commercial WECS, also called a windmill, is one that supplies electrical power for on-site use on a parcel that may or may not have commercially available utility grade power. Excess electrical power generated by the non-commercial WECS may be sold to the utility company in exchange for a reduction in the overall cost of electrical power used by the parcel so long as the primary purpose for the WECS is to generate electrical power for on-site use.

**WIND KINETIC ENERGY:** That energy stored in moving masses of air which can be captured and converted to mechanical kinetic energy useful in driving a rotating turbine.

**WINDMILL:** A mechanical assembly designed to capture the kinetic energy of the wind as it passes through a vertical or horizontal axis rotor system. The windmill may use the converted energy to drive a mechanical device such as a water pump or an electrical device to convert the wind energy to electricity. The rotating portion of a windmill must not be larger than 30 feet (9.1 meters) in diameter. The windmill must be rated at no more than 12 kilowatts of electrical power. Windmills must not exceed 125 feet (38.1 meters) in height including the rotor system and the blades of the rotor must be a least 40 feet (12.2 meters) above the ground. Sale or credit of excess electricity to the utility grid is permitted only as a secondary use.

**WIND TURBINE:** An electro/mechanical assembly designed to capture the kinetic energy of the wind as it passes through a rotor system for purposes of generating utility grade electric power. Typically, wind turbines are rated at 1.0 megawatts of higher electrical generating power. Wind turbine systems must not exceed 475 feet (145 meters) in height including the rotor system. The rotating parts of a wind turbine must not come closer than 40 feet (12.2 meters) from the ground.

**WIND TURBINE FARMS:** A large scale collection (more than three) of commercial scale WECS, under common ownership or operating control, used to generate utility scale electrical energy to be supplied to the local utility electrical grid.

**YARD:** An unoccupied space open to the sky on the same lot with a building, trailer, or other structure.

**YARD, FRONT:** The open unoccupied space between the front line of a building, trailer, or other structure and the front line of the lot and extending the full width of the lot.

**YARD, REAR:** The open unoccupied space between the rear line of a building, trailer, or other structure and the rear line of the lot and extending the full width of the lot.

**YARD, SIDE:** The open unoccupied space between the side line of a building, trailer or other structure and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be considered a side line.

**YARD, REQUIRED:** That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard

ARTICLE II: Section 20

or other open space similarly required for buildings on another lot.

## ARTICLE III - DESIGNATION OF DISTRICTS

### Section 30 - District Names and Objectives

1. Land Conservation District #1 (LC1)

The primary purpose of the Land Conservation District #1 is to protect the BozenKill stream bed from potential pollution and flooding due to inappropriate use or development of the land adjoining it. It is also the primary purpose of the Land Conservation District #1 to preserve and protect those areas of the Town of Knox where, because of special and unusual conditions of topography, fauna and flora, drainage and/or other natural conditions, such as scenic beauty, geological formations, and natural waterways, it has been deemed desirable to maintain the natural state of the area. This district shall hereinafter be referred to as LC1.

2. Land Conservation District #2 (LC2)

The primary purpose of the Land Conservation District #2 is to prevent potential contamination of the ground water supply of the Town due to inappropriate use or development of the adjoining land. It is also the primary purpose of the Land Conservation District #2 to preserve and protect those areas of the Town of Knox where, because of special and unusual conditions of topography, fauna and flora, drainage and/or other natural conditions, such as scenic beauty, geological formations, and natural waterways, it has been deemed desirable to maintain the natural state of the area. This district shall hereinafter be referred to as LC2.

3. Business District (B)

It shall be the objective of Business Districts to maintain and establish areas within the Town of Knox to provide for existing and future commercial growth. These areas shall be characterized as being centrally located in the Town and hence areas suitable to potential commercial development. Such areas will provide adequate highway transportation and incorporate those areas which presently have been commercially developed. Such districts shall hereinafter be referred to as B.

4. Residential District (R)

It is the purpose of the Residential area to protect existing and encourage future residential development while allowing for continued existing agricultural uses. This district shall hereinafter be referred to as R.

5. Agricultural District

It is the purpose of the Agricultural area to protect existing and encourage future agricultural development and to provide for suburban-residential uses. This district shall hereinafter be referred to as A.

ARTICLE III: Section 30

6. Residential/Recreational District (RR)

The objective of the Recreational-Residential area is to preserve those areas of the Town of Knox which for reasons of topography and proximity to natural recreational facilities are deemed to be best suited to recreational purposes.

The area is also designated residential in order to permit the building of seasonal dwellings on smaller lots than permitted in other residential areas of the town. This district shall hereinafter be referred to as RR.

7. Agricultural/Mining District (AM)

It is the purpose of this Agricultural Mining District to protect existing and encourage future agricultural development, to provide for suburban residential uses and to promote the orderly development of mineable resources compatible with sound environmental management practices. This district shall hereinafter be referred to as AM.

8. Multi-Use Recreational District (MRD)

The objective of the Multi Use Recreational District is to permit the development of limited recreation oriented businesses and residential uses. A secondary objective is to promote improved access to those areas of town where recreation and leisure activities should be encouraged because of reasons of location, topography, past history and proximity to natural resources. This district shall hereinafter be referred to as MRD.

**Section 31 - District Boundaries**

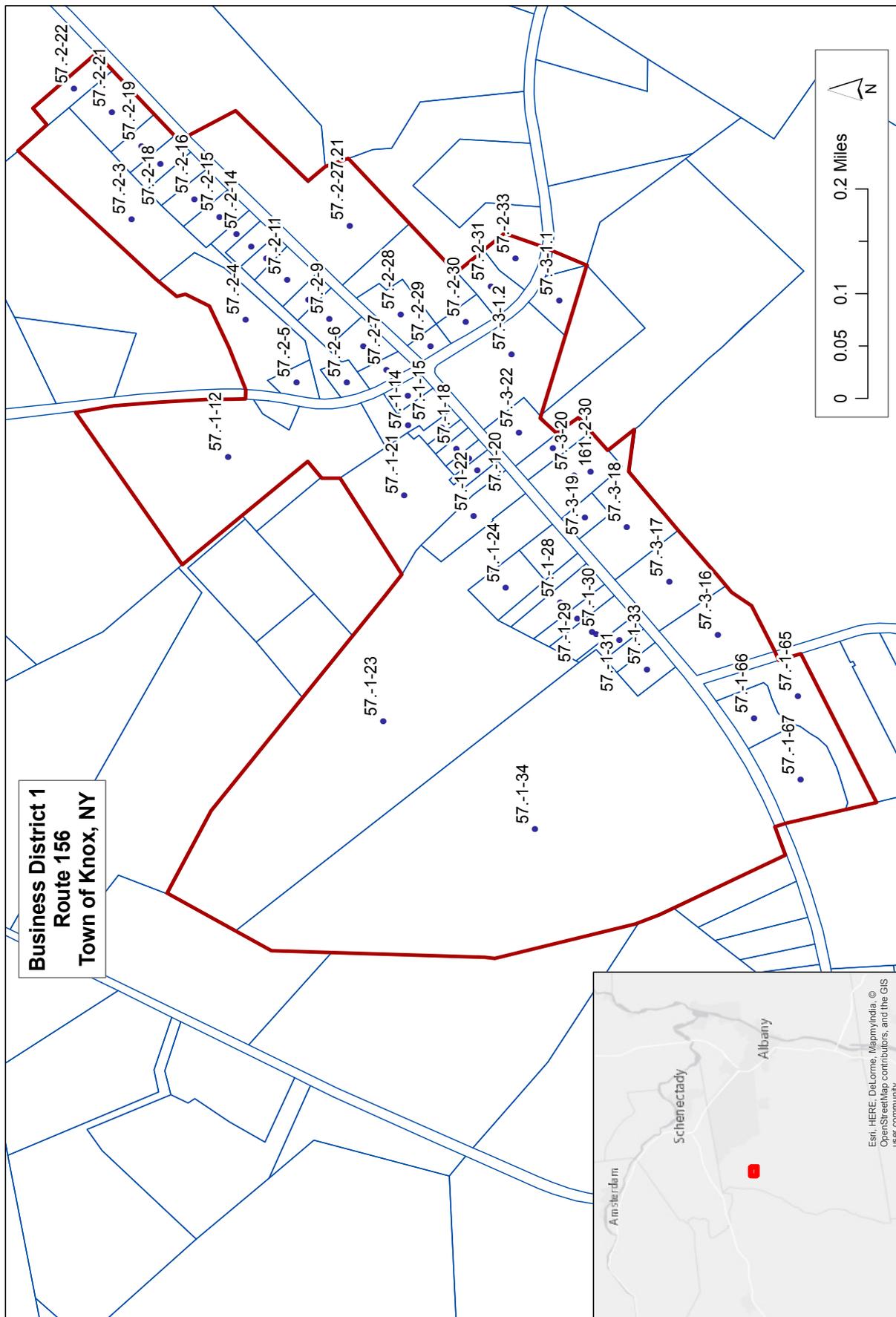
1. Land Conservation District #1 (LC1)

Beginning at a point at the intersection of the centerline of the tracks of the Delaware and Hudson Railroad and the northernmost boundary of the Town of Knox and proceeding easterly along that boundary to the bed of the BozenKill Stream and thence along said BozenKill Stream in a southeasterly direction to the intersection of the eastern boundary of the Town of Knox and said stream and then southeasterly along said boundary to a point which is the intersection of a line which is parallel to and 500 feet north of the centerline of the BozenKill Road and thence southwesterly along said line to a point which is the intersection of said line and the centerline of the tracks of the Delaware and Hudson Railroad and thence in a northwesterly direction along said tracks to the point of beginning.

2. Land Conservation District #2 (LC2)

Beginning at a point on Street Road at the culvert which passes under Street Road and is approximately 3400 feet from the intersection of Street Road and Route 146, and proceeding in an easterly direction along a dry creek bed to a point 500 feet from Witter Road and thence southward in a line parallel to and separate from Witter Road by 500 feet to a point 4800 feet from the intersection of Witter Road and Route 146 to a woodlot boundary and thence westerly along said woodlot boundary to the point of intersection of the old roadway known as Truax Road and thence northerly to the intersection of said Truax Road and Street Road and thence along Street Road to the point of beginning.

3. **Business District (B1):** The Business District 1 shall include: tax parcels 57.-1-12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 65, 66, and 67; parcels 57.-2- 3, 4, 5, 6, 7, 8, 9 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 27.21, 27.22, 28, 29, 30, 31, and 33; and tax parcels 57.-3-1.1, 1.2, 16, 17, 18, 19, 20, 21, and 22.



4. Residential (R)

Beginning at a point on the eastern boundary of the Town of Knox and which is also the intersection of said boundary and the centerline of the BozenKill Road and proceeding thence in a southeasterly direction along said boundary to a point which is the southeast corner of the Town of Knox and thence westerly along the south boundary to a point on the centerline of Route 157A and thence in a northerly direction to a point which is the intersection of said centerline and the centerline of Route 157 and thence northwesterly along said centerline to a point which is the intersection of said centerline and the centerline of Route 156 and thence westerly along said centerline to a point which is the intersection of said centerline and the centerline of Pleasant Valley Road and thence southwestwesterly along said centerline to a point on the centerline of Knox Cave Road and thence northwesterly along Knox Cave Road to a point which is on said centerline and 500 feet from the centerline of Route 156 (Berne-Altamont Road) and thence southwestwesterly along a line which is 500 feet from and parallel to the centerline of Route 156 to a point which is on the centerline of Zimmer Road and thence northerly along Zimmer Road to a point on the centerline of Route 156 and thence westerly along Route 156 to a point which is on the centerline of the Knox-Gallupville Road and thence along said centerline to a point which is the intersection of Knox-Gallupville Road and the centerline of Street Road and thence northerly along Street Road to a point which is the intersection of said centerline and the centerline of Knox Cave Road and thence northerly along the centerline of Knox Cave Road to a point which is the intersection of a line 1,250 feet east of, and extended parallel to, the centerline of West Wind Road and thence northerly along said line parallel to West Wind Road to a point which is on a line 1000 feet from, and parallel to, the centerline of BozenKill Road and thence easterly along said line parallel to BozenKill Road to a point which is on a line extended due south from White Road and thence northerly along this line to a point which is the intersection of said line and the centerline of the Delaware and Hudson Railway and thence southeasterly along said railway centerline to a point which is the intersection of a line which is parallel to and 500 feet north of the centerline of the BozenKill Road and then northeasterly along said line to the point of beginning. This District excludes the area designated Land Conservation District #2 as previously described.

As a result of the creation of Business District (B1), the following tax parcels are removed from the Residential District: parcels 57.-1-12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, and 34; parcels 57.-2- 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 27.21, 27.22, 28, 29, 30, 31, and 33; and parcels 57.-3-1.2, 16, 17, 18, 19, 20, 21, and 22.

4A. The following area previously classified as a Residential District is hereby re-classified as an Agricultural District: [per amendment by the Town Board, effective 1 Jan 80]

Beginning approximately 1000 feet south of the intersection of Drumm Road and Knox Cave Road and proceeding thence easterly along a line parallel to and 1000 feet south of said Drumm Road to a point which is also on a line 500 feet east and parallel to Quay Road, thence in a northerly and easterly direction along a said line and parallel to said Quay Road, to a point which is also on a line extended due South from White Road, thence northerly along said line to a point which is 1000 feet south of the centerline of the BozenKill Road, thence in a westerly direction on a line which is 1000 feet from the centerline and parallel to said

ARTICLE III: Section 31

BozenKill Road to a point which is 1250 feet east of the centerline of West Wind, thence southerly in a line which is also parallel to the centerline of said West Wind Road to a point where it intersects the centerline of Knox Cave Road and thence along the centerline of said Knox Cave Road to the point of beginning.

5. Recreational-Residential (RR): No areas are presently so designated.

6. Agricultural (A) [see also [Article III, Section 31-4A](#)]

Beginning at a point which is the intersection of a line 500 feet south of the centerline of Route 146 and the western boundary of the Town and thence along a line which is 500 feet from and parallel to the centerline of Route 146 to a point which is the intersection of that line and the centerline of Knox Cave Road and then along the centerline of Knox Cave Road to a point which is the intersection of Knox Cave Road and Street Road and thence in a southwesterly direction along the centerline of Street Road to the intersection of the centerline of Street Road and the Knox-Gallupville Road and thence easterly along the centerline of the Knox-Gallupville Road to the point which is the intersection of the centerline of Knox-Gallupville Road and Route 156 (Berne-Altamont Road) and thence along Route 156 in an easterly direction to a point which is the intersection of Route 156 and the centerline of Zimmer Road and thence along the centerline of said Zimmer Road in a southerly direction a distance of 500 feet and thence easterly along a line which is 500 feet from, and parallel to, the centerline of Route 156 to a point which is the intersection of said line and the centerline of Knox Cave Road and thence in a southeasterly direction along the centerline of Knox Cave Road to a point which is the intersection of the centerline of Knox Cave Road and the centerline of Pleasant Valley Road and thence northeasterly along said centerline to a point which is the intersection of the centerline of Pleasant Valley Road and Route 156 and thence easterly along said centerline of Route 156 to a point which is the intersection of said centerline and the centerline of Route 157 and thence southeasterly along Route 157 to a point which is the intersection of said centerline and the centerline of 157A and thence southerly along Route 157A to a point which is the intersection of said centerline and the southern boundary of the Town of Knox and thence southwesterly along said Town Boundary to the point which is the southwest corner of the Town Boundary and thence northerly along the western boundary of the Town of Knox to the point of beginning.

As a result of the creation of Business District (B1), the following tax parcels are removed from the Agricultural District: 57.-1-65, 66, 67, and parcel 57.-3-1.1.

7. Agricultural Mining (AM)

Beginning at a point which is the northwest corner of the boundary of the Town of Knox and proceeding thence in an easterly direction to the intersection of said boundary and the centerline of the Delaware and Hudson Railway and thence along said railway centerline to a point which is the intersection of that line and a line which is the due north (geographic north) extension of the centerline of White Road and thence south a distance of 3,800 feet to a point 1000 feet south of the BozenKill Road and thence westerly in a line which is 1,000 feet from the centerline of, and parallel to, the BozenKill Road to a point which is 1,250 feet west from the centerline of West Wind Road and thence southerly in a line which is parallel to said centerline of West Wind Road to the intersection of the centerline of Knox Cave Road and

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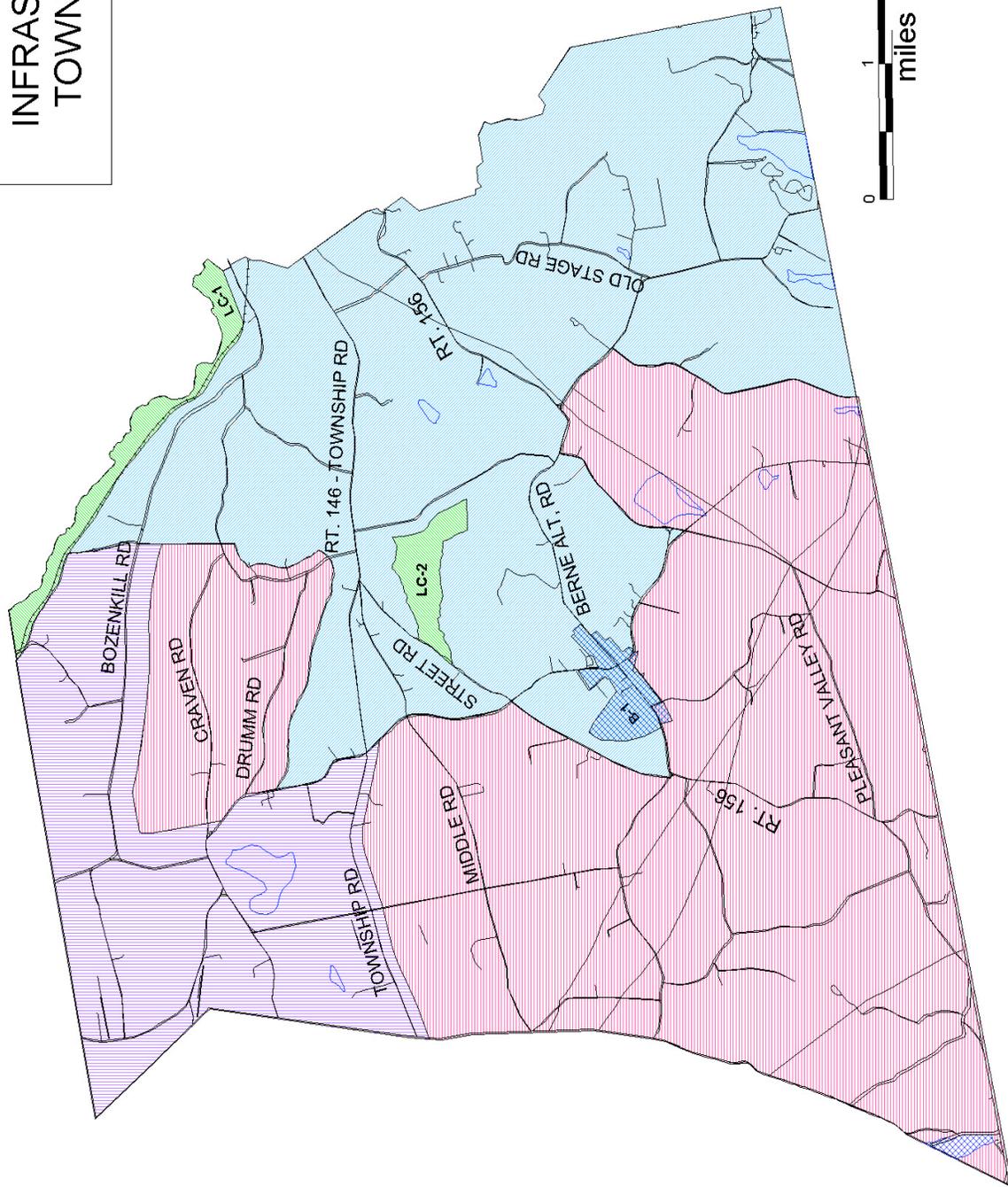
thence along the centerline of Knox Cave Road to a point which is 500 feet south of the centerline of Route 146 and thence in a westerly direction along a line which is parallel to the centerline of Route 146 to a point which is the intersection of that line and the western boundary of the Town and thence northerly along the western boundary to the point of beginning.

8. Multi-Use Recreational District (MRD) – Boundary Description

Starting at the intersection of County Rte 443 and the Knox Town boundary and moving northerly along the Town boundary to the intersection of the center line of Foxenkill Creek and then southerly along the center line of the creek to the intersection of County Rte 443 and thence southeasterly along the centerline of Rte 443 to a point approximately 440 feet from the intersection of Rte 443 and Brandt Hollow Road in the Hamlet of West Berne and thence westerly across the property line of Tax Parcel #78.-1-18 to the center line of the Foxenkill Creek and thence northwesterly along the centerline of the creek to a point which is the closest approach of the creek to the Town Boundary and thence due west to the Town Boundary and thence northerly along the Town Boundary to the point of beginning.

# INFRASTRUCTURE TOWN OF KNOX

<b>Pipeline Legend</b>	Line
<b>Rails Legend</b>	Line
<b>Local Roads Legend</b>	Line
<b>Hydro Legend</b>	Wetlands, Lakes, etc.
<b>Knox Boundary Legend</b>	Region
<b>Zoning District Legend</b>	Conservation
	Residential
	Agricultural
	Ag & Mining
	Multi-Use & B1



29 November 2015

**ARTICLE IV - USE REGULATIONS and USE TABULATION**

**Section 40 - Permitted Uses**

No land, building, or premises or part thereof, shall be erected, moved, altered, or used except for one or more of the uses designated for:

- Symbols:
- P ... designates a use permitted by right.
  - C ... designates a temporary and/or conditional use contingent on securing a Special Use Permit in each case from the Zoning Board of Appeals (See [Article V, Section 50D](#))
  - A ... designates a permitted use subject to site/plan approval by the Planning Board in accordance with [Article VI, Section 61F](#). Nothing herein shall prevent or preclude the Zoning Board by regulation from referring permitted and conditional uses to the Planning Board for Approval.
  - N ... not permitted.

**Section 41 - Residential Uses**

	R	A	B	LC 1	LC 2	AM	MRD
Detached one-family dwellings	P	P	P	N	N	P	P
Two-family dwellings	P	P	P	N	N	P	P
Multiple Dwelling - 2 story or less, 3 units or less	C	C	C	N	N	C	C
Multiple Dwelling - 2 story or more, 4 units or more	N	N	A	N	N	N	A
Seasonal dwellings and camps	C	C	N	N	N	C	C
Senior Housing	A	A	A	N	N	A	A
Trailer Court	C	C	N	N	N	C	N

ARTICLE IV: Section 42

**Section 42 - General Uses**

	R	A	B	LC 1	LC 2	AM	MRD
Agricultural not including the keeping of fowl or farm animals ( <a href="#">Article V, Section 50A10</a> )	P	P	P	N	N	P	P
Agricultural including the keeping of more than 15 fowl and more than 2 farm animals ( <a href="#">Article V, Section 50A 9</a> )	A	P	P	N	N	P	P
Agricultural - swine or hog farm	N	C	N	N	N	C	N
Airport, Personal	C	C	C	N	N	C	N
Airport, Private	C	C	C	N	N	C	N
Cemetery ( <a href="#">Article V, Section 50M</a> )	A	A	N	N	N	A	A
Church, other places of worship or religious instruction, parish house, rectory, convent in connection with school	A	A	P	N	N	A	P
Crematory ( <a href="#">Article V, Section 50M</a> )	N	N	A	N	N	N	N
Cultural Facility (art gallery, museum community building) ( <a href="#">Article V, Section 50I</a> )	P	P	P	N	N	P	C
Golf Course, country club	C	C	C	N	N	C	C
Hospital, nursing or convalescent home, clinic ( <a href="#">Article V, Section 50J</a> )	C	C	C	N	N	C	N
Meteorological Tower	A	A	A	N	N	N	A
Municipal Buildings, public libraries	C	C	P	N	N	C	C
Fire Stations	A	A	C	N	N	A	N
Private and membership clubs ( <a href="#">Article V, Section 50J</a> )	C	C	C	N	N	C	C
Private, public or parochial school	A	A	P	N	N	A	N

ARTICLE IV: Section 42

	R	A	B	LC 1	LC 2	AM	MRD
Public <sup>1</sup> recreation buildings, including swimming pools and athletic fields	A	A	A	N	C	A	A
Public utility buildings servicing neighborhood excluding offices and storage	C	C	A	N	N	C	C
Public utility buildings, including offices and storage	N	N	A	N	N	N	N
University, college, seminary, convent	A	A	A	N	N	A	N
Windmill	A	A	A	N	N	A	A

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1 Municipally owned

**Section 43 - Accessory Uses**

	R	A	B	LC 1	LC 2	AM	MRD
Home Occupation ( <a href="#">Article V Section 50A1a</a> )	P	P	P	N	N	P	P
Home Occupation (in compliance with <a href="#">Article V, Section 50A1b</a> )	C	C	C	N	N	C	C
Accessory use customarily incidental to any of the uses mentioned herein and on the same lot	C	C	C	N	N	C	C
Stables for horses for non-commercial purposes	C	P	N	N	N	P	C
Swimming pool for non-commercial purposes ( <a href="#">Article V, Section 50P</a> )	P	P	P	N	N	P	P

ARTICLE IV: Section 44

**Section 44 - Business Uses**

	R	A	B	LC 1	LC 2	AM	MRD
Airport (Commercial and General Aviation)	N	N	N	N	N	N	N
Auctions, excluding livestock and autos	N	N	C	N	N	N	C
Auctions, including livestock	N	C	C	N	N	C	C
Banks and General Business Offices	N	N	C	N	N	N	N
Bar	N	N	N	N	N	N	N
Bowling Alley	N	N	C	N	N	N	C
Car washing station	N	N	C	N	N	N	N
Commercial parking lot	N	N	N	N	N	N	N
Dance hall, skating rink, billiard hall	N	N	N	N	N	N	C
Designed shopping center	N	N	C	N	N	N	N
Drive-in movie theater	N	N	N	N	N	N	N
Equipment, sales and rental and service	N	N	C	N	N	N	N
Funeral home	N	N	C	N	N	N	N
Gasoline filling station ( <a href="#">Article V, Section 50F</a> )	N	N	C	N	N	N	N
Greenhouse, nursery	A	A	A	N	N	A	P
Heliport	N	N	C	N	N	N	N
Junk motor vehicles	N	N	N	N	N	N	N
Junk yard	N	N	N	N	N	N	N
Kennel	C	C	N	N	N	C	C
Motel ( <a href="#">Article V, Section 50H</a> )	N	N	C	N	N	N	N
Motorcycle or trail bike racetrack	N	N	N	N	N	N	N
Motor vehicle sales and service ( <a href="#">Article V, Section 50S</a> )	N	N	C	N	N	N	N
Newspaper office, printing shop	N	N	C	N	N	N	N

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	R	A	B	LC 1	LC 2	AM	MRD
Office building, high-rise	N	N	N	N	N	N	N
Personal service (barber, beauty shop, shoe repair)	N	N	C	N	N	N	N
Public garage	N	N	C	N	N	N	N
Radio, television and other electrical transmission stations and towers	N	N	N	N	N	N	N
Recreational facility	C	C	N	C	C	C	C
Restaurant - bar	N	N	C	N	N	N	C
Restaurant - food only	N	N	C	N	N	N	C
Retail business or service, not specifically mentioned herein	N	N	C	N	N	N	C
Retail stores, shops	N	N	C	N	N	N	C
School conducted for profit, trade school	N	N	C	N	N	N	N
Self-service laundry	N	N	C	N	N	N	N
Studios-dance, art, photo, music	N	N	C	N	N	N	C
Theater (except drive-in), concert hall, public assembly	N	N	C	N	N	N	C
Used automobile sales ( <a href="#">Article V, Section 50S</a> )	N	N	N	N	N	N	N
Veterinarian office, animal hospital	A	A	A	N	N	A	C
Wholesale business or service not specifically mentioned herein	N	N	C	N	N	N	N

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**Section 45 - Industrial Uses**

	R	A	B	LC 1	LC 2	AM	MRD
Mining ( <a href="#">Article V, Section 50A2</a> )	N	N	N	N	N	C	N
Fuel, gasoline, oil storage	N	N	A	N	N	N	N
Laundry, dry cleaning plant	N	N	A	N	N	N	N
Manufacturing (light industry), fabrication, extraction, assembly, warehousing and other handling of materials ( <a href="#">Article V, Section 50A3</a> and <a href="#">Article V, Section 50E1b</a> ) and excluding prohibited uses in <a href="#">Article IV Section 46</a>	N	N	A	N	N	N	N
Office/Research facilities, development or engineering laboratories	N	N	A	N	N	N	N

**Section 46 - Prohibited Industrial Uses**

In the Business district, where heavy or light industry is permitted, no manufacturing use, nor any trade, industry, use or purpose that is noxious or offensive by reason of the emission of odor, smoke, toxic or noisome fumes, radiation, gas, excessive noise, vibration, or excessive light, or any combination of the above, which is dangerous and/or prejudicial to the public health, safety and general welfare shall be permitted, and this includes more specifically, but is not limited to the following such uses:

- Acetylene gas manufacture for commercial purposes
- Ammonia, chlorine, or bleaching powder manufacture
- Arsenal (manufacturing or storage)
- Asphalt manufacture of refining
- Auto wrecking
- Blast furnace, including cupola or converter furnaces.
- Boiler shops, structural steel fabricating shops, metal working shops, which operate reciprocating hammers or chisels or other noise producing electric or pneumatic tools within 100 feet of any boundary line of the premises and outside of any masonry buildings.
- Brewing and aluminum powder manufacture
- Carbon, lampblack, shoe blacking, graphite, or stove polish manufacture
- Celluloid and other cellulose products manufacture
- Cement Manufacture
- Coal tar products manufacture
- Creosote treatment or manufacture
- Disinfectant and insecticide manufacture
- Distillation of coal, wood, or bones
- Dump, unless operated or controlled by the municipality
- Excelsior and fiber manufacture
- Explosives, fireworks, or match manufacture, assembling, or storage in bulk
- Fat rendering
- Fertilizer manufacture Or potash refining
- Fish smoking or curing
- Glue, size, or gelatin manufacture or processing involving recovery from fish or animal offal
- Incinerator, unless operated by the municipality
- Junk Yard
- Lime, gypsum, cement, plaster, or plaster of paris manufacture, except the mixing of plaster
- Linoleum or oil cloth manufacture
- Ore reduction of the smelting of iron, copper, tin, zinc, or lead
- Paint, oil, varnish, turpentine, shellac, or enamel manufacture, except the mixing of wet paints
- Perfume and extract manufacture
- Petroleum refining
- Poisons manufacture: fumigates, carbon disulfide, hydrocyanic acid, ethyl, stomach poisons, arsenate of lead, arsenate of calcium, hellebore and paris green, contact insecticides, lime, sulphur, nicotine, kerosene emulsions
- Printing ink manufacture

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Radium extraction

Storage, coloring, curing, dressing, or tanning of raw or green salted hides or skins

Rubber caoutchouc, or gutta percha manufacture from crude or scrap material, except in connection with a rubber products manufacture plant

Slat works

Sand paper and emery cloth manufacture

Slaughtering of animals, except for consumption on premises or when intended for sale, not to exceed three of any species in any one week

Soap, soda ash, or washing compound manufacture, except products not containing caustic soda

Starch, glucose, or dextrine manufacture

Stock yards

Sulphurous, sulfuric, nitric, picric, or hydrochloric acid or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry

Tallow, grease, lard, or candle manufacture or refining

Tar distillation or the manufacture of aniline dyes

Tar roofing or waterproofing manufacture, except where the tar or asphalt is treated at a temperature of under 100° Fahrenheit

Tobacco processing, exclusive of cigar or cigarette manufacture

Vinegar, pickle, or sauerkraut manufacture in bulk

Wool pulling or scouring, except in connection with a woolen mill

Yeast manufacture

**ARTICLE V - SUPPLEMENTARY REGULATIONS AND NON-CONFORMING USES**

**Section 50 - Supplementary Regulations**

**A. General Provisions**

**1. Home Occupation**

- a. In any district nothing in this Ordinance shall prevent individuals from conducting their business, trade or profession, including a bed and breakfast, in their home or residence provided no one other than the owners or tenants of the property is employed on the premises, that no other business person, trades person or professional shall be permitted to share, let or sublet space for any use; that there be no external evidence of such use except for one sign consistent with [Article V, Section 50C Sign Regulations](#), and that there shall not be any exterior storage of materials or equipment. Refer also to [Article II Definitions](#).
- b. In any district individuals may, with a Special Use Permit from the Zoning Board of Appeals, conduct their business, trade or profession in their home or residence provided no more than one person is employed in addition to the owner or tenant of the property; that no other professional shall be permitted to share, let, or sublet space for professional use; that there be no external evidence of such use except for one sign consistent with [Article V, Section 50C Sign Regulations](#), and that there shall not be any exterior storage of materials or equipment. Refer also to [Article II Definitions](#).

2. Excavations: Any proposed excavation adversely affecting natural drainage or structural safety of adjoining buildings or lands shall be prohibited. Excavations shall not create any noxious or injurious substance or condition, or cause public hazard.

In the event that construction of a building or excavation relating to such construction remains idle for a period in excess of 45 days, the premises shall then be cleared of any rubbish, or building materials, and any excavation with a depth greater than two feet below existing grade shall immediately be filled in and the topsoil replaced.

Any area of land, having an area of more than one acre from which top soil has been removed or covered over by fill, shall be seeded to provide an effective cover crop within the first growing season following the start of said operation.

For excavations related to mining, see [Article V Section 50G Mining](#).

3. Activity Standards: In any district, the following standards for activities shall apply:
  - a. No offensive or objectionable vibration, noise, odor or glare shall be noticeable at or beyond the property line.
  - b. No activity shall create a physical hazard by reason of fire, explosion, radiation, or other such cause, to persons or property in the same or adjacent districts.
  - c. There shall be no discharge of any liquid or solid waste into any stream or body of water, or any materials of a nature that may contaminate or degrade any water supply.
  - d. There shall be no storage of any material either indoors or outdoors in such a manner that it facilitates the breeding of vermin, or endangers health in any way.

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- e. The emission of smoke, fly ash, or dust which can cause damage to the health of persons, animals, or plant life, or to other forms of property shall be prohibited.
  - f. All outdoor lighting fixtures used in new construction in the Town of Know shall be full cut-off lighting fixtures.
4. Planned New Streets: After the planned right-of-way line for future streets, for future extensions of existing streets, or for future street widening is established on the Official Map, if any, future buildings and structures shall be set back from such line as though it were a street line.
  5. Accessory Buildings and Uses: Accessory buildings not attached to principal buildings shall be located no closer to the principal building than 12 feet or a distance equal to the height of each accessory building — whichever is greater. Minimum distance between accessory buildings shall be 10 feet.

In any district, accessory buildings shall have a maximum height of 45 feet, with the exception of silos and storage bins on which there is no height limitation.

In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structure, may not be constructed in the side or front yards of such lot and shall be distant not less than 40 feet from any lot line nor less than 10 feet from the principal structure, and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety (Refer also to [Article V, Section 50P Swimming Pools](#)).

6. Corner Clearance: For the purpose of minimizing traffic hazards at street intersections, on any corner lot, no obstructions higher than three feet above the adjacent top-of-curb elevation shall be permitted to be planted, placed, erected or maintained within the triangular area formed by the intersection pavement lines, or their projections — where corners are rounded — and a straight line joining the pavement lines at points 35 feet distant from their point of intersection.
7. Fences and Walls: In any residential district, walls and fences up to five feet in height shall be permitted anywhere on a lot except where corner sight clearances are required for traffic safety.
8. Transition Requirement: Where a lot in a Business District abuts a lot in a Residential District, it may be required that there be provided along such side or rear lot line in the Business District abutting a Residential District, a wall, fence, compact evergreen hedge or a landscaped strip of trees or shrubs so designed as to form a visual screen not less than six feet in height at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six-foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge. See also, [Article V, Section 50E2b3 Landscaping](#) and [Article V, Section 50E2b6 Buffer Strip](#).

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9. Agriculture and Riding Academy: Agriculture shall include buildings and activities, except farms expressly for the disposal of offal and farms expressly for garbage disposal. The processing and storage of agricultural products including packing, warehousing and storing is permitted, except slaughterhouses, rendering, fertilizer plants and canneries are prohibited. The unenclosed storage of manure, or areas for storage of dead fowl or other odor and dust producing substance or uses, shall not be permitted within 100 feet of a property line or 100 feet of the centerline of a public street. Minimum distance to any dwelling 250 feet. Maximum building height 35 feet. Buildings for the housing of fowl or farm animals shall not be located in the required front yard nor within 100 feet of a property line.

10. The keeping of customary household pets is permitted in any district.

B. Off-Street Parking and Loading Regulations

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered, as follows:

1. Required Off-Street Automobile Parking Spaces: The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures, or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:

a. BUSINESS USES:

For RETAIL BUSINESS or SERVICE, BANK, or POST OFFICE one space for each 100 square feet of floor area and one space for each employee.

For a FUNERAL HOME, one space for the resident, manager, one space for each employee plus twenty spaces for visitors.

For ROADSIDE STANDS, five spaces per stand.

For RESTAURANT, RESTAURANT-BAR, and BAR, one space for each four seats, and one space for each employee.

For PUBLIC UTILITY OFFICE, one space for each employee.

For AUTO and EQUIPMENT SALES and SERVICE, GAS STATIONS and WHOLESALE ESTABLISHMENTS, one space for each 200 square feet of floor space and one space for each employee.

For a MOTEL, one space for each bedroom, owner or manager, plus one space for each four employees.

Spaces in MUNICIPAL PARKING LOTS, where provided, may be credited toward the parking requirements for these non-residential uses, provided that:

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- 1) these spaces are within 400 feet of the uses to be served;
- 2) the parking needs of existing facilities (within 400 feet and computed on the same basis as for new facilities) are satisfied first, and only excess capacity is used for this purpose; and
- 3) a special permit for such use is obtained from the Zoning Board of Appeals.

b. INDUSTRIAL USES:

One space for each employee plus one space for each company vehicle.

No off-street parking except for visitors permitted in the area between the building and road.

c. PUBLIC AND SEMI-PUBLIC USES:

For CHURCHES one space for each four seats plus one for each clergyman and each employee.

For COMMUNITY BUILDINGS, one space for each four seats or 60 square feet of floor area, plus one space for each employee.

For SCHOOLS, one space for each employee including teachers, plus space for visitors, plus loading and unloading space for buses, and adequate space for student parking.

For CLUBS, one space for each two members, plus one space for each employee.

d. RECREATIONAL USES:

For a STADIUM, one space for each four seats plus one space for each employee.

e. RESIDENTIAL USES:

For DWELLINGS, one space for each dwelling unit.

For HOME OCCUPATION, one space for each employee. Where home occupation is authorized, no off-site parking shall be permitted.

For a BOARDING HOUSE, one space for each bedroom.

For MULTI-FAMILY DWELLINGS, three spaces for each two units.

f. For uses not listed herein, as established by the Zoning Board of Appeals.

2. Calculation of Required Spaces:

- a. In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be shown that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.

3. Location of Required Spaces:

- a. In any RESIDENTIAL DISTRICT, required automobile parking spaces shall be provided on a buildable portion of the same lot and shall not encroach on any required yards, or required open area. Such spaces shall not be closer than 40 ft. from the road right of way line.
- b. In the BUSINESS DISTRICT, such spaces shall be provided on the same lot, or not more than 400 feet therefrom.

No open or enclosed parking area shall encroach on any required front yard or required open areas. Open parking areas may encroach on a required side or rear yard to within 25 feet of a property line.

No entrance and exit drives connecting the parking area and the street shall be permitted within 25 feet of the intersection of the public right-of-way.

4. Required Off-Street Truck Loading Areas: For permitted business uses, one berth for 10,000 square feet to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.

5. Dimensions for Off-Street Loading Berths: Each required loading berth (open or enclosed) shall have the following minimum dimensions: 50 feet long, 12 feet wide, and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and 8 feet high.

6. Location of Required Berths: All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking area, except that in Business Districts off-street parking areas where they exist may be used for loading or unloading, provided that such spaces shall not be so used for more than three hours during the daily period that the establishment is open for business.

The location, number, size, and design of loading and unloading areas for non-residential uses and the access ways thereto shall require the approval of the Planning Board prior to the issuance of use approval and/or site plan approval by the Building and Zoning Administrator.

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7. In all districts, except the Business District, off-street parking spaces on corner lots shall be set back from side street line at a distance equal to front yard requirements on such side street unless lots are back to back in which case they shall be set back at least 15 feet. No off-street parking areas shall be permitted within the triangle or area formed by the intersecting pavements lines, or their projections — where corners are rounded — and a straight line joining the pavement lines at points 35 feet distant from their point of intersection.
8. Construction of Parking Areas: Parking areas shall be surfaced or paved with an all-weather surface such as crushed stone, stone dust, asphalt or concrete. The parking area shall be constructed and maintained to avoid the accumulation of water and to provide controlled water runoff. The individual spaces shall be visibly marked with paint or other durable material.

C. Sign Regulations

No sign or other device for advertising purposes of any kind may be erected or established in the municipality except as provided as follows:

1. Signs in Residential or Agricultural Districts: No sign or other device for advertising purposes of any kind may be erected or established in any Residential or Agricultural District except as provided as follows:
  - a. Permitted non-residential uses and legal non-conforming non-residential uses, including places of worship, libraries, museums, social clubs or societies or day nurseries, may display one non-illuminated sign or bulletin board pertaining to the use of property, having a total face area of not more than 12 square feet, and not projecting beyond the principal building of such use to which they are attached more than 12 inches, except that where such non-residential uses are set back from property lines, the sign may be erected in the ground, provided that such ground signs shall not exceed 12 square feet in total face area, shall not exceed four feet in height, and shall be no nearer than 10 feet from nearest point of sign to any property line. If such free standing signs face substantially at right angles to the road and/or display in more than one direction, they shall have a total face area of not more than twelve square feet, with no more than two sides.
  - b. Dwellings for five or more families may display one non-illuminated sign identifying the premises, having a total face area of not more than eight square feet.
  - c. Any dwelling unit in a detached, attached or townhouse structure may display one non-illuminated name plate or professional sign not exceeding two square feet in total face area.
  - d. Any home occupation or bed & breakfast/tourist home may display one non-illuminated sign having a total face area not exceeding six square feet. See also Section 50A1a & b

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2. Signs in Business Districts: Not more than two signs per business unit, not to exceed a total face area of fifty (50) square feet. Such signs shall not project more than five feet beyond the principal building on the lot, and there shall be not more than one projecting sign per business unit, provided further that such signs shall not extend more than 20 feet above the ground level or exceed the highest part of the building housing the business or service advertised, whichever is less restrictive and, in the case of pole signs, maximum height shall be 20 feet above ground level.
3. Representational Signs: No representational sign shall be permitted in any district except such sign as shall be approved by the Planning Board. Further, such sign shall not project more than 5 feet beyond the principal structure to which it is attached, and shall not have a total face area of more than 15 square feet. Only one such sign per establishment shall be permitted.
4. Billboards: Notwithstanding any other provisions of this Ordinance, signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed, are not permitted in any district, except that signs for the purpose of directing persons to a local business or community establishment may be erected in any district, providing that such signs shall not exceed four square feet in total face area per establishment, shall conform with applicable regulations of the district in which they are located, shall be grouped on community poles and shall be approved by the Town Planning Board.
5. Projecting Signs: Signs projecting into a public right-of-way shall have a clearance of not less than 10 feet above the sidewalk or surrounding ground and not less than 15 feet above any public driveway or thoroughfare. No sign may project into any public right-of-way without written approval from the Town Board.
6. Subdivision Signs: Any person offering lots for sale in a subdivision may erect non-illuminated, directional signs within the limits of the subdivision, or adjoining property in the same ownership, having a total face area of not more than fifty (50) square feet. The permit for such signs shall be issued for a period of one year by the Building & Zoning Administrator, and may be renewed for successive periods of one year each following a determination by the Building and Zoning Administrator that the signs have been repainted or are in good condition in each case.
7. Exemption from above regulations:
  - a. Real estate signs which advertise the sale, rental, or lease of the premises upon which said signs are located, having a total face area of not more than twelve square feet within any Residential, Agricultural, or Business District.
  - b. One sign denoting the architect, engineer, and/or contractor when placed upon work under construction, and not exceeding six square feet in total face area.
  - c. Memorial signs or tablets, names of buildings, and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material and which shall be subject to Planning Board approval.

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- d. Traffic or other municipal signs, legal notices, and such temporary, emergency, or non-advertising signs as may be authorized by the Town Board.
  - e. Posting of a notice to the public pertaining to but not limited to fishing, trespassing, provided each such sign does not exceed one square foot in total face area.
  - f. This section eliminate intentionally.
8. Illuminated Signs: Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limits of the side property line. Colored lights of such shape and hue that they may be confused with official traffic lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surface shall be shielded from view.
9. Banners: No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices which shall be displayed for longer than two weeks in any 12 month period. These devices, as well as strings of lights, shall not be used for the purposes of advertising or attracting attention when not a part of a sign.
10. Window Signs: No signs erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 10% of the area of said window.
11. Roof Signs: No signs shall be placed on the roof of any building.
12. Posters: Temporary, non-permanent posters, covering such things as political events, sporting events, shows and elections, shall not be displayed until 4 weeks prior to the event and must be removed within 4 days after the event. No such sign shall be attached to a street or utility pole.
13. No sign, whether new or existing, shall hereafter be erected or altered, except in conformity with the provisions of this ordinance. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

In the event of violation of any of the foregoing provisions the Building and Zoning Administrator shall give written or personal notice, specifying the violation to the owner of the sign and the owner of the land upon which the sign is erected, sent to the addresses of record, notice to conform or remove such sign. The sign shall thereupon be conformed by the owner of the land within 30 days from the date of said notice. In the event such sign shall not be so conformed within 30 days, such sign shall be removed by the owner of the sign (and/or) the owner of the land.

14. Any sign existing on or after the effective date of this Ordinance which no longer advertises an existing business conducted or product sold on the premises, shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Building and Zoning Administrator, upon determining that any such sign exists, shall notify the owner of the premises in writing to remove the said sign within 30 days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Building and Zoning Administrator is hereby authorized to remove or cause removal of such sign, and shall assess all costs and expenses incurred in said removal against the land or building on which such sign is located, unless the existing contract between the owner of the signs or billboards has limited the responsibility of the owner of the land for removal of the sign.

If the Building and Zoning Administrator shall find that any sign regulated by this Ordinance is unsafe or insecure or is a menace to the public, written notice shall be given to the named owner of the sign and the named owner of the land upon which the sign is erected, who shall remove or repair the said sign within 30 days from the date of said notice. If the said sign is not removed or repaired, the Building and Zoning Administrator shall remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Building and Zoning Administrator may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

15. Advisory Board: The Supervisor of the Town of Knox is hereby authorized and empowered to appoint a sign and billboard advisory board consisting of members of the Town Board, the Zoning Board and the Planning Board with such professional volunteers as they deem helpful or necessary.

D. Conditional Uses Allowed by Special Use Permit from the Zoning Board of Appeals (Designated by Letter C in Use Tabulation Chart)

The types of uses for which special permits are required shall be deemed to be permitted in their respective districts, subject, as to each specific use, to the satisfaction of the requirements and the standards as set forth in this section. Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of each use:

1. Public hearing preceded by due notice as specified in [Article VI, Section 61E Special Use Permits](#) and in addition thereto Applicants for a Special Use Permit SHALL notify in writing property owners.
2. Appropriate conditions and safeguards to be fixed by the Zoning Board of Appeals as deemed necessary in each case;

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3. For each Special Use Permit, the Zoning Board of Appeals shall determine in its judgment that:
  - a. it is not detrimental to the public health and/or general interest and/or welfare;
  - b. it is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;
  - c. the off-street parking spaces required or where not so specified, are adequate to handle expected public attendance;
  - d. neighborhood character and surrounding property values are reasonably safeguarded;
  - e. use, therefore, will not cause undue traffic congestion or create a traffic hazard;
  - f. fulfillment of any other conditions or standards specified in this Ordinance and especially those listed for specific uses in Article V of this Ordinance (See also [Article VI, Section 61E Special Use Permits](#)).
4. Additional standards may be deemed necessary before a Special Use Permit may be issued for certain specific uses.

E. Business District and Permitted Businesses in Residential and Agricultural Districts, - Special Regulations:

1. Prohibited Uses:
  - a. All prohibited industrial uses listed in [Article IV, Section 46 Prohibited Industrial Uses](#)
  - b. Any use, although expressly allowed as a permitted use, shall be prohibited if the particular application or adaptation of such use is or shall become or cause a nuisance.
2. Performance Standards:
  - a. General Standards: The following general standards are hereby adopted for the control of uses in the Business District and Permitted Businesses in Residential and Agricultural Districts. No use shall be permitted, established, maintained, or conducted therein which shall cause or be likely to cause:
    - 1) Excessive smoke, fumes, gas, dust, odor or any other atmospheric pollutant beyond the boundaries of the lot whereon such use is located. What effluent is excessive shall be determined according to the most current state and local anti-pollution ordinances,
    - 2) Excessive noise, perceptible beyond the boundaries of the lot occupied by such use causing the same,
    - 3) Any pollution by discharge of any waste material whatsoever into any watercourse, open ditch or land surface,

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- 4) Discharge of any waste material whatsoever into any sanitary disposal system or sewerage system, except only in accordance with the rules of and under the control of public health authorities or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Town Engineer or the duly appointed Town Official, shall not be discharged into any municipal system and must be treated by the industrial user,
  - 5) Storage or stocking of any waste materials except as approved by the Zoning Board of Appeals,
  - 6) Excessive glare or vibration perceptible beyond the lot lines whereon such use is conducted,
  - 7) Hazard to person or property by reason of fire, explosion, radiation, or other cause,
  - 8) Any other nuisance harmful to persons or property.
- b. Specific Standards: The following specific standards are hereby adopted and must be complied with for and by any use in the Business District and Permitted Businesses in the Residential and Agricultural Districts.
- 1) Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-half of the property and shall be screened from any existing or proposed street.
  - 2) Loading Docks: No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed streets.
  - 3) Landscaping: It is hereby declared that all areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped attractively with lawns, trees, shrubs or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.
  - 4) Off-Street Parking and Loading: Refer to Sub-section 50B of this Section.
  - 5) Signs: Refer to [Article 50 Section C Sign Regulations](#).
  - 6) Buffer Strip: Except where separated by roads, every business parcel must be separated along its outside boundary from any adjoining property by a buffer strip, suitably maintained and/or landscaped.
  - 7) Proper and adequate water supply, sewerage and waste disposal, other utility services, and accessibility to and from public streets must be provided,

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- 8) Special consideration must be given to the traffic generated by each proposed use in a Business District and Permitted Businesses in Residential and Agricultural Districts. No undue traffic volumes shall be permitted on residential streets.
- 9) The plans for any new business will be reviewed with the intent of ensuring new structures and plot plans will preserve and reinforce the historic and architectural features of the Hamlet of Knox. The purpose is to ensure the Hamlet can accommodate the new businesses without destroying its essential character. Standards in adjoining towns will be considered in this review.

### 3. Planning Board Review

The Planning Board, upon review of a proposed business development, may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this Ordinance.

### F. Gasoline Filling Stations

In any district where permitted, a gasoline filling station shall be subject to the following regulations:

1. Filling stations shall be permitted only on lots of 30,000 square feet or more, with 150 feet minimum frontage.
2. The area for use by motor vehicles, except access drives thereto, as well as any structures shall not encroach on any required yard area.
3. No fuel pump shall be located closer than 50 feet from any side lot line nor closer than 35 feet from any street line, measured from the outside edge of the fuel island.
4. No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church, or other public gathering place, park, playground or fire station, unless a street 50 feet or more wide lies between such service station and such building or use.
5. All repair work and storage shall be within a completely enclosed building which has a maximum height of 25 feet. Such repair work shall not include any body repair work or spray painting or car washing which requires mechanical equipment, except by special permit of the Zoning Board of Appeals as provided by this Ordinance.

### G. Mining

1. Any person who mines or proposes to mine minerals shall not engage in such mining unless a Special Use Permit has been obtained from the Town of Knox and a fee has been paid in accordance with the schedule of fees as promulgated from time to time by the Town Board. A separate Special Use Permit shall be obtained for each mine site.

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2. Any person with an existing mine shall have until September 1, 1999 to submit a complete application for a Special Use Permit. Persons with preexisting, non-conforming mines shall not expand beyond their existing property boundaries nor increase the annual quantities or types of minerals used.
3. The application for a Special Use Permit shall contain the information required for a mining permit set forth in New York State Environmental Conservation Regulations 6 NYCRR Subchapter D, Parts 422.1, 422.2, and 422.3, Mineral Resources (Mined Land Regulations) as amended, together with sufficient information to assure protection of the Town's unique and desirable resources, including caves and other karst features and groundwater.
4. If the application for a Special Use Permit is for mining more than 1000 tons or 750 cubic yards of minerals, whichever is less, within twelve (12) successive months, the applicant shall pay for a Town Consultant hired by the Town to review the application, provide recommendations to the Town and, as necessary, interact with the State on behalf of the Town.
5. A Special Use Permit shall be issued for a term not to exceed five (5) years.
6. A renewal application for a Special Use Permit shall contain the following:
  - a. completed application forms;
  - b. an updated mining plan map including an identification of the area to be mined during the renewal permit term;
  - c. a description of any changes to the mined land-use plan; and
  - d. an identification of reclamation accomplished during the term of the existing Special Use Permit.
7. The permittee shall file reports with the Town as specified in the Special Use Permit.
8. A written termination of mining notice shall be filed with the Town by the permittee within thirty (30) days after such termination of mining.
9. The Town may require the applicant to furnish a reclamation bond or appropriate substitute satisfactory to the Town which is conditioned upon conformance with the applicant's mined land-use plan and compliance with the conditions of the Special Use Permit.
10. The Town may refuse to renew, or may suspend or revoke a Special Use Permit upon a finding that the permittee has failed to comply with any of the conditions of said Special Use Permit. Suspension or revocation of a Special Use Permit shall become effective fifteen (15) days after the mailing or service of notice to the permittee.
11. The Town, including its employees, agents, and representatives, shall have the right at all reasonable times during normal business hours on normal business days to review mine records and to enter and inspect any property or premises covered by the Special Use Permit for the purpose of ascertaining compliance with the conditions of said Special Use

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Permit.

### H. Motels

Minimum lot area of 6 acres; minimum distance of 200 feet from any lot line to any building. Off-street parking requirements as per [Article V, Section 50B Off Street Parking Regulations](#). Approval of water supply and sewage disposal by the New York State Department of Health.

### I. Hospital

Minimum lot area of 5 acres, minimum distance from any lot line to any building 100 feet. Parking shall be provided in accordance with regulations set forth in Article V, Section 50B Off Street Parking Regulations of this Ordinance; approval of water supply and sewage disposal by the New York State Department of Health.

### J. Membership or Private Club, Community Building

Minimum lot area of five acres; minimum distance from any lot line to a principal building, 100 feet. No off-street parking in required front yard. Off-street parking as per [Article V, Section 50B](#) of this Ordinance.

### K. Multiple Dwellings

1. Not in excess of 2-1/2 stories high:

- a. In all instances the minimum yard requirements and maximum lot coverage regulations for the district in which the multiple dwellings are located shall be enforced. Minimum lot size shall be 5 acres. Parking requirements shall be in accordance with [Article V, Section 50B](#).
- b. In areas where public water and sewerage facilities exist capable of servicing the estimated needs of the inhabitants of the proposed dwelling, the lot area shall contain 7,000 square feet per dwelling unit.
- c. In areas where public water facilities exist capable of servicing the estimated needs of the inhabitants of the proposed dwelling, the lot area shall contain 10,000 square feet per dwelling unit. In addition a sanitary sewage treatment plant acceptable to and approved by the New York State Department of Health capable of treating the anticipated wastes of the proposed dwelling shall be installed.
- d. In all other instances, the lot shall conform to the lot size and density regulations of the zoning district in which the dwelling unit is to be located.
- e. The Planning Board will require up to ten percent of the total land area to be set aside as a recreation area to be maintained by the owner of the multiple dwelling.

2. High-rise multiple dwellings in excess of 2-1/2 stories:

- a. In areas where public water and sewerage facilities or private facilities approved by the New York State Department of Health exist capable of servicing the estimated needs of the inhabitants of the proposed dwelling, high-rise multiple dwellings may be erected on the basis of 35 families per 2 acres density with 10 percent maximum building coverage of the lot and a 1.2 floor-area-ratio. In no case shall any high rise

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building exceed 10 stories in height.

- b. Compliance with State Building Code: No certificate of occupancy shall be issued for any building constructed under this subsection until there is submitted to the Building and Zoning Administrator a certificate from an architect duly licensed by the State of New York, or other proof acceptable to the Zoning Board of Appeals, that the building as constructed complies in all respects with the requirements of the New York State Building Construction Code.
- c. Parking regulations shall be in accordance with [Article V Section 50B Off Street Parking and Loading Regulations](#), with the additional regulation that one in each seven parking spaces shall be used for tree planting.

L. This section intentionally deleted. (Amendment #11, June 11, 2013)

### M. Cemeteries and Crematories

No burial or memorial marker or buildings shall be located closer than 150 feet to any residential lot line, unless a dense evergreen hedge or wall or landscaped strip providing visual isolation six feet in height and 15 feet in depth is providing complete visual screening from all adjacent residential property. Burial or memorial markers of less than six feet in height may be located not closer than 25 feet from any residential lot line. Crematories shall be located only in designated areas.

### N. Sanitary Waste Water Disposal

No person shall undertake to construct any new building or structure in the Town of Knox without first submitting documentation attesting to the compliance of the proposed sanitary disposal system with requirements for a water-borne system, domestic or trade wastes in accordance with the applicable regulations of the Town, the New York State Department of Health and other regulating governmental authorities (See also Town of Knox Sanitary Code).

### O. Residential Cluster Development

- 1. The Planning Board may grant a developer the right to vary the residential density within a tract to be developed (but not maintained) under single ownership, leaving a substantial area free of building lots. The right to vary the density shall be subject to the following conditions:
  - a. The proposed residential development must create an attractive residential environment; produce a total average density as specified in [Article V, Section 52](#); provide total open space to be not less than that required in the district in which it is located; have population density which will offer no adverse influence; guarantee permanent retention of "open areas"; and insure care and maintenance of open space.
  - b. Development must start within one year of the date of approval and be completed within one year of the specified completion date; it must be consistent to the spirit and intent of this Ordinance and plans must be prepared with competent professional advice.

- c. Town House Developments: In A, R, and B Districts where town house units are planned, there shall be not more than eight "town house" units in any contiguous group; the gross population density and building intensity of any area is to remain unchanged and conform to the minimum average density and maximum coverage requirements of the zoning district in which they are situated. However, lot dimensions may be reduced as follows:

The minimum Town House lot size shall be not less than 5,000 square feet per family unit. The rear yard shall be a minimum of 40 feet deep and side yards at the ends of each unit must be at least 25 feet each. The front yard must be a minimum of 25 feet.

- d. Single-family Cluster Houses: Single family houses may be grouped in clusters on minimum lot sizes as follows:

	Min. <u>Lot Size</u>	Min. <u>Lot Width</u>	Min. <u>Front Yard</u>
A Districts	40,000 sq. ft.	175 ft.	75 ft.
R Districts	40,000 sq. ft.	175 ft.	75 ft.

All other yard requirements, maximum coverage and maximum height requirements as specified on the Density Control Schedule for the district in which such cluster developments are located shall be observed.

- e. Special Designs: In cases where a developer has designed special groups of dwellings and garages, the Planning Board, after inspecting plans and elevations, may approve smaller minimum lot sizes than those in paragraph b, provided that the sanitary systems are approved by the appropriate agency, that the average density does not exceed that permitted within the zoning district in which the land occurs or that the layout is not detrimental to the health, safety and general welfare of the community.
4. For each square foot of land gained within a residential subdivision through the reduction of lot size below the required by minimum average density requirements as set forth in this Ordinance, equal amounts of land shall be preserved and maintained as open land and the development rights thereto shall be conveyed to the Town of Knox for as long as these structures shall exist.
  5. The balance of the land not contained in the lots or the road right-of-way, if provided, shall be contiguous and of such size and shape as to be usable for recreation.
  6. Such land shall be held in corporate ownership by the owners of lots within the development and the developer shall incorporate into the deeds of all property within the development a clause giving to the owners an interest in such open land which shall be used for recreational purposes only. No structure save those incidental to the recreational use shall be permitted thereon.

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7. Open land shall be minimum of eight acres and shall be subject to taxation, unless it is deeded to the Town. In the case of such tracts of ten or more acres, the developer may petition to the Town to take over the land to be used in perpetuity as open space.
8. Any residential development proposed under the provision of this Sub-Section shall follow all applicable procedures, standards and requirements of the ordinance governing the subdivision of land in the Town of Knox.

P. Swimming Pools

1. Swimming pools shall be subject to the provisions of [Article V, Section 50A5 Accessory Buildings and Uses](#).
2. A permanent, good quality fence is to be erected to encompass the entire perimeter of the swimming pool and shall be not less than four feet in height and shall be adequate to prevent entrance and discourage climbing.
3. Every gate or other opening in the fence enclosing such pool except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool.
4. Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.
5. If the water for such pool is supplied from a private well, there shall be no cross-connection with any public water supply system.
6. Where the pool is installed in an area supplied by a public water system, the Zoning Board of Appeals shall be furnished proof that the appropriate water authority has no objections to the tie-in with such water system, or, in the alternative, proof that the water will be furnished by an independent contractor.
7. Lighting and loud speaker devices shall be installed and operated in such manner as to prevent a nuisance beyond the property lines.
8. Swimming pools existing at the time this subparagraph becomes effective shall, within 120 days after such date, be enclosed by a fence as herein required for new swimming pools.

Q. Office/Research Parks/Manufacturing Facilities

1. All Office/Research Parks/Manufacturing Facilities shall have a minimum lot size of 10 acres.

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R. Heliports

1. All federal, State and Town rules and regulations shall be complied with fully. Prior to the issuance of a permit for the construction of a heliport there shall be a finding by the Zoning Board of Appeals that such heliport or flying field shall not cause a hazard to or be detrimental to nearby properties and buildings both in the Town and adjacent municipalities. Consideration shall be given to the location of buildings accessory to the heliport; approach and take-off patterns and heliport lighting requirements.

S. Motor Vehicle Sales and Service

A used automobile sales business may not be operated except in conjunction with new automobile sales business, both of which must be established on the same lot.

**Section 51 - Non-Conforming Buildings, Uses and Lots**

A. Continuation of Non-Conforming Buildings and Uses

Any lawful building, structure or use of premises existing at the time of enactment of this Ordinance, or any subsequent amendment thereof applying to such building, structure or use of premises may be continued although such building, structure or use of premises does not conform to the provisions thereof.

B. Displacement

No non-conforming use shall be extended to displace a conforming use.

C. Necessary Maintenance and Repairs

A building or structure or portion thereof of non-conforming use declared unsafe by a proper authority may be repaired or restored to a safe condition.

D. Change to Other Non-Conforming Use

A non-conforming use of a building, structure or land may be changed to another non-conforming use more nearly conforming to the requirements of the district in which it is situated.

E. Construction Started Prior to this Ordinance

Any building or structure for which construction was begun prior to the effective date of this Ordinance, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for said building or structure, providing that such construction must be completed within 18 months of the effective date of this Ordinance or any pertinent amendment thereof.

F. Alterations

Alterations to any building or part thereof which is used to house a non-conforming use shall be made only on a permit issued by the Zoning Board of Appeals subject to the conditions and safeguards set forth in [Article VI, Section 60A](#) of this Ordinance. A non-conforming building may be altered only if such alterations shall conform with the regulations contained in this Ordinance.

G. Existing Undersized Lots

1. Any lot held in single and separate ownership prior to the adoption of this Ordinance and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Ordinance for the district, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
  - a. Such lot does not adjoin any other lot or lots held by the same owner whose total area is equal to or greater than the minimum lot area required for that district;
  - b. Such lot has an area of at least 25,000 square feet and a minimum width of at least 100 feet at the required setback line if it is to be used for residential purposes;

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- c. The following minimum yard dimensions are maintained for residence; side yards - 25 feet; front yard - 75 feet, and rear yard - 35 feet, and
  - d. All other bulk requirements for that district are complied with.
2. In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single-family dwelling.
  3. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.

H. Lot Area

No lot shall be reduced in area so that any required area or open space will be less than prescribed in the regulations for the district in which said lot is located.

Whenever such reductions in lot area occur, any building located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto. These provisions shall not apply when a portion of a lot is taken for a public purpose.

I. Exemption of Lots Shown on Approved Subdivision Plats

Any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways, and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Ordinance, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Ordinance for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If, at the time of the filing of the subdivision plat referred to above, there was no Planning Board vested with authority to approve subdivision plats, then the exemption provided for in such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

J. Lots in More than One District

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall not extend more than thirty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

K. Restoration

Only on a permit issued by the Zoning Board of Appeals shall a building used to house a non-conforming use be restored if damaged or destroyed by fire, flood, earthquake, act of God or act of public enemy. Substantial restoration shall be made within six months but this time limit may be extended by such board in cases of practical difficulty or hardship.

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L. Abandonment

1. When a non-conforming use has been abandoned, it shall not thereafter be re-established. Failure to use or occupy a non-conforming use for a period of one hundred eighty (180) days shall constitute abandonment.
2. In the particular case of farms located in residential districts, which are being actively farmed, cessation of farming for a period greater than five years shall constitute abandonment.

M. Creation of Non-Conforming Uses Due to Changes in District Boundaries

Whenever the boundaries of a district shall be changed so that, under the regulations that apply in the changed area, a conforming use shall become a non-conforming use, all of the foregoing provisions of Section 51 shall apply to such non-conforming use.

**Section 52 - Schedule Area and Bulk Regulations - Density Control**

A. Purpose

In order to facilitate the prevention and fighting of fires, to prevent undue concentration of population, no building or premises intended for human habitation shall be erected, altered or used except in accordance with the standards set forth in this section.

B. Density Control Schedule (Area and Bulk Schedule)

The attached schedule of density control regulations is hereby adopted and declared to be a part of this Ordinance and is hereinafter referred to as the "Density Control Schedule".

C. Corner Lots

Wherever a side yard or rear yard is adjacent to a street, the standards for front yards shall apply.

D. Height Exceptions

The height limitations of this Ordinance shall not apply to:

1. Churches, schools, hospitals, water towers and other public and semi-public buildings provided that for each foot by which the height permitted in the district is exceeded, the side, front, and rear yards required in the district shall be each increased an additional foot.
2. Church spires, belfries, cupolas and domes, not for human occupancy, monuments, observation towers, transmission towers, chimneys, smokestacks, derricks, flag poles, radio towers, masts and aerials, ventilators, skylights, water tanks and necessary appurtenances usually carried above roof level shall not be included in determining building height. Such features however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

E. Side Yards for Semi-Detached or Town Houses

Side yards for semi-detached or town houses shall be required at the ends of the total structure only.

F. Distance Between Principal Buildings on Same Lot

No detached principal building shall be closer to any other principal building on the same lot than the average heights of said buildings.

G. Measurement of Yard Dimensions

Measurements of minimum yard dimensions shall be taken from the foundation.

**TOWN OF KNOX ZONING ORDINANCE**

**DENSITY CONTROL SCHEDULE (AREA AND BULK SCHEDULE)**

	Minimum Lot Sizes				Minimum Yard Dimensions							
	Residential Uses		Non-Residential Uses									
	Area Per Family in Acres	Maximum Width at Building Line	Area in Acres	Width at Building Line	Front	Each Side	Rear	Minimum Living Space	Max Lot Coverage Including Accessory Building	Maximum Building Height: Stories	Feet	
A/AM	3 (a)	250 ft	10 (d)	400 ft	75 ft	50 ft	50 ft	1000 sq ft	25 %	2 ½ ft (a)	35 (a)	
R	3 (a)	250 ft	15 (d)	400 ft	75 ft	50 ft	50 ft	1000 sq ft	25 %	2 ½ ft (a)	35 (a)	
LC1												
LC2												
B	3 (a)	250 ft	3	200 ft	75 ft	(b)	30 ft		30 %	3 (c)	35	
MRD	3 (a)	250 ft	3	200 ft	75 ft			1000 sq ft	30 %	2 ½	35	

Notes:

- (a) See Cluster Development Regulations, [Article V, Section 50O](#) and Multiple Dwelling Regulations, [Article V, Section 50K](#).
- (b) None required except abutting property used for residential purposes in any district, but if provided, it shall be at least 12.5 feet. If abutting a residential zone, side yard shall be at least 100 feet. See [Article V, Section 50E2b6](#).
- (c) See [Article V, Section 52D](#) regarding Height Exceptions
- (d) Recreational Facilities must have a minimum of 50 acres.

**Section 53 - Cessation**

Any undeveloped lot in a subdivision which was not properly approved by the Planning Board and/or not filed in the office of the County Clerk and whose area and/or depth are less than the specified minimum lot requirements and average density requirements of this Ordinance shall be considered a violation of this Ordinance.



## **ARTICLE VI - ADMINISTRATION**

### **Section 60 - Enforcement**

This Ordinance shall be enforced by the Building and Zoning Administrator who shall be appointed by the Town Board.

No building permit or certificate of occupancy shall be issued by the Building and Zoning Administrator (BZA), and no permit or license for such purposes shall be issued by any official of the Town, if the same would be in conflict with the provisions of this Ordinance.

#### **A. Building Permit**

1. No building or structure intended for human habitation shall be erected, added to, or structurally altered until a permit therefore has been issued by the Building and Zoning Administrator.
2. In each case where a building or use requires site plan approval, the Building and Zoning Administrator shall refer the site plan for such proposal to the Planning Board for review before issuing a building permit. The Planning Board shall either approve, approve with modifications, or disapprove said site plan stating the reasons therefore in writing in its records, and shall send a written notice of its decision to the Building and Zoning Administrator and to the party submitting the site plan. The Building and Zoning Administrator shall act accordingly, either issuing a building permit, postponing issuing such permit pending compliance with the decision of the Planning Board or denying such permit. If the Building and Zoning Administrator does not receive any written communication on the case by the Planning Board within 45 days after referring such case to said Planning Board, then the BZA shall assume that the site plan meets with their approval. A fee in accordance with the schedule of fees as promulgated from time to time by the Town Board shall be paid by the applicant to cover the expenses of the Planning Board review of the case, such fee to be in addition to the regular fee for issuance of the building permit.

#### **B. Certificate of Occupancy**

1. No building or structure intended for human occupancy shall be used or occupied and no building or structure intended for human occupancy hereafter erected, altered or extended shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Building and Zoning Administrator.

ARTICLE VI: Section 60

2. Pending the issuance of a regular Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued for a period not to exceed six months. Temporary Certificates of Occupancy may be renewed for additional six month periods; such renewals shall not exceed a total of two in number. Such temporary Certificates of Occupancy shall only be issued in cases of emergency or hardship and only for the following purposes: temporary use of a building or a trailer as a dwelling while a permanent dwelling is under construction or alteration or the use of a uncompleted dwelling under construction. A building shall be considered under construction and uncompleted until there is a complete exterior of a story other than a basement.

C. Certificate of Compliance

1. A Certificate of Compliance shall be required for all construction, regardless of intended use, which exceeds 144 square feet in area.

**Section 61 - Zoning Board of Appeals**

A. Establishment and Duties

Pursuant to Town Law the Town Board shall appoint a Zoning Board of Appeals consisting of five to seven members, shall designate its chairman and also provide for compensation to be paid to said members and provide for such other expenses as may be necessary and proper. A member of the Zoning Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.

1. Term of Appointment: Of the members of the Zoning Board of Appeals first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term three years, one for the term of four years, one for the term of five years from and after appointment.

Their successors shall be appointed for the term of five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.

2. Staff: The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.
3. Rules of Procedure, By-Laws, Forms: The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Ordinance. Such rules, by-laws, and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this Ordinance or any other ordinance of the Town of Knox. Such rules, by-laws, and forms, and any subsequent amendments or supplements thereto, shall be submitted to the Town Board by the Zoning Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject, or modify such rules, by-laws, and forms within 45 days after submission. Failure of the Town Board to so move shall be construed to constitute approval thereof.
4. All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as such Board may determine. The Chairman, or in her/his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public. The concurring vote of a majority of all members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building and Zoning Administrator or to decide in favor of an applicant in any matter upon which they are required to act.

## ARTICLE VI: Section 61

5. Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the Town Clerk, as soon as practicable, by case number under one or another of the following headings: Special Use Permits, Interpretations, Variance, together with all documents pertaining thereto.
6. Referrals to the Planning Board: At least 45 days before the date of hearing held in connection with any appeal or application submitted to the Zoning Board of Appeals, said Board shall transmit to the Planning Board a copy of said appeal or application, and shall request that the Planning Board submit to the Zoning Board of Appeals its advisory opinion on said appeal or application. Such advisory opinion shall be submitted prior to the date of said public hearings. The failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the appeal or application.
7. The Zoning Board of Appeals shall notify the Town Board and the Planning Board of the Town of Knox of each Special Use Permit and each Variance granted under the provisions of this Ordinance.

### B. Public Notice and Hearing

Public notice of any required hearing by the Zoning Board of Appeals shall be given in accordance with Town Law as follows:

1. By publishing a notice of any appeal or application and the time and place of the public hearing in the official newspaper of the Town of Knox not less than ten days prior to the date of such hearing.
2. By giving written notice of hearing to any appellant or applicant, and any other such notice to property owners in an affected area as may be required by the Zoning Board of Appeals, and to the Planning Board not less than five days prior to such hearing.
3. By giving written notice of hearing to any required Municipal, County, Metropolitan, Regional, State or Federal agency in the manner prescribed by law.

### C. Appeals

1. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Building and Zoning Administrator under this Ordinance in accordance with the procedure set forth herewith:

ARTICLE VI: Section 61

- a. Notice of Appeal shall be filed with the Building and Zoning Administrator and the Secretary to the Zoning Board of Appeals in writing, in a form required by such Board, within 30 days of the date of the action appealed from, specifying the grounds thereof. Every appeal or application shall refer to the specific provision of the ordinance involved and shall exactly set forth the interpretation that is claimed, the use for which the Special Use Permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
- b. Upon filing of a Notice of Appeal and payment of a filing fee in accordance with the schedule of fees as promulgated from time to time by the Town Board by the appellant or applicant, the Building and Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.
- c. The Zoning Board of Appeals shall set a reasonable date for the hearing of each appeal, of which hearing date the appellant shall be given written notice and at which hearing the appellant shall appear in person or by agent or by attorney.
- d. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building and Zoning Administrator certifies to the Zoning Board of Appeals, after Notice of Appeal shall have been filed with the Building and Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in the opinion of the Building and Zoning Administrator, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Building and Zoning Administrator and on due cause shown.
- e. Following public notice and hearing, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the issues at hand and to that end shall have all the power of the Building and Zoning Administrator. If the action by the Zoning Board of Appeals is to reverse in whole the action of the Building and Zoning Administrator, the filing fee shall be refunded to the appellant.

D. Variances

1. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power, after public notice and hearing, to vary or modify the application of any of the regulations or provisions of the Ordinance relating to the use, construction, or alteration of building or structures, or the use of land, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.
2. All applications for variances shall be filed with the Secretary to the Zoning Board of Appeals in writing, shall be made in a form required by the Zoning Board of Appeals, and shall be accompanied by payment of a filing fee in accordance with the schedule

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of fees as promulgated from time to time by the Town Board, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot relating to the subject variance.

3. Any variance which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Zoning Board of Appeals.
4. Criteria for granting variances:
  - a. A variance to the provisions of this Ordinance shall be granted by the Zoning Board of Appeals in order to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this Ordinance shall be granted by the Zoning Board of Appeals except by the adoption of a resolution fully setting forth the reasons for the following findings:
    - 1) That there are special circumstances or conditions applying to such land or buildings and not applying generally to land or buildings in the vicinity and under identical district classification, and that said circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or buildings or of privileges enjoyed by other properties in the vicinity and under identical district classification.
    - 2) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Zoning Board of Appeals is the minimum variance that will accomplish this purpose.
    - 3) That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the vicinity or otherwise detrimental to the public welfare.
    - 4) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which subject property is situated.
  - b. In no case shall a variance be granted solely for reason of additional financial gain on the part of the owner of the land or building involved.

### E. Special Use Permits

1. The Zoning Board of Appeals shall have the power, after public notice and hearing, to grant Special Use Permits in the classes of cases specified in this Ordinance. The Public Hearing must be preceded by due notice as specified in [Article VII Section 70C](#) and in addition thereto applicants for a Special Use Permit SHALL notify in writing property owners in the “affected area” of such application for a Special Use Permit including the date, time and place of the Public Hearing and SHALL file proof

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of service of such notification at least five days prior to the date of the Public Hearing with the Zoning Board of Appeals. No such permit shall be granted by the Zoning Board of Appeals unless it finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Zoning Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. All applications for Special Use Permit shall be filed with the Secretary to the Zoning Board of Appeals in writing, shall be made in a form required by the Board, and shall be accompanied by payment of a filing fee in accordance with the schedule of fees promulgated from time to time by the Town Board, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot relating to the subject special use.
3. Whenever the Zoning Board of Appeals grants a Special Use Permit, appropriate conditions and safeguards and/or time limitations must be attached thereto so as to guarantee that the use of premises shall not be incompatible with other permitted uses in the vicinity and district in which subject property is situated.
4. Any Special Use Permit which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Zoning Board of Appeals.

### F. Site Plan Approval

1. In each case where a building or use requires site plan approval, the Building and Zoning Administrator shall refer the site plan for such proposal to the Planning Board for review before issuing a building permit. The Planning Board shall either approve, approve with modifications, or disapprove said site plan stating the reasons therefore in writing in its records, and shall send a written notice of its decision to the Building and Zoning Administrator and to the party submitting the site plan. The Building and Zoning Administrator shall act accordingly, either issuing a building permit, postponing issuing such permit pending compliance with the decision of the Planning Board or denying such permit. A fee in accordance with the Schedule of Fees as promulgated from time to time by the Town Board shall be paid by the applicant to cover the expenses of the Planning Board review of the applicant's case, such fee to be in addition to the regular fee for issuance of the building permit.
2. A sketch plan conference may be held between the Planning Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of a proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide, at the minimum, the following information:

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- (a) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
  - (b) A sketch or map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features; and
  - (c) A topographic or contour map of adequate scale and detail to show site topography including water ways and wet land areas.
3. An application for site plan approval shall be made in writing to the Planning Board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Planning Board at said sketch plan conference.
- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
  - (b) North arrow, at the top of the drawing, the scale and date of preparation;
  - (c) Boundaries of the property plotted to scale with adjacent landowners indentified;
  - (d) Existing watercourses;
  - (e) Grading and drainage plan, showing existing and proposed contours;
  - (f) Location design, type of construction, proposed use and exterior dimensions of all buildings;
  - (g) Location, design, type of construction of all parking and truck loading areas, showing access and egress:
  - (h) Provision for pedestrian access;
  - (i) Location of outdoor storage, if any;
  - (j) Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
  - (k) Description of the method of sewage disposal and location, design and construction materials of such facilities;
  - (l) Description of the method of securing public water and location, design and construction materials of such facilities;
  - (m) Location of fire and other emergency zones, including the location of fire hydrants;
  - (n) Location, design and construction materials of all energy distribution facilities, including electrical, wind, gas and solar energy;
  - (o) Location, size and design and type of construction of all proposed signs;
  - (p) Location and proposed development of all buffer areas, including existing vegetative cover;
  - (q) Location and design of outdoor lighting facilities;
  - (r) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
  - (s) General landscaping plan and planting schedule;
  - (t) An estimated project construction schedule;
  - (u) Record of application for an approval status of all necessary permits from state

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- and county officials;
  - (v) Identification of any state or county permits required for the project's execution;
  - (w) A completed Environmental Assessment Form;
  - (x) Proof of ownership of premises;
  - (y) Other elements integral to the proposed development as considered necessary by the Planning Board.
4. The review by the Planning Board of the site plan shall include, as appropriate, but is not limited to, the following general considerations:
- (a) Location, arrangement, size, design and general site compatibility of buildings, lighting, signs and other structures;
  - (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;
  - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading;
  - (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
  - (e) Adequacy of storm water and drainage facilities;
  - (f) Adequacy of water supply and sewage disposal facilities;
  - (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation;
  - (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;
  - (i) Adequacy of the plan to minimize the environmental impact of the project on surrounding land uses; and
  - (j) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
5. The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within 62 days of the receipt of application for site plan approval and shall be advertised in the official newspaper of the Town of Knox not less than fourteen (14) days prior to the date of such hearing. Not less than five (5) days prior to the date of such hearing, the applicant must verifiably notify all landowners within a half-mile of the site that an application has been made to the Planning Board. Verification may be in the form of USPS confirmation of delivery.
6. Before the Planning Board may approve a site plan containing residential units, such site plan shall also show, when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes.

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G Relief from Decisions

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court of the State of New York for relief by a proceeding under Article Seventy-eight of the Civil Practice Act of the State of New York. Such proceeding shall be governed by the provisions of Article Seventy-eight of the Civil Practice Act, except that (a) it must be instituted as therein provided within thirty days after the filing of a decision in the office of the Town Clerk, (b) the court may take evidence or appoint a referee to take such evidence as it may direct and report the same with the referee's findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter, and (c) the court at special term shall itself dispose of the case on the merits, determining all questions which may be presented for determination under the provisions of section twelve hundred ninety six of said article. Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

**Section 62 - Violations**

- A. Any person or corporation who shall violate or assist in the violation of any of the provisions of this Zoning Ordinance or fail to comply therewith or with any of the requirements thereof or who shall build or alter any building or structure in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of an offence punishable by a fine not exceeding three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six months or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Ordinance shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

The owner or owners of any building or premises or part thereof where anything in violation of this Zoning Ordinance shall be placed or shall exist to their knowledge and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be fined as provided herein.

The foregoing penalty is not exclusive and the Town Board shall have the right to pursue any remedy in equity or seek damages for any violation herein. In addition, the Town Board or any person deeming themselves aggrieved may maintain an action or proceeding to compel compliance with or to restrain by injunction the violation of any provision of this Zoning Ordinance.

- B Junk Motor Vehicles and used parts therefrom constitute a blight on the town's landscape; they destroy the aesthetic qualities of the town; they are generally otherwise unsightly and contain small quantities of various hazardous waste compounds. Their existence tends to depreciate the value not only of the property on which they are located but also of the property of other persons in the neighborhood and of the town generally. They make the town a less safe and less pleasant place in which to live and to do business. They hurt the welfare of the town as a whole. In recognition of the fact that junk motor vehicles and used parts therefrom when abandoned or stored on private property can constitute a particularly undesirable public and private nuisance, the following removal and penalty procedures are herewith enacted:

ARTICLE VI: Section 62

1. Removal Procedure

- a. Any Junk Motor Vehicle, as defined by [Article II Section 20](#) herein above, and/or used part(s) therefrom, may be removed from the premises on which same are located by the Town of Knox in the manner hereinafter provided.
- b. The enforcement officer, upon detecting a potential Junk Motor Vehicle and/or used part(s) therefrom, shall serve written notice of the violation, via certified mail, on the person owning the premises on which the same are located and any other person known to be lessee thereof or otherwise in occupancy or possession thereof notifying such persons that a violation of this Ordinance is possible and that they have 25 days to demonstrate that a violation does not exist. Such notice shall also contain a description of the premises, a statement as to the location thereon of a Junk Motor Vehicle(s) and/or used part(s) therefrom, reference to this Ordinance and to the fact that the location of such Junk Motor Vehicle(s) and/or used part(s) therefrom on such premises may be in violation of this ordinance.
- c. After 25 days, if the enforcement officer determines that the previously identified Junk Motor Vehicle(s) and/or used part(s) therefrom is in fact a violation of this Ordinance, the enforcement officer shall serve written notice of the violation, via certified mail, on the person(s) owning the premises on which same are located and any other person(s) known to be a lessee thereof or otherwise in occupancy or possession thereof and ordering such persons to remove the same or cause the same to be removed therefrom within thirty days of the date of such service. Such notice shall also contain a description of the premises, a statement as to the location thereon of a Junk Motor Vehicle(s) and/or used part(s) therefrom, reference to this Ordinance and to the fact that the location of such Junk Motor Vehicle(s) and/or used part(s) therefrom on such premises is in violation of this ordinance. If such premises are owned by more than one person, personal service on any one of such owners shall suffice; however, as to any owner not personally served with such notice, or if no owner can be located upon whom to make personal service, the enforcement officer shall mail such notice to owners not personally served, or to the owner and to all the owners, if no owner was personally served, by registered mail to the owner's last known address as shown on the latest completed assessment roll of the town. Notice in similar manner shall be given to all known lessees and persons otherwise in occupancy or possession of the premises. In addition, such enforcement officer shall post conspicuously a copy of such notice on the premises upon which such Junk Motor Vehicle and/or used parts therefrom are located. Once the formal notification of a violation has occurred, any subsequent repairs or replacement of parts to said vehicle(s) shall not affect the previous identification of said vehicle(s) as being in violation of this Ordinance.

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2. Penalties for Junk Motor Vehicle Violations

- a. Every person convicted of violating this subsection of this Ordinance shall be guilty of an offense and shall be liable to a fine and or imprisonment as follows; for a first conviction thereof, be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a second such conviction within eighteen months thereafter such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty days or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen months after the first conviction such person shall be punished by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment for not more than ninety days or by both such fine and imprisonment.
  
- b. In addition to the above penalties, or in place of them, the Town Justice may order the removal of such junk motor vehicle and/or used parts therefrom. Any expense to the town in accomplishing such removal may be assessed on the real property from which such junk motor vehicle and/or used parts therefrom were removed and the expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged as other town charges.

**Section 63 - Motorcycle Restrictions**

The purpose of this section is to protect the public health, welfare, safety, peace and tranquility by regulating the operation of motorcycles, without muffler devices or adequate muffler devices attached to said motorcycle upon public or private lands within the Town of Knox. It is also the purpose of this section to prevent those inhabitants of the Town of Knox who wish to use and operate motorcycles without muffler devices or adequate muffler devices attached to said motorcycle, from annoying inhabitants and from creating a public nuisance.

Restrictions:

- A. It shall be unlawful for any person to drive or operate any motorcycle without a muffler device or adequate muffler device attached to said motorcycle, upon private or public lands, in such a manner as to create loud, unnecessary or unusual noise, so as to disturb or interfere with the peace and tranquility of any other person or persons.
- B. It shall be unlawful for any property owner and or Lessee and or Licensee or any person entitled to possession of private lands to permit any person to drive or operate any motorcycle without a muffler device or adequate muffler device attached to said motorcycle, upon private lands, in such a manner as to create loud, unnecessary or unusual noise, so as to disturb or interfere with the peace and tranquility of any other person or persons
- C. It shall be unlawful for any person to construct, operate or use a motorcycle racetrack for any business, recreational, or any other purpose in any zoning district, except a business district, with a special use permit, and such motorcycle used thereon or therein shall be equipped with an adequate muffler device.

Penalties for offenses: A failure to comply with the provisions of this chapter shall be deemed a violation and the violator shall be subject to a fine not exceeding \$250.00 or imprisonment not exceeding 15 days, or both.

Confiscation of Motorcycles: In the case of a second or subsequent violation, the Court may order confiscation of said vehicle in lieu of any fine and/or imprisonment. Any motorcycle which is confiscated pursuant to this section will be sold at public auction according to the appropriate procedures and law affecting public auctions by municipalities.

**ARTICLE VII - MISCELLANEOUS**

**Section 70 - Amendments**

A. Procedure

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and districts established under this Ordinance after public notice and hearing in each case. All petitions for any amendment of the regulations or districts herein established shall be filed in writing in a form required by the Town Board, and shall be accompanied by a certified check in an amount in accordance with the schedule of fees promulgated from time to time by the Town Board to help defray the cost of advertising the hearing on said petition and incidental disbursements.

B. Advisory Report by Planning Board

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon between it and the Town Board, the Town Board may act without such report. If the Planning Board disapproves the proposed amendment, or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

C. Public Notice and Hearing

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

1. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not less than 10 days prior to the date of public hearing.
2. By giving written notice of hearing to any required Municipal, County, Regional, Metropolitan, State or Federal Agency in the manner prescribed by law.

D. Protest by Owners

If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty percent or more of the area of land included in such proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least four members of the Town Board.

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E. Changes by Planning Board

The Planning Board in accordance with Town Law, Section 182, may, simultaneously with the approval of any plat, make any reasonable change to the regulations established under this Ordinance with respect to the land so platted. Before the Planning Board shall make any such change, there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself.

Upon the filing of the plat in the office of the County Clerk, such changes shall be and become part of the regulations of this Ordinance, shall take the place of any regulations established herein by the Town Board, shall be enforced in the same manner and shall be similarly subject to amendment.

Nothing in this Ordinance shall preclude the Town Board from adopting resolutions under Section 28 of the Town Law, or the Planning Board from implementing such resolutions. In no event shall the area and density requirements be altered unless the applicant can establish a basis of hardship when a variance may be granted in accordance with the terms of [Article VI, Section 61D](#).

F. Publication and Posting

Every amendment to the Zoning Ordinance, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board, and a copy, summary or abstract thereof (exclusive of any map incorporated therein), shall be published once in the official newspaper of the Town of Knox, and a copy of such amendment, together with a copy of any map incorporated therein shall be posted on a sign board maintained by the Town Clerk pursuant to Sub-division 6 of Section 30 of the Town Law.

**Section 71 - Interpretation and Application**

A Legislative Intent

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

B Non-Interference and Precedence

This Ordinance shall not interfere with, abrogate, annul, or repeal any ordinance or any rule, regulation, or permit previously or hereafter enacted, adopted, or issued pursuant to law, provided that, unless specifically excepted, where this Ordinance imposes greater restrictions, its provisions shall control.

C Separate Validity

If any section, subsection, paragraph, clause, or other provision of this Ordinance shall be held invalid, the invalidity of such section, subsection, paragraph, clause, or other provision shall not affect any of the other provisions of this Ordinance.

## AMENDMENT HISTORY

Please note that Resolutions referred below are Resolutions made by the Knox Town Board on the date indicated with Amendment.

- First Adopted: 10 December 1974 Resolution # NA
- 1<sup>st</sup> Amendment: 30 November 1979 Resolution # NA  
Article II, Section 20 - Definition of Recreational Facility added.  
Article IV, Section 44 - Business uses added to Land Use Table  
Article V, Section 52 - added footnote D Area & Bulk Schedule/Density Control Schedule
- 2<sup>nd</sup> Amendment: 1 January 1980 Resolution # NA  
Changed the Zoning Map to enlarge the Agricultural District near Drumm Road & Quay Road
- 3<sup>rd</sup> Amendment: 13 December 1994 Resolution # NA  
Article VII, Section 70F Amended to require that any amendment to the Zoning Ordinance must be entered into the minutes of the Town Board.
- 4<sup>th</sup> Amendment: 12 May 1997 Resolution #64  
Extensive corrections to remove typographical errors. Revised regulations pertaining to allowable areas for signs.  
Article II, Section 20 - Additions and corrections  
Article VI, Section 62 – Changed the wording pertaining to Violations and Penalties Resulting therefrom.
- 5<sup>th</sup> Amendment: 2 February 1999 Resolution #34  
Article II, Section 20 - added definitions for Mineral, Mining, Overburden  
Article III, Section 31 – establish an Agricultural / Mining Distict (AM)  
Article IV – add Agricultural / Mining (AM) column  
Article V, Section 50G - revised
- 6<sup>th</sup> Amendment: 12 December 2000 Resolution #118  
Article II, Section 20 - added definitions of Junk Motor Vehicles and Junk Yard  
Article VI, Section 61B1 - modified to include Removal Process and Enforcement procedures.
- 7<sup>th</sup> Amendment: 14 October 2003 Resolutions #72 and #87  
Article II, Section 20 - definitions of Bed & Breakfast and Flea Market added.  
Article III, Section 30 and 31 - created the Multi Use Recreational District.  
Article IV - add Multi Use Recreational District (MRD) column

- 8<sup>th</sup> Amendment: 11 October 2005 Resolution #105  
Article V, Section 50D1 - amended to require a Public Hearing preceded by due notice in writing to property owners about Special Use Permits  
Article VI, Section 61E1 - amended to empower the Zoning Board of Appeals to grant Special Use Permits.
- 9<sup>th</sup> Amendment 11 July 2006 Resolution #86  
Article II, Section 20 - added definitions for motorcycle  
Article VI, Section 63 - added motorcycle restrictions and penalties  
Resolution #89  
Article II, Section 20 - added definitions of Wind Energy Conversion System (WECS), Wind Turbine, Windmill, Meteorological Towers, Nuisance  
Article IV, Section 42 - General Uses added Windmills and Met Towers  
Article VI. Section 61F - changed to further define Site Plan Approval process
- 10<sup>th</sup> Amendment: 9 August 2011 Resolution #92  
Article II, Section 20 - Added definition of Full Cut-Off lighting fixture  
Article V, Section 50A3 - Activity Standards - required the use of Full Cut-Off lighting fixtures in all new construction.
- 11<sup>th</sup> Amendment 11 June 2013 Resolution #62  
Article II, Section 20 - Deleted the definition of Riding Academy  
Article IV, Section 43 - Changes to the Use Regulations and changes to the Agricultural Uses to comply with NYS Agricultural & Markets regulations.
- 12<sup>th</sup> Amendment 17 September 2013 Resolution #90  
Article II, Section 20 – Definition of Senior Housing added  
Article IV, Section 41 – Senior Housing added to Residential Use tabulation
- 13<sup>th</sup> Amendment 24 April 2014 Resolution #51  
Article III, Section 30 – District Names and Objectives, revision of Business District  
Article III, Section 31 – District Boundaries, revision for Business District (B1) boundaries including tax parcels, tax parcel exclusions from Residential District and Agricultural District.  
Article IV, Section 43 – Use Regulations and Use Tabulation, Changes to Residential Uses permit table for Detached One-Family Dwellings, Two-family Dwellings and Multiple Dwelling-2 stories or less, 3 units or less in Business District.  
Article V, Section 50 – Supplementary Regulations and Non-Conforming Uses, Revision of Buffer Strip and addition of E.2.b.6 and E.2.b.9.  
Article V, Section 51 – Deleted G.3. concerning undersize lots in Business District.  
Zoning Map revised to show District Boundaries in Business District (B1). In addition, a new map of B1 was added.