

ARTICLE 1 TITLE, PURPOSE, AUTHORITY

Section 1.0 -- Short Title.

This Law shall be known and may be cited as the "Zoning Law of the City of Salamanca, New York."

Section 1.1 -- Authority.

Pursuant to the authority and power granted under Section 20 (24) of the General City Law and Section 10 of the Municipal Home Rule Law of the State of New York, and all Amendments thereto, the Common Council of the City of Salamanca, County of Cattaraugus, State of New York, hereby ordains, enacts and publishes as follows:

Section 1.2 -- Long Title.

A Law establishing a comprehensive zoning plan for the City of Salamanca by dividing the territory thereof into certain zoning use districts and prescribing regulations and standards for buildings and other structures and the use of land therein.

Section 1.3 -- Purpose.

The Zoning Regulations and Districts herein set forth and as identified upon the Zoning Map of the City of Salamanca are made for the purpose of promoting public health, safety, and general welfare and prescribing the most desirable use for which the land in each district may be adapted and those uses to be subjected to special regulations, while conserving the value of land throughout the City. The height, bulk and location of buildings and other structures, the area of yards, courts, setbacks and other open spaces, the density of population and intensity of use of buildings and land, the use, conservation of unique waterfront areas, and the use of structures and land for residential, industrial, commercial, institutional or other purposes, are hereby restricted and regulated as hereinafter provided.

Such regulations have been designed to preserve open space; lessen congestion in the streets; secure safety from fire, flood, and other dangers; provide adequate light, air, and convenience of access; and facilitate the adequate provision of transportation, water, sewage, schools, parks and other public services. They have been made with reasonable regard, among other things, to the character of each district and its suitability for particular uses as well as the value of buildings, land, and uses to promote the most appropriate use of land and preservation of the natural environment throughout the City of Salamanca.

The regulations contained in this Law have been made in accordance with the City of Salamanca Comprehensive Plan as adopted by the Planning Commission of the City of Salamanca by resolution dated April 10, 1997, by the Common Council of the City of Salamanca by resolution dated September 10, 1997 and adopted by Local Law on October 10, 2001.

ARTICLE 2. INTERPRETATION

Section 2.0 -- Interpretation, Separability and Conflict.

2.0.1 The following rules of construction of language shall apply to the text of this Law:

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. Words used in the masculine form shall also include the feminine.
4. The word "lot" includes the word "plot" or "parcel".
5. The word "person" includes an individual, firm or corporation.
6. The word "shall" is always mandatory; the word "may" is always permissive.
7. The words "used" or "occupied" as applied to any land or building shall be interpreted to include the words "intended, arranged or designed to be used or occupied".
8. A "building" or "structure" includes any part thereof.
9. The phrases, "to erect", "to construct", and "to build" a building each have the same meaning and include to excavate for a building and to relocate a building by moving it from one location to another.

2.0.2 If any section, paragraph, subdivision, or provision of this Law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision judged invalid, and the rest of this Law shall remain valid and effective.

2.0.3 Wherever possible this Law shall be interpreted in such a way that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.

2.0.4 This Law is not intended to abrogate or annul any easement, covenant, or any other private agreement. Such private agreements shall not allow what the Law prohibits.

2.0.5 Whenever the requirements of this Law are at variance with the requirements of other fully adopted rules, regulations or Laws, the Law with the most restrictive provisions or those imposing the higher standards shall govern.

2.0.6 Except as otherwise provided in this law, no building or land shall be devoted to any use not specifically permitted or regulated herein.

Section 2.1 -- Definitions.

The following words or phrases as used in this Law are defined as follows:

ABANDONMENT - To cease or discontinue a use or activity for at least one year without intent to resume it.

ACCESSORY STRUCTURE - A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to, portable, demountable or permanent enclosures, shade structures, carports, above- and below-ground swimming pools, garages and storage sheds.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or occupancy of a building and located on the same lot with such principal use or building.

ADULT CARE FACILITY - An Adult Care Facility shall mean a family-type home for adults, a shelter for adults, a residence for adults or an adult home, which provides temporary or long-term residential care and services to adults who, though not requiring continual medical or nursing care provided by facilities licensed or operated pursuant to Article 28 of the Public Health Law or Article 19, 21, 29 and 31 of the Mental Hygiene Law, are by reason of physical or other limitations associated with age, physical or mental disabilities or other factors, unable or substantially unable to live independently. Adult Care Facilities within the City of Salamanca are regulated by Part II, Article XX, entitled Adult Care Facilities, of the City of Salamanca Code of Laws.

ADULT USE DEFINITIONS – For the purposes of this Zoning Law, the following uses, activities and facilities are defined as Adult Uses. Adult use shall include: Adult Bookstore, Adult Cabaret, Adult Entertainment Establishment, Adult Motion-Picture Theater, Massage Establishment and Steam Bath Establishment.

ADULT BOOKSTORE - An establishment or business, whether retail or wholesale, having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals, films and viewing materials for sale or viewing on premises, by use of motion-picture devices or any coin-operated means, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment or business having a substantial area devoted to the sale and display of such material. For purposes of this definition, "substantial or significant portion" or "substantial area" shall mean twenty five percent (25%) or more of any of the following:

- (1) The number of different titles or kinds of such merchandise.
- (2) The number of copies or pieces of such merchandise.
- (3) The amount of floor space devoted to the sale and display of such merchandise.
- (4) The amount of advertising, which is devoted to such merchandise, either in print or otherwise promoted via the broadcast media.

ADULT CABARET - A business enterprise which serves food or beverages for consumption on the premises, with or without carry-out service, which features entertainers or waiters and/or waitresses who display any specified anatomical area or who depict, describe or simulate specified sexual activities.

ADULT ENTERTAINMENT ESTABLISHMENT - Any business enterprise which is other than an adult bookstore, adult motion-picture theater, adult cabaret, massage establishment or steam bath establishment and which has presentations characterized by emphasis on the description or depiction of specified anatomical areas or specified sexual activities during live shows, motion picture films, sound recordings or other audio/visual medium presented to an audience of one (1) or more individuals. Also included in this definition is any business enterprise, other than a bona fide medical or health service establishment, requiring a client or customer to display any specified anatomical area.

ADULT MOTION-PICTURE THEATER - An enclosed or unenclosed building or structure or portion of a building or structure used for presenting materials having as a dominant theme material distinguished or characterized by an emphasis on matter

depicting, describing or relating to sexual activities or anatomical areas for observation by patrons therein.

BUSINESS - Any commercial enterprise, association or arrangement for profit.

DISSEMINATION - The transfer of possession, custody, control or ownership of, or the exhibition or presentation of any performance, to a customer, member of the public or business invitee, of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

MASSAGE ESTABLISHMENT - Any establishment having a fixed place of business where massages, body rubs, sports rubs, hot oil body rubs or similar services are administered. This definition shall not be construed to include a hospital, bona fide medical or health establishment, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, licensed massage therapist or barbershops, beauty shop, and beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

PERSON - Any person, firm, partnership, corporation, association or legal representative, acting individually or jointly.

STEAM BATH ESTABLISHMENT - Any establishment, which provides steam baths, hot tubs (whirlpools), saunas and similar facilities. This definition shall not be construed to include health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which have hot tubs (whirlpools), steam baths and/or saunas that are accessory to the health club or those bona fide medical or health service establishments which have as an accessory use steam baths, hot tubs (whirlpools) or saunas for use in medical therapy.

SUBSTANTIAL CONNECTION:

- 1) In a sole proprietorship, an individual who owns, operates, controls or conducts, directly or indirectly, any premises, building or location upon which any adult use takes place.
- 2) In a partnership, limited or general, an individual who shares in any potential profits or losses of the business or who shares in the ownership of any of the assets of the partnership business.
- 3) In a corporation, an individual who is an officer, director or a holder, either directly, indirectly or beneficially, of more than twenty percent (20%) of any class of stock.
- 4) Assets of such business, whether in case, goods or services.

AGRICULTURAL USE - The raising of agricultural products including livestock, poultry, dairy products, farm crops, fruit, vegetables, cultivated plants and nursery stock whether for gain or otherwise.

ALLEY - A narrow supplementary thoroughfare for the public use of vehicles affording access to abutting property.

ALTERATION – Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as change in doors, windows, means of ingress or egress, or enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

AMUSEMENT GAME CENTER - A continuous commercial use in which four (4) or more mechanical, electrical or electronic machines or devices used or designed to be operated for entertainment or as a game, and either activated by the insertion of a coin, token, etc. or use for which a charge is made.

ANTENNAS and TOWERS FOR WIRELESS TELECOMMUNICATIONS - The following definitions relate to wireless telecommunications antennas and towers.

ALTERNATIVE TOWER STRUCTURE - man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA - any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

ANTENNA, MINOR - any antenna not attached to a tower and which does not extend more than thirty (30) feet above the highest point of the structure to which it is attached and which may be approved by the Zoning Officer as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure.

BACKHAUL NETWORK - the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

HEIGHT - when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS - any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

APARTMENT - See DWELLING UNIT

APPROVED - Approved by the City Zoning Officer under the regulations of this Law, or approved by an authority designated by this Law.

AREA, BUILDING - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces and uncovered steps. All dimensions shall be measured between the exterior faces of walls.

AREA, LOT - The total area within the lot boundary lines excluding any area included in a public street right-of-way.

ATTIC - That space of building which is between the top of the uppermost floor construction immediately below and wholly or partly within the roof framing and that is not finished as habitable space (See also **STORY, HALF**).

AWNING SIGN – A lightweight cover placed over an entryway or window. Awnings normally protrude a maximum of 8’ from associated structures and may be fixed or retractable. Awnings are typically used as barriers from minor weather elements, direct sunlight or as advertising agents.

BALLOON SIGN – An advertising aid typically located around upper edges of business structures. Such signs may be placed over doorways or encompass completed buildings. These signs are typically no more than twelve to twenty-four inches tall, made from cloth or lightweight composites and may be backlit.

BANNER- Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BAR - A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

BASE FLOOD ELEVATION AND BASE FLOOD - Base flood elevation is that height, or elevation, in relation to mean sea level, which is expected to be reached by the waters of the base flood at pertinent points in the flood plains of coastal and riverine areas. The base flood, in accordance with the regulations established by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP), is the flood having a 1% chance of being equaled or exceeded in any given year. The term base flood has the same meaning as the 100-year flood under the regulations of the NFIP.

BASEMENT - Any space of a building which is partly below finished grade, but having more than one-half of its height measured from floor to ceiling above average finished grade (See also **CELLAR**).

BED AND BREAKFAST - A building containing a single dwelling unit in which at least one, but not more than six (6), sleeping rooms are provided by the owner/occupant as overnight lodging facilities offered for compensation for the accommodation of transient guests.

BOARDING HOUSE - A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three, but no more than six, sleeping rooms are offered for rent, with or without meals to non-transient guests. A lodging house, or rooming house shall be deemed a boarding house.

BUFFER YARDS - An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING - Any structure which is wholly or partially enclosed within exterior walls, 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 - See **ACCESSORY STRUCTURE**.

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

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed or existing finished grade to the highest point of the roof for flat roofs, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT – No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Zoning Officer for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature. The final determination is made by the Zoning Officer, for the City of Salamanca if it is structural in nature.

BUILDING, PRINCIPAL - 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.

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

BUILDING LINE - The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

BULK - A term 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 building; and all open spaces required in connection with a building, other structure, or tract of land.

CAMPING UNIT- Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated only as temporary living-quarters for recreation, education or vacation purposes. These are allowed in Camp Grounds only.

CAR WASH - A building, premises or portions thereof where automobiles and other vehicles are washed either by the patron or others either by hand or using machinery and mechanical devices specifically designed for this purpose.

CELLAR - Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building (See also **BASEMENT**).

CERTIFICATE OF COMPLIANCE- A certificate issued by the Zoning Officer certifying that conditions specified in this law, in the building permit, in the City of Salamanca Municipal Code and in the New York State Uniform Fire Prevention and Building Code have been met; that it has been inspected and is eligible to be occupied.

CERTIFICATE OF OCCUPANCY - A certificate issued by the Zoning Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Law and such adjustments thereto granted by the Zoning Board of Appeals.

CHARACTERISTICS - unique attributes or qualities of a property.

CHILD CARE FACILITY - Any licensed building or structure operated for the purpose of providing daytime care and instruction for two or more children on a regular schedule and also known as a Day Care Center. (See also **DAY CARE**)

CHURCH OR PLACE OF WORSHIP - A building or premises used for regular public worship by members or representatives of a religious sect or organization as defined by State statute.

CLUB, MEMBERSHIP - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

CLUSTERED PROJECTS OR DWELLING GROUPS - Projects or Dwelling Groups carried out pursuant to the authority granted to the City by Section 20 (24) of the City Law of the State of New York, whereby the Planning Commission of the City of Salamanca is authorized to encourage or require the modification of certain density requirements of this Zoning Law. The modifications must occur at the same time that the plat or plats are approved in accordance with the requirements of the Subdivision Regulations of the City of Salamanca. Such modifications to the density standards of this Zoning Law are subject to reasonable conditions set forth by the City of Salamanca Common Council. The purposes of such authorization shall be to enable and encourage flexibility of design and development of land in order to promote the most appropriate use of land, facilitate the adequate and economical provision of streets and utilities and preserve the natural and scenic qualities of open lands.

COMMERCIAL GREENHOUSE- A structure in which plants, vegetables, flowers and similar materials are grown for sale.

COMMERCIAL VEHICLE - A vehicle of more than one ton capacity used for the transportation of persons or goods primarily for gain.

COMMUNITY RESIDENCES FOR THE DEVELOPMENTALLY DISABLED- A residential facility, licensed by the state, providing food, shelter, and personal guidance, with supervision to developmentally disabled or mentally ill persons who require assistance, temporarily or permanently, in order to live in the community and shall include group homes, halfway house, intermediate care facilities, supervised apartment living arrangements, and hostels. *(NOTE: Such uses may not be located closer than 500' from a similar use and that the application can be denied if the community has fifty residents or 0.5 percent of the population, whichever is larger, already in such homes.)*

COMPLETE APPLICATION – An application form completed as specified by the Zoning Law and the rules and regulations of the governmental agency and all accompanying documents required by this law for approval of the application.

CONCEPT PLAN – An informal review of a plan for development that carries no vesting rights or obligations on any party.

CONDOMINIUM - A building or group of buildings, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

CONTIGUOUS PARCEL - A tract of land under the control of the applicant or its agent that is not divided by any natural or man-made barriers such as existing streets and highways, public right-of-ways identified on the official map and is not bisected by water bodies.

CONTRACTOR'S SIGNS- One non-illuminated construction sign, not exceeding ten (10) square feet in area in an R1, R2 and MH Zoning District, and thirty two (32) square feet in a B1, B2, B3 and I1 & I2 Zoning District, identifying the parties engaged in the design or construction on a lot or premises, where construction or remodeling is in progress may be located on the frontage of said property, but not in the right-of-way. The contractor or owner, of the property, within seven (7) working days will remove such signs after the completion of such work.

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.

CONVALESCENT HOME - See NURSING HOME.

CONVENIENCE/MINI-MARKET - A commercial retail use which combines the sale of beverages, dairy and baked goods, snack foods, prepackaged grocery items and daily household items and which may also be accompanied by the sale of motor vehicle fuel and accessory substances for automobiles.

CONVERSION – A change in the use of land or a structure.

COVERAGE - That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

CURB CUT – The opening along the curb line at which point vehicles may enter or leave the roadway.

DAY CARE CENTER - Any licensed building or structure operated for the purpose of providing daytime care for two or more adults or children on a regular schedule. (See also **CHILD CARE FACILITY** and **ADULT CARE FACILITY**).

DEMOLITION PERMIT- Official authorization to remove part or all of a building or structure.

DIKE – Any earthen levy or embankment, concrete flood wall, steel wall or embankment, wall or levy of similar materials which is constructed for the purpose of flood control along the edge of a natural waterway subject to flooding, including the entire area within any permanent easement granted for this purpose.

DILAPIDATION – A deterioration of structures or buildings to the point of being unsafe or unfit for human habitation or use.

DISTRICT OR ZONE - That portion of the City within which specific uses are permitted according to the designation applied thereto in Article 3 and in conformity with the provisions of this Law.

DOUBLE WIDE TRAILERS – Same definition as mobile homes and they are only allowed in a Mobile Home Park.

DRIVEWAY – A private road that connects a house, garage, or other building to a street.

DRIVE-IN USE - Any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carry-out service. For the purposes of this Law, drive-in uses which primarily sell fast food shall be regulated as fast food facilities.

DRUGSTORE- A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where non-medical products may be sold as well.

DUMP - A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind.

DWELLING - A building designed or used principally as the living quarters for one or more families in one or more dwelling units.

DWELLING, ONE-FAMILY - A building containing one dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY DETACHED - A building containing one dwelling unit and having two side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, ONE-FAMILY SEMI-DETACHED - A building containing one dwelling unit and having one party wall and one side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, TWO-FAMILY - A building containing two dwelling units. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING, MULTIPLE-FAMILY - A building containing three or more dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING GROUP - See **CLUSTERED PROJECTS**.

DWELLING UNIT - One room or several rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities.

ENCROACHMENT – Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or an adjacent land.

ENLARGEMENT- An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements.

ENVIRONMENTAL IMPACT STATEMENT- A statement of the effect of proposed development, and other major private or governmental actions, on the environment.

ESSENTIAL SERVICES – Services and utilities needed for the health, safety and general welfare of the community, such as underground surfaces, or overhead electrical, gas, telephone, steam, water, sewage and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

EXISTING USE – The use of a lot or structure at the time of the enactment of a zoning law.

FACADE - the face or front of a structure or any vertical surface adjacent to a public way.

FACTORY MANUFACTURED HOME - A dwelling unit constructed off-site, consisting of one or more segments and designed to be permanently anchored to and supported by a foundation, to become a fixed part of the real estate. Such dwelling unit shall bear an insignia of approval issued by the State of New York.

FAMILY - One or more persons who live together in a single dwelling unit and maintain a common household.

FEASIBILITY STUDY – An analysis of a specific project or program to determine if it can be successfully carried out. Example: Traffic, environment, building size.

FENCE - An artificially constructed barrier of wood, masonry, stone, metal or any other permitted manufactured material or combination of materials erected for the enclosure of yard areas.

FINAL APPROVAL – The last official action of the proving agency taken on a development plan that has been given preliminary approval, after all conditions and requirements of preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

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.

FIRE ZONE- An area clearly delineated and marked to facilitate access to hydrants and buildings and as designated by the chief of the fire district in which the building, structure or use is situated.

FLOOD INSURANCE RATE MAP – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOODPLAIN - The low lands adjoining the channel of a river, stream or watercourse, lake or other body of standing water, which have been or may be inundated by flood water. The channel of a stream or watercourse is a part of the flood plain in accordance with the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA).

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, in accordance with the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA). Also referred to as Regulatory Floodway.

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

- 1) Basement space.
- 2) Elevator shafts and stairwells at each floor.
- 3) Floor space for mechanical equipment, with structural headroom of 7'6" or more.
- 4) Penthouses.

- 5) Attic space (whether or not a floor has actually been laid) providing there is structural headroom of not less than 7'6".
- 6) Interior balconies and mezzanines.
- 7) Enclosed porches.
- 8) Accessory uses, not including space for accessory off-street parking.

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

- 1) Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- 2) Elevator and stair bulkheads, accessory water tanks and cooling towers.
- 3) Floor space used for mechanical equipment, with structural headroom of less than six (6) feet.
- 4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than six (6) feet.
- 5) Uncovered steps; exterior fire escapes.
- 6) Terraces, breezeways, open porches, and outside balconies and open spaces.
- 7) Accessory off-street parking spaces.
- 8) Accessory off-street loading berths.

FUNERAL HOME - A building or part thereof used for human funeral services, including chapels, embalming, autopsies, storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles, but does not include facilities for cremation.

GARAGE, SERVICE/REPAIR - A building or premises used for the repair of motor vehicles, including painting, detailing, cleaning and the sale of related parts and accessories. A junk yard or auto salvage yard is not to be construed to mean or be the same as a garage.

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, which may include as accessory uses 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.

GENERAL BUSINESS OFFICE - A non-retail service-oriented office or agency such as insurance brokers, travel agents, computer programming, consulting organizations, or similar uses.

GREENHOUSE – A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND SIGN – Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure. The time limit for a temporary sign is 30 days.

GROUP HOME – A non-profit or for-profit home for the care of person(s) with special needs, which in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation.

HALF WAY HOUSE – See **GROUP HOME**

HEALTH CLUB – An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers.

HOME OCCUPATION - A home occupation, as defined in this Law, may be permitted subject to site plan approval by the Planning Commission and an issuance of a special permit by the Planning Commission provided such use is not specifically prohibited. Such use shall conform to the following standards which shall be minimum requirements:

- 1) No more than 25% of the total floor area of a dwelling unit or 500 square feet whichever is the lesser may be used for such use.
- 2) The use shall be carried on wholly within the enclosed walls of the dwelling unit or an accessory building.
- 3) There shall be no external evidence of such use except for one sign not exceeding two (2) square feet in area mounted flush with and on the front facade of the dwelling unit. No stock, merchandise, equipment or displays of any kind shall be visible outside the dwelling unit or accessory building.
- 4) No external structural alterations which are not customary to a residential building shall be allowed.
- 5) The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.
- 6) Any form of business, the primary function of which is the wholesale or retail sale of goods or articles at the premises, shall be deemed a commercial use.
- 7) The following uses and other uses similar in character shall not be considered to meet the intent of this section:
 - a) Vehicle engine repair
 - b) Vehicle body work
 - c) Veterinary hospital, kennel
 - d) Bar and restaurant
 - e) Any use that is not permitted in a Type 5 (wood frame) building construction under the New York State Uniform Fire Prevention and Building Code.
- 8) Such uses shall also be subject to any other conditions the Planning Commission deems necessary to meet the intent of these requirements.

HOSPITAL - An institution for the care and treatment of the sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury which require bed care, out-patient care or emergency room care.

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 or may not include dining facilities. This term shall not be deemed to include an Inn, Bed & Breakfast, Boarding House, or other such accommodations.

IMPROVEMENT – Any structure that becomes part of, placed upon, or is affixed to real estate.

INDUSTRIAL/BUSINESS PARK - A planned, coordinated development of a tract of land with two or more separate parcels or lots for industrial, business or mixed industrial/business development. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to site planning and layout, attractive appearance, entrance signage, general landscaping, vehicular circulation, service and delivery, parking, utility needs, building design and orientation, equipment storage, refuse disposal and open space. Typically, an industrial/business park is developed or controlled by one proprietary interest and has an enforceable master plan and/or covenants, conditions, and restrictions.

INDUSTRIAL USE - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or any part of which is marketed off the premises or marketed to other than the ultimate consumer.

INFRASTRUCTURE – Facilities and services needed to sustain industry, residential, commercial and all other land use activities. Example: This includes water, sewer lines and other utilities, streets, and roads, communications, and public facilities, such as firehouses, parks, schools, etc.

INN - A building containing a single dwelling unit in which more than four and less than fifteen sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals.

INTERMEDIATE CARE FACILITIES – A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

JUNK - The outdoor storage or deposit of any of the following shall constitute junk:

- 1) One (1) or more junk motor vehicles.
- 2) One (1) or more junk mobile homes.
- 3) One (1) or more abandoned or inoperable appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
- 4) One (1) or more abandoned or irreparable damaged pieces of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
- 5) One or more used parts or waste materials from motor vehicles which remain outdoors in excess of three months or more.
- 6) Any combination of the above or parts of the above that total one (1) or more items.

JUNK MOBILE HOME - A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under the New York State Uniform Fire Prevention and Building Code. Includes but is not limited to mobile homes, travel trailers and campers.

JUNK VEHICLES - (A): one (1) or more motor vehicles which are unregistered for a period in excess of 3 (three) months and not in any condition for legal use upon the public highways. or in any such condition as to cost more to repair to operating condition than its reasonable market value at the time before such repair. (B) One or more recreational vehicles, (i.e.) including but not limited to snowmobiles, ATV's, motorcycles, boats, not in operable condition and or in such condition as to cost more to repair to operating condition than its reasonable market value at the time before such repair and is in such condition of an excess of three months.

JUNKYARD - Any lot, parcel of land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled, stored or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts therefrom, for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. A junkyard includes the outdoor storage or deposit of any of the following: 1. One (1) or more junk motor vehicles. 2. One (1) or more junk mobile homes. 3. One (1) or more junk appliances. 4. One (1) or more pieces of junk furniture. 5. Any combination of the above that totals one (1) or more such items.

KENNEL - Any place at which there are kept four or more domestic animals or any number of dogs that are kept for the primarily commercial purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

LAND USE - A description of how land is occupied or utilized.

LAND USE ACTIVITY - Any construction or other activity, which changes the use or appearance of land or a structure or the intensity of use of land or a structure. "Land use activity" shall explicitly include, but not be limited to, the following: new structures, expansions to existing structures, new uses, changes in or expansions of existing uses, roads, driveways, and excavations for the purpose of extracting soil or mineral deposits.

LANDSCAPE PLAN – A component of a development plan on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grad changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

LAUNDROMAT- An establishment providing washing, drying or dry-cleaning machines on the premises for rental use to the general public.

LODGING HOUSE - See **BOARDING HOUSE**

LOT - A contiguous 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 or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

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

LOT, DEPTH OF - The mean distance from the front street line of a lot to its rear line.

LOT, MINIMUM AREA OF – The smallest lot area established by the zoning law on which use or structure(s) may be located in a particular zone.

LOT, THROUGH - A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

LOT COVERAGE - See **COVERAGE**.

LOT FRONTAGE - A lot line which is coincident with the right-of-way line of a public road or which is measured 20 feet from the center line of a private road.

LOT LINES - The lines bounding a lot as defined herein.

LOT WIDTH - The width of a lot measured between the side lot lines along the rear line of the required front yard.

MANUFACTURED HOME - A structure, transportable in one or more sections, that, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length or when erected on site is 300 or more square feet, that is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and that includes the plumbing, heating, air conditioning, and electrical systems contained therein. A Manufactured Home is distinguished from a Modular Home. (Allowed in mobile home parks only). (See also **MOBILE HOME**).

MARQUEE – Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance.

MEDICAL CLINIC - A place where medical or dental care is furnished to persons on an out-patient basis by three (3) or more physicians who have common offices in a building which shall also offer laboratory and diagnostic facilities to patients on an out-patient basis and not just in conjunction with normal professional services.

MINING – Any use involving the process or business of extracting ore, minerals, soils, or other natural resources from the earth.

MOBILE HOME - A transportable structure built on a permanent chassis meaning the steel under-structure remains with the unit when placed on a site, with or without wheels utilized in transportation, the permanent chassis being a design feature allowing for the future removal of the unit(s) from a site without the necessity of utilizing a new under structure. The removal of the wheels or the anchoring of a mobile home to a permanent foundation shall not remove it from this definition. A mobile home is designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Every mobile home shall bear a data plate, affixed in the manufacturing facility, bearing not less than the following information: the

statement This mobile home is designed to comply with the federal mobile home construction and safety standards in force at the time of manufacture: and reference to the structural zone and wind zone for which the home is designed.

MOBILE HOME LOT - A site or lot or parcel of land within a mobile home park which is laid out and designed for the placement of not more than one (1) mobile home and its occupants, and which is subject to the density control regulations in Section 5.1 of this Zoning Law.

MOBILE HOME PARK - A contiguous parcel of land no less than two (2) acres in size and under one ownership upon which are or are proposed to be located five (5) or more mobile homes.

MOBILE HOME PARK OCCUPANT - Any person who shall occupy a mobile home within the boundaries of a mobile home park pursuant to agreement with the mobile home park operator.

MOBILE HOME PARK OPERATOR - The person to whom a mobile home park permit is issued or his representative on the premises of the mobile home park.

MOBILE HOME STAND - A concrete slab, concrete piers, tie-downs or other anchoring devices, walkways, utility connections or other comparable prepared site or structure located on a mobile home lot which is designed to be used for the placement of, and which is capable of supporting, a mobile home. Mobile home stands shall conform to all applicable requirements of the New York State Uniform Fire Prevention and Building Code.

MODULAR HOME - A structure, transportable in two or more sections, that in the traveling mode, is 12 to 14 feet in width and up to 60 feet in length, when erected on site is 1,000 or more square feet, that is not built on a permanent chassis, but is transported to the site on a temporary removable chassis and designed to be used as a dwelling only with a permanent foundation, when connected to required utilities, and that includes plumbing, heating, air conditioning and electrical systems contained therein. A modular home must be erected on a permanent foundation consisting of a full basement or partial basement with crawl space, unless basements are not permitted in the area due to the water table. Modular homes can be set on a site in the correct zone(s)- (R1, R2, MH*- Modular Homes are allowed in a Mobile Home Use District under a Special Permitted Use.)

MOTEL - A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior 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, or roadside hotel.

NIGHTCLUB – An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted.

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 Zoning Law, 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 Zoning Law or as a result of subsequent amendment thereto.

NON-RESIDENTIAL PLANNED DEVELOPMENT - One or more commercial uses proposed as a unit, or one or more Industrial uses proposed as a unit, in conformance with Article 9.

NURSING HOME - A building containing accommodations for persons where nursing and convalescent services including meals are furnished.

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

OPEN SPACE - An area which is not developed with principal or accessory structures and which is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, decorative planting, preservation of existing natural areas, walkways, active and passive recreation areas and playgrounds. Open space shall not be deemed to include driveways, roadways or parking areas.

OWNER – Any person or legal entity possessing either a fee simple interest in property or a leasehold interest pursuant to the terms of a lease with the Seneca Nation of Indians as authorized by an Act of Congress of the United States of America.

PARKING ACCESS- The area of a parking lot that allows motor vehicles ingress and egress from the street.

PARKING AREA – Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING AREA, PRIVATE – A parking area for the exclusive use of the owners, tenants, lessee, or occupants of the lot, on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

PARKING LOT, COMMERCIAL - Any tract of privately-owned land which is used for the storage of motor vehicles and is not accessory to any other use on the same or any other lot, and contains parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PARKING LOT, PRIVATE - Any tract of privately-owned land which is used for storage of motor vehicles and is accessory to a use on the same parcel or lot or on another parcel or lot, and contains parking spaces reserved or leased in some manner for that principal use and not available to the general public.

PARKING LOT, PUBLIC - An off-street parking area where motor vehicles may be stored by the general public, with or without a fee, for temporary, daily or overnight parking.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than one hundred and eighty (180) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PARKING STRUCTURE (GARAGE, DECK - Any structure in which motor vehicles may be parked or stored that is not accessory to any other use on the same lot, and contains parking spaces rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PERSONAL SERVICE ESTABLISHMENT - A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker.

PORTABLE SIGNS- Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to a A or T Frames, menu or sandwich board signs attached to or painted on vehicles parked and visible in the normal day-to-day operations of the business.

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

PROFESSIONAL OFFICE - An office principally occupied by a licensed professional such as a physician, dentists, lawyer, engineer, architect, accountant, insurance or real estate agent, or similar occupation.

PUBLIC HEARING - A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC NOTICE – The advertisement of a public hearing in a paper of general circulation designed as the official paper of the City of Salamanca, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.

PUBLIC UTILITIES or ESSENTIAL SERVICES - The erection, construction, alteration, maintenance or operation by utility companies or municipal or other governmental agencies of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants, and other similar equipment and accessories thereto, reasonably necessary for the furnishing of adequate service by such companies or agencies or for the public health, safety or general welfare.

RECREATION USES, COMMERCIAL - Uses designed as recreational activities operated by private businesses for profit, including privately operated amusement parks or rides, games, miniature golf courses and similar uses.

REFLECTOR, SOLAR - A device for which the sole purpose is to increase the solar radiation received by a solar collector.

REHABILITATION – The upgrading of a building previously in a dilapidated or substandard condition for human habitation or use.

REPAIR SHOP, PERSONAL SERVICE - A store or other place of business at which is conducted the repair of personal customer items, such as shoes, clothing, jewelry, etc.

RESIDENCES, RESIDENTIAL - A building, or any part of a building, which contains dwelling units for permanent occupancy. Residence, therefore, includes all one-family, and multi-family, boarding, fraternity and sorority houses. However, "residences" shall not include the following:

1. Transient accommodations, such as hotels, motels, and hospitals; or
2. That part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.

RESTAURANT, FAST FOOD - An establishment whose principal trade is the sale of food and/or beverages in a form for consumption either on or off premises.

RESTAURANT, STANDARD - Any establishment, however designated, whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises. However a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, playfield or park, which is operated by an approved sponsoring group, agency or vendor for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RESTORATION - the act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

RETAIL USE - Business or commercial use or activity involving primarily the sale of merchandise or stock-in-trade to the public.

RIGHT-OF-WAY - The property under public ownership or easement normally used for movement of vehicles, and or persons, including, but not restricted to, any pavement area.

ROADSIDE STAND - A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce is offered for sale to the general public.

ROOMING HOUSE - See **BOARDING HOUSE**.

SATELLITE TELEVISION ANTENNA - An antenna the purpose of which is to receive television and/or radio signals from orbiting satellites and which is located external to or attached to the exterior of any structure.

SELF-STORAGE UNITS – subdivided structures to be contracted for the storage of personal goods.

SENIOR CITIZEN HOUSING - A building or group of buildings where occupancy is restricted to persons 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age.

SETBACK - The required distance in feet from:

1. Any survey boundary forming a lot or contiguous parcel,
2. The right-of-way of a public street, or
3. A distance measured 20 feet from the centerline of private road to any building on such lot.

SHOPPING CENTER - A building or group of buildings containing a combination of three (3) or more separate shops, stores or offices on a single lot or adjacent parcels providing primarily retail services with supporting service and office establishments.

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, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, eleemosynary, professional, religious or similar organization, or of any 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 elsewhere than on the same lot. This shall include billboards.

SIGN, ANIMATED OR MOVING – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that give the visual impression of such movement or rotation.

SIGN, AWNING, CANOPY OR MARQUEE- A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by the zoning law.

SIGN, BENCH – A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

SIGN, BUSINESS - A sign which directs attention to a business or profession conducted or to products sold on the same lot. A "For Sale" sign relating to the lot on which it is displayed should be deemed a business sign.

SIGN, DIRECTORY - A sign listing the tenants or occupants of a building or group of building and that may indicate their respective professions or business activities.

SIGN-FACE – The area or display surface used for the message.

SIGN, FLASHING - Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, FREESTANDING - Any unmovable sign not affixed to a building. Example: Pole signs, ground signs and construction signs.

SIGN, IDENTIFICATION OR PROFESSIONAL - A sign showing the name and profession, occupation or pursuit conducted on the premises.

SIGN, ON-SITE INFORMATIONAL – A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.

SIGN- POLE - A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 10' or more above grade.

SIGN- POLITICAL – A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

SIGN-PROJECTING – A sign, normally double faced, which is affixed to a wall of any structure or building, angled or perpendicular and any part of which projects by more than twelve (12) inches from such wall.

SIGN- WALL – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for , or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

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

SITE PLAN – The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetland, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; beams, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order than an informed decision can be made by the approving authority.

SOLAR COLLECTOR - A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy, and that contributes to a structure's energy supply, together with any components for containing and supporting such device.

SOLAR COLLECTOR, DETACHED - A solar collector, as defined herein which is physically detached from the structure for which solar energy is to be supplied.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system), including passive solar energy systems.

STORY - The part of a building comprised between a floor and the floor or roof next above it. A basement shall be considered a story. A cellar shall not be considered a story.

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. An attic with a finished floor shall be considered a half story. Half stories have structural headroom of less than 7'6" and shall not be included within the definition of FLOOR AREA for the purposes of this zoning law. (See FLOOR AREA).

STREET - An existing public or private way, which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on the official map and recorded in the office of the County Clerk.

STREET, LOCAL - A street or road designed primarily to provide access to abutting properties.

STREET, MARGINAL ACCESS - Those streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

STREET, PRIMARY - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic areas.

STREET, PRIVATE - A drive that services or is designed to serve no more than two principal uses and is built to City specifications that remains in the ownership of and is maintained by the developer or development association and is not dedicated to the City.

STREET, PUBLIC - A road or street that serves three or more principal uses, that is built to City specifications and is dedicated to the City for maintenance.

STREET, SECONDARY - A public street, which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a primary street.

STRUCTURE - A static construction of building materials, framed of component structural parts for occupancy or use, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands, gasoline pumps, mobile dwellings, and the like.

SUBWAY - The area between the edge of the pavement of a roadway and the boundary of the public right-of-way within which the roadway is located.

SWIMMING POOL - An artificial pool of water, either above or below ground, having a depth at any point of more than thirty (30) inches and a surface area of greater than one hundred (100) square feet, designed or intended for the purpose of bathing or swimming and including all necessary equipment.

SWIMMING POOL, PRIVATE - A swimming pool operated as an accessory use to a residential dwelling unit or units and located on an individual residential lot or site.

SWIMMING POOL, PUBLIC - A public or privately-owned pool open to the general public or to individuals on a membership basis and having appropriate dressing room facilities, recreation and off-street parking area.

TOPSOIL - A surface layer of the soil containing more or less organic matter to a depth usually plowed in cultivation. The "A" horizon of the soil solum.

TOWNHOUSE - A building consisting of three or more attached single-family dwelling units each having separate entrances and common vertical party walls. (See also **BUILDING, SEMI-DETACHED**).

TRAILER - A non-motorized wheeled vehicle designed to be transportable when towed by a motorized vehicle and which has been designed for human occupancy as a dwelling unit.

TRAILER, UTILITY - A non-motorized wheeled vehicle designed to be transportable when towed by a motorized vehicle and which has been designed for the storage of tools and/or equipment.

TRAVEL TRAILER - A registered vehicle which is used or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports. A recreational vehicle (RV) is also considered a travel trailer.

TRUCKING TERMINALS - A building or part of a building or premises for the storage and/or transfer of goods, wares and merchandise for the owner or others by truck transport.

USE - This term is employed in referring to:

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

USE, PRINCIPAL - The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this Law.

VEHICLE SALES AREA - A premises, including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles, boats, and/or recreational vehicles.

VETERINARY HOSPITAL - A building for the treatment of animal illness including facilities for boarding animals receiving treatment.

WAREHOUSE - A building or premises, for storing of goods, wares and merchandise, whether for the owner or for others, whether publicly or privately owned or used.

WAY - A thoroughfare, street, alley, way or right-of-way, however designated, permanently established for passage of persons or vehicles.

WHOLESALE (STORE, BUSINESS, ESTABLISHMENT) - A business establishment engaged in selling to retailers or jobbers rather than directly to consumers.

WIND ENERGY CONVERSION SYSTEM (WINDMILL) - Any mechanical device designed for the purpose of converting wind energy into electrical or mechanical power.

WINDOW SIGN OR INSIDE SIGNS- Any sign, picture, symbol, or combination thereof, whether or not lighted, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside or outside of a window or upon the window panes or glass and is visible from any public or private street or highway or any public or private parking lot or facility shall be classified as a window or inside sign.

YARD, FRONT - An open area extending the full width of the lot between the street right-of-way and the building line projected to the side lot lines.

YARD, REAR - An open area extending the full width of the rear lot line situated between the rear lot line and the building line projected to the side lot lines.

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

YARD, SIDE - An open area extending between the building line and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or to the rear lot line if there is no required rear yard).

ZONING OFFICER – The City official in charge of enforcement of the Zoning Law. The Zoning Officer is the person appointed for this purpose by the Common Council or their designee.

ZONING PERMIT – A permit issued by the Zoning Officer that indicates a lot, structure or use of land has been developed in conformity with this law and/or complies with the provisions of this chapter.

ARTICLE 3. -- ESTABLISHMENT OF DISTRICTS**Section 3.0 -- Application of Regulations.**

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

Section 3.1 -- General Regulations.

3.1.1 No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district in which such building or structure is located.

3.1.2 No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.

3.1.3 No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than those required by this Law.

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

3.1.5 Any uses not specifically permitted shall be deemed to be prohibited.

3.1.6 Regardless of any other provisions of this Law, or Chapter, any use that is noxious or offensive by reason of emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation or which presents a hazard to public health safety, is prohibited, in accordance with the standards of Article 9 of this Law.

Section 3.2 -- Zoning Use Districts.

In order to fulfill the purpose of this Zoning Law, the City of Salamanca establishes the following Zoning Use Districts:

1. Agricultural-Conservation (AC)
2. Single-family Residential (R1)
3. Single-family/General Residential (R2)
4. Mobile Home (MH)
5. City Center (B1)
6. General Commercial (B2)
7. Neighborhood Commercial (B3)

8. Waterfront Conservation (WC)
9. Industrial (I1)
10. Restricted Industrial (I2)

Section 3.3 -- Zoning Map of the City of Salamanca.

The location and boundaries of said zoning use districts are hereby established on a scaled map designated "Zoning Map of the City of Salamanca" which is kept on file and will be available for public viewing in the office of the City Clerk, with a copy available in the Assessor/Zoning Office and such map is hereby declared to be part of this Zoning Law.

Section 3.4 -- Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

3.4.1 Centerlines and Right-of-Way Lines. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be constructed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than twenty (20) feet.

3.4.2 Lot or Boundary Lines. Where district boundaries are indicated as approximately following the City boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

3.4.3 Parallel to Lot or Boundary Lines. Where district boundaries are so indicated that they are approximately parallel to the City boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

3.4.4 District boundaries shall be determined by use of an accurate scale which shall be shown on the Zoning Map. In no instances shall a District boundary be set at less than the minimum lot depth required in Section 6.1, entitled Density Control Table, of this Law.

3.4.5 In the event of a questionable District boundary, the questionable boundary shall be referred to the Zoning Board of Appeals, and they shall, to the best of their ability, establish the exact boundary.

3.4.6 The copy of the Zoning Map showing any such determinations under this section shall be on file at the office of the Zoning Officer.

3.4.7 Precise zone boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Common Council of the City of Salamanca.

3.4.8 Lots Divided by Zoning District Lines.

Where a lot is divided by a district boundary line, the regulations for each respective district shall apply except:

1. In all cases where a lot in one ownership, other than a through lot, is divided by a district boundary so that 50 percent or more of such lot lies in the less restricted district, the regulations prescribed for such less restricted district shall apply to the more restricted portion of said lot for a distance of 30 feet from the zoning district boundary. For purposes of this Law, the more restricted district shall be deemed that district which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations set higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.
2. In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, the regulations applicable to the greater part of the lot shall be deemed to apply to the entire lot.

3.4.9 Buildings Divided by Zoning District Lines.

Where a district boundary line divides a building existing on the effective date of this Law, so that 50 percent or more of such building lies within the less restricted district, the regulations prescribed by this Law for such less restricted district (as defined in 3.4.8 above) shall apply to the entire building. Such provisions shall apply only if, and as long as, the building is in single ownership and its structural characteristics prevent its use in conformity with the requirements of each district.

ARTICLE 4. ZONING USE DISTRICTS

Section 4.0 -- Agricultural-Conservation Use District (AC).

4.0.1 Intent.

The intent of the AC Agricultural-Conservation Use District is to delineate those areas where agricultural and conservation use is predominant within the City of Salamanca. It is to protect the integrity of these areas by prohibiting the intrusion of any use which is not compatible with this predominant type and intensity of use. The AC district recognizes the value of such other permissible uses as plant cultivation, forestry, public uses and utilities, public and private recreation or open space, and single family detached dwellings.

4.0.2 Permitted Uses.

Within the AC District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the AC District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.0.2.a Permitted Principal Uses.

1. Agriculture.
2. Detached single-family dwellings.
3. Forestry.
4. Governmental uses.
5. Plant cultivation.
6. Public parks and recreation uses.
7. Public utilities and essential uses.

4.0.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.

4.0.2.c Special Permitted Uses.

The following uses may be permitted in the AC Agricultural-Conservation Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Cemeteries
2. Home occupations.
3. Mining and quarrying.
4. Parking lots, public or private.

4.0.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.0.4 Off-Street Parking Requirements and Loading Requirements

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.0.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.0.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.1 -- Single-Family Residential Use District (R1).

4.1.1 Intent.

The intent of the R1 Single-Family Residential Use District is to delineate those areas where predominantly single-family detached, low-density residential development has occurred or is

likely to occur in the future. It is to protect the integrity of these residential areas by prohibiting the intrusion of any use which is not compatible with this predominant type and intensity of use. The R1 district recognizes the value of such other permissible uses as churches, schools, libraries and other educational buildings, and playgrounds.

4.1.2 Permitted Uses.

Within the R1 District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the R1 District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.1.2.a Permitted Principal Uses.

1. Community Residences for the Developmentally Disabled (up to 6 residents, excluding staff).
2. Detached single-family dwellings.
3. Governmental uses.
4. Public or private schools.
5. Public parks and non-commercial recreational uses.
6. Public utilities or essential uses.

4.1.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.

4.1.2.c Special Permitted Uses.

The following uses may be permitted in the R1 Residential Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Adult care facilities.
2. Bed and Breakfast facilities.
3. Cemeteries.
4. Churches or places of worship.
5. Community Residences for the Developmentally Disabled.(more than six residents, excluding staff).
6. Home occupations.
7. Libraries.
8. Multi-family dwellings
9. Museums.
10. Private golf courses.
11. Parking lots, public or private.
12. Two-family dwellings

4.1.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.1.4 Off-Street Parking Requirements and Loading Requirements

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.1.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.1.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.2 -- Single-Family/General Residential Use District (R2).

4.2.1 Intent.

The intent of the R2 Single-Family/General Residential Use District is to delineate those areas where there are generally lot sizes somewhat smaller than those in the R1 District, and where there are instances of two-family and multi-family residential uses as well, but which are predominantly single-family detached, low-density residential in character and where such development is likely to continue to occur in the future. It is to protect the integrity of these residential areas by prohibiting the intrusion of any use which is not compatible with this predominant type and intensity of use. The R2 district recognizes the value of such other permissible uses as churches, schools, libraries and other educational buildings, and playgrounds.

4.2.2 Permitted Uses.

Within the R2 District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the R2 District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.2.2.a Permitted Principal Uses.

1. Detached single-family dwellings.
2. Governmental uses.
3. Public or private schools.
4. Public parks and non-commercial recreational uses.
5. Public utilities or essential uses.

4.2.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.

2. Antennas, minor.

4.2.2.c Special Permitted Uses.

The following uses may be permitted in the R2 Residential Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Adult care facilities.
2. Bed and Breakfasts.
3. Cemeteries.
4. Churches or places of worship.
5. Clustered Projects.
6. Day Care Centers.
7. Home occupations.
8. Hospitals.
9. Libraries.
10. Museums.
11. Multi-family dwellings.
12. Nursery schools.
13. Nursing and convalescent homes.
14. Parking lots, public or private.
15. Professional Offices
16. Semi-detached single-family dwellings.
17. Senior citizen housing.
18. Townhouses.
19. Two-family dwellings.

4.2.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.2.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.2.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.2.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.3 – Mobile Home Use District (MH)

4.3.1 Intent.

The intent of the MH Mobile Home Use District is to delineate those areas where conditions are favorable for the development of mobile home parks and where specific conditions of site size, topography, utility provisions, street accessibility, landscaping, buffering and scenic quality, compatibility with neighboring uses and areas and drainage are such that mobile home park development exists and is likely to continue to occur and be appropriate in future years. It is the intent of these regulations to protect the integrity of these areas and adjacent areas by prohibiting the intrusion of any use which is not compatible with this predominant type and intensity of use, and to also recognize the special nature of mobile home park use by requiring special permit approval for this uses.

4.3.2 Permitted Uses.

Within the MH District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the MH District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.3.2.a Permitted Principal Uses.

Mobile Home (MH) district principal uses are defined as special permitted uses under this section.

4.3.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the special permitted uses mentioned for this use district, and on the same lot.
2. Antennas, minor.

4.3.2.c Special Permitted Uses.

The following uses may be permitted in the MH District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Mobile home parks.
2. Mobile homes.
3. Modular homes.
4. Home occupations.
5. Parking lots, public or private.
6. Public utilities or essential uses.
7. Recreation areas, public or private.

4.3.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.3.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.3.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.3.6 Site Plan Review

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.4 -- City Center Use District (B1).

4.4.1 Intent.

The intent of the B1 City Center Use District is to delineate the city center area which is primarily utilized and is appropriate for a more intensive mixture of interactive retail, cultural, conference and meeting, lodging, business and personal service, financial, institutional, office, residential and governmental uses and to provide and promote a full range of city center uses that serve the needs of the surrounding City and County populations and to ensure that any use permitted is compatible with the character of the district and its permitted types and intensities of use. The purpose of the B1 District is also to recognize the unique historical character of the city center as a part of the heritage of the City of Salamanca and Cattaraugus County.

4.4.2 Permitted Uses.

Within the B1 Use District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the B1 Use District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.4.2.a Permitted Principal Uses.

1. Adult care facilities.
2. Antique and craft shops.
3. Art galleries.
4. Banks and financial institutions.
5. Barber and beauty shops.
6. Bed and breakfasts.
7. Bowling alleys.
8. Churches or places of worship.
9. Colleges and institutions of higher education.
10. Day care centers.
11. Dry cleaning businesses.
12. Dwelling units above first floor businesses.
13. General business office uses.
14. Governmental uses.

15. Hotels and motels.
16. Inns.
17. Libraries.
18. Medical clinics.
19. Museums.
20. Newspaper and publishing facilities.
21. Non-profit membership clubs.
22. Nursery schools.
23. Parking lots, public or private.
24. Parking structures.
25. Personal service establishments.
26. Photographic studios.
27. Professional offices.
28. Professional office buildings.
29. Public and private schools.
30. Public parks and recreational uses.
31. Public utilities or essential uses.
32. Repair shops, non-vehicle.
33. Retail businesses and commercial uses of a convenience and pedestrian-oriented nature.
34. Senior citizen housing.
35. Standard and fast food restaurants.
36. Townhouses.
37. Theaters.

4.4.2.b. Permitted accessory uses.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.

4.4.2.b. Special Permitted Uses.

The following uses may be permitted in the B1 City Center Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Accessory uses and structures customarily incident to any of the uses mentioned within this use district, and not on the same lot.
2. Amusement game centers.
3. Bars and nightclubs.
4. **Detached Single-family dwellings**
5. Drive-in uses.
6. Funeral homes.
7. Garage service and repair uses.
8. **Multi-Family dwellings**
9. Recreation areas, private.
10. Research laboratories.
11. Sales and marketing offices and display rooms.
12. Self-service laundries.
13. **Two-Family Dwellings**
14. Vehicle sales and/or repair uses.

4.4.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.4.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.4.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.4.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.5 -- General Commercial Use District (B2).

4.5.1 Intent.

The intent of the B2 General Commercial Use District is to delineate areas in the City which are currently used or are appropriate for general commercial or business uses which provide a range of retail and personal services in order to fulfill recurring needs of residents and visitors and which by the nature or scale of the operations permitted and careful site planning are compatible with adjoining commercial and residential areas.

4.5.2 Permitted Uses.

Within the B2 District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the B2 District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.5.2.a. Permitted Principal Uses.

1. Adult care facilities.
2. Antique and craft shops.
3. Art galleries.
4. Banks and financial institutions.
5. Barber and beauty shops.
6. Bed and breakfasts.
7. Bowling alleys.
8. Car washes.
9. Churches or places of worship.
10. Clustered projects.
11. Colleges and institutions of higher education.
12. Convenience/Mini-markets.
13. Day care centers.
14. Drive-in uses.
15. Dry cleaning businesses.
16. Dwelling units above first floor businesses.
17. Garage service and repair uses.
18. Gasoline filling stations.

19. Gasoline/Convenience/Mini-markets.
20. General business office uses.
21. Government uses.
22. Greenhouses.
23. Hotels and motels.
24. Inns.
25. Libraries.
26. Medical clinics.
27. Museums.
28. Newspaper and publishing facilities.
29. Non-profit membership clubs.
30. Non-vehicle repair shops.
31. Nursery schools.
32. Nursing and convalescent homes.
33. Parking lots, public.
34. Personal service establishments.
35. Photographic studios.
36. Professional offices.
37. Professional office buildings.
38. Public and private schools.
39. Public parks and recreational uses.
40. Public utilities or essential uses.
41. Research laboratories.
42. Recreation areas, private.
43. Retail businesses and commercial uses other than those listed above.
44. Standard and fast food restaurants.
45. Self-service laundries.
46. Self-storage units.
47. Theaters.
48. Vehicle sales and/or repair uses.
49. Veterinary hospitals.
50. Warehousing and wholesale and retail distribution centers including offices and showrooms.

4.5.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.
4. Private parking lots.

4.5.2.c Special Permitted Uses.

The following uses may be permitted in the B2 General Commercial Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Amusement game centers.
2. Bars and night clubs.
3. Detached Single-Family dwellings
4. Funeral homes.
5. Multi-Family dwellings

6. Private golf courses.
7. Senior citizen housing.
8. Two-Family dwellings.

4.5.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.5.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.5.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.5.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.6 -- Neighborhood Commercial Use District (B3).

4.6.1 Intent.

The intent of the B3 Neighborhood Commercial Use District is to delineate areas in the City which are currently used or are appropriate for smaller-scale neighborhood commercial or business uses which fulfill recurring needs of residents and visitors in adjacent residential areas.

4.6.2 Permitted Uses.

Within the B3 District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the B3 District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.6.2.a. Permitted Principal Uses.

1. Adult care facilities.
2. Antique and craft shops.
3. Art galleries.
4. Barber and beauty shops.
5. Bed and breakfasts.
6. Churches or places of worship.
7. Convenience/mini-markets.
8. Day care centers.
9. Dwelling units above first floor businesses.
10. General business office uses.
11. Government uses.
12. Inns.
13. Libraries.

14. Medical clinics.
15. Museums.
16. Non-profit membership clubs.
17. Non-vehicle repair shops.
18. Personal service establishments.
19. Photographic studios.
20. Professional offices.
21. Public utilities or essential uses.
22. Restaurants, standard and fast food
23. Retail businesses and commercial uses other than those listed above.
24. Self-service laundries.
25. Senior citizen housing.

4.6.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.
4. Home occupations.
5. Parking lots, private.

4.6.2.c Special Permitted Uses.

The following uses may be permitted in the B3 Neighborhood Commercial Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Bars and nightclubs.
2. Bowling alleys.
3. Detached Single-Family dwellings.
4. Drive-in uses.
5. Dry cleaning businesses.
6. Funeral homes.
7. Garage service and repair uses.
8. Gasoline filling stations.
9. Multi-Family dwellings
10. Two-Family dwellings

4.6.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.6.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.6.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.6.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.7 -- Waterfront Conservation Use District (WC).

4.7.1 Intent.

The intent of the Waterfront Conservation use district established in this Section is to recognize the unique role, which the Allegheny River and its waterfront areas have played in the formation, growth and life of the City of Salamanca. The objectives of this District are:

1. To provide for a compatible mixture of waterfront-related uses, including recreational, park, open space and boating uses;
2. To encourage appropriate land development, including the utilization of land and buildings and the adaptive reuse of existing structures, which is in harmony with the conservation of the district's general recreational and open space character and the historic environmental areas adjacent to the river;
3. To recognize the sensitivity of the unique waterfront environment in this area and reinforce appropriate safeguards to protect the area from periodic flooding, soil erosion, sedimentation and slope failure due to unregulated construction, removal of vegetation, dredging, filling, damming or channelization;
4. To further protect scenic views of the river;
5. To encourage public access to the river.

4.7.2 Permitted Uses.

Within the Waterfront Conservation Use District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the WC Use District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.7.2.a. Permitted Principal Uses.

1. Detached single-family dwellings.
2. Public parks and recreational uses.
3. Public utilities or essential uses.

4.7.2.b. Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.

4.7.2.c. Special Permitted Uses.

The following uses may be permitted in the WC Waterfront Conservation Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Antique and craft shops.
2. Art galleries.
3. Bed and breakfasts.
4. Churches or places of worship.
5. Government uses.

4.7.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 4.7.6 below, as well as in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.7.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this law.

4.7.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.7.6 Site Plan Review.

Site plan review and approval shall be required for all uses permitted within the WC district. In addition to the general requirements for site plan review and approval as specified in Article 8 of this law, the following standards shall apply to site plan review within the WC use district:

1. No more than a maximum of fifteen percent (15%) of the gross land area in the proposed development parcel may be devoted to a building development. Said maximum shall include the land area devoted to all principal and accessory structures but shall exclude any space devoted to required yards, open space and recreation uses and streets and required off-street parking within the parcel as defined in the regulations for this use district.
2. Setbacks from Dikes or Base Floodline: No building shall be located closer than thirty-five feet (35') to a dike, if a dike exists in the area, or to the base flood elevation line as established by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program (NFIP), if no dike exists in the area. No structures are permitted to be developed within the Floodway as defined by the Federal Emergency Management Agency and depicted on the most current FEMA Flood Insurance Rate Map for the City of Salamanca except in accordance with the regulations of FEMA.
3. Height Limitation: No buildings shall exceed a maximum height of twenty five feet (25') in this use district.

Section 4.8 -- Industrial Use District (I1).

4.8.1 Intent.

The intent of the I1 Industrial Use District is to delineate areas within the City which are used for and are appropriately suited to manufacturing, distribution, major wholesaling, research and testing, warehousing, processing or other industrial uses which contribute jobs and tax base to the economy of the region, are consistent with the standards described in Article 9 and do not create serious problems of compatibility with other land uses and to regulate such industrial development so that it will be of benefit to the City and its citizens.

4.8.2 Permitted Uses.

Within the I1 District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the I1 District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.8.2.a Permitted Principal Uses.

1. Contractor yards and equipment.
2. Dry cleaning businesses.
3. Garage service and repair uses.
4. General business office uses.
5. Governmental uses.
6. Manufacture, fabrication, extraction, assembly, and other handling of material, including offices and showrooms.
7. Newspaper and publishing facilities.
8. Parking lots, public.
9. Professional offices.
10. Professional office buildings.
11. Public parks and recreational uses.
12. Public utilities or essential uses.
13. Repair shops, non-vehicle.
14. Research laboratories.
15. Trucking terminals.
16. Vehicle sales and/or repair uses.
17. Warehousing and wholesale and retail distribution centers including offices and showrooms.

4.8.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.
4. Parking lots, private.

4.8.2.c Special Permitted Uses

1. Adult entertainment uses.
2. Banks and financial institutions.
3. Bars and nightclubs.
4. Convenience/mini-markets.
5. Day care centers.
6. Drive-in uses.
7. Funeral homes.
8. Restaurants, standard and fast food.

4.8.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.8.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.8.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.8.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.9 -- Restricted Industrial Use District (I2).

4.9.1 Intent.

The intent of the I2 Restricted Industrial Use District is to delineate areas within the City which are used for and suited for limited types of manufacturing and industrial uses which are compatible with adjacent residential and other uses and are permitted by special permit. These types of uses include light manufacturing, distribution, wholesaling, research and testing, warehousing, and processing or other uses which contribute jobs and tax base to the economy of the region, are compatible with non-industrial neighboring uses and are consistent with the standards described in Article 9.

4.9.2 Special Permitted Uses.

Within the I2 District, special permitted and accessory uses shall be as specified in the following sections. Special permitted uses in the I2 District are further identified in Section 4.10 of this Article, entitled Use Regulation Table.

4.9.2.a Special Permitted Uses.

1. Day care centers.

2. Manufacture, fabrication, extraction, assembly, and other handling of material, including offices and showrooms.
3. Government uses.
4. Professional office buildings.
5. Professional office uses.
6. Public parks and recreational uses.
7. Repair shops, non-vehicle.
8. Public utilities or essential uses.

4.9.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.
4. Private parking lots.

4.9.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Table, which is part of this Law.

4.9.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

4.9.5 Signage.

Signs are permitted as listed in Article 10 of this Law.

4.9.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

Section 4.10 -- Use Regulation Table (see pages 4.10.1-4.10.6).

Section 4.11 -- Activities Prohibited in all Districts.

4.11.1 No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the New York State Department of Environmental Conservation or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant or animal life.

4.11.2 No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building in such premises and excavation or grading incidental thereto.

4.11.3 No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire, explosion, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.

4.11.4 Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall not be permitted.

ARTICLE 5. AREA AND BULK REGULATIONS - DENSITY CONTROL

Section 5.0 -- Purpose.

In order to provide a sound environment including adequate open spaces for access to light and air, to facilitate the prevention of fire, to prevent undue concentration of population, and to lessen congestion in the streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Article.

Section 5.1 -- Density Control Table (Area and Bulk Schedule).

The attached schedule of density controls is hereby adopted and declared to be part of this Zoning Law. It is hereinafter referred to as the "City of Salamanca Density Control Table".

Section 5.2 -- Corner Lots.

Wherever a side or front yard is adjacent to a street, both side and front yards shall be considered to be front yards and the standards for front yards shall apply.

Section 5.3 -- Projections Into Required Yards.

5.3.1 The following projections from the primary structure into required yards are permitted subject to dimensional restrictions designed to protect adjacent areas:

1. Awnings or movable canopies and overhangs - six feet into any yard.
2. Cornices, eaves, retaining walls and roofs - three feet into any yard.

5.3.2 Equipment needed for the operation of active or passive solar energy systems may be approved within required yard setbacks subject to site plan approval.

5.3.3 Any open or enclosed porch, deck or attached carport or garage shall be considered a part of the building in the determination of the size of the required yard or lot coverage. Paved terraces which are not covered shall not be considered a part of the building.

5.3.4 Accessory uses and buildings may be located in accordance with Article 9 of this Law.
(Exception – see below- 5.3.6)

5.3.5 Temporary Handicap Ramps may be constructed after obtaining a permit, with a 3' setback, as long as they do not interfere with the efforts of the Department of Public Works and for a period not to exceed six (6) months with a one-time only renewal if needed.

5.3.6 Reconstruction of new garages, sheds and porches will be allowed in Zones R1, R2 and MH after obtaining a permit, but will not have to abide by the Density Control Table (Section 5.1), once a building permit is issued, if it can be proven that the new construction will be in the same location and that it has the same dimensions as the pre-existing structure.

Section 5.4 -- Compliance with Maximum Residential Density.

5.4.1 In all districts where residences are permitted, a lot held in single ownership may be improved for residential use according to the minimum lot size per dwelling unit and area bulk regulations for the district as set forth in the Density Control Schedule, provided that there shall be no more than one principal building and use on each lot except as provided herein. If two or more residential structures are proposed to be located on the same lot, the maximum average density requirement must be complied with and the lot shall be subdivided so as to provide adequate width and yards.

5.4.2 A building permit shall not be issued for any residential lot of required or larger than required size according to the requirements of this Zoning Law where the lot has been reduced in size through subdivision and any resulting subdivided lot is not in compliance with the lot size requirements of this Zoning Law.

Section 5.5 -- Side Yard for Multi-family Dwelling Units.

Side yards for semi-detached, townhouses or multi-family dwelling units, where permitted, shall be required at the ends of the total structure only.

Section 5.6 -- Building Separations.

The requirements for minimum distance separations between principal buildings, whether on the same or on different lots, shall be those shown in Section 5.1, Density Control Table.

Section 5.7 -- Exceptions to Front Yard Requirements.

Where a proposed lot abuts two or more lots which have front yards of less than the required depth for the district, the front yard for the proposed lot need not exceed the average front yard of the abutting lots. If one abutting lot has a front yard of less than the required depth for the district, the front yard of the proposed lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth.

Where a proposed lot abuts two or more lots which have front yards greater in depth than the required depth for the district, or if one abutting lot has a front yard greater than the required depth for the district, the front yard requirement for the proposed lot shall be determined by averages in the manner specified above.

Section 5.8 -- General Exception to Height Regulations.

Projections such as chimneys, silos, church spires, domes, elevator shaft housings, water tanks, skylights, antennae, aerials, flagpoles, solar energy collectors and equipment used for the mounting and operation of such collectors, and other similar objects not used for human occupancy shall be subject to site plan approval prior to issuance of a building permit.

Section 5.9 -- Exceptions to Side Yard Requirements.

Where the side wall of a building is not parallel to the side lot line or where the side lot line is irregular, the width of the side yard may be varied. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such yard shall not be narrower at any point than one-half (1/2) of the normally required width.

Section 5.10 -- Through Lots.

In the case of a lot running through from one street to another street or alley, the frontage on which the majority of the buildings in the block front shall be considered the primary frontage for the purposes of this Law. In cases where there is no clearly defined frontage, the owner, when applying for a building permit, shall specify which lot line is considered the primary frontage. The rear portion of such a lot shall, however, be treated as a lot front for the purposes of determining required setbacks and locations of permitted structures and uses.

Section 5.11 -- Transition Yard Requirements.

Where a residential district abuts a non-residential district along a street line, there shall be provided in the non-residential district, a landscaped setback or yard area at least equal in depth to one-half of the dimension required in the residential district.

ARTICLE 6 PLANNED RESIDENTIAL DISTRICT (PR)**Section 6.0 -- Intent.**

It is the intent of this Article that use regulations and density controls be established for low density single-family residential districts to be applied in any areas which may be added to the City through future annexation where lower density residential is the most suitable use. The Planned Residential District provides for somewhat lower density residential single-family development than the R1 or R2 districts, in keeping with the environmental and topographical characteristics of the hillside areas adjacent to the City boundaries. It is the intent of this Article that developments in areas where these regulations are applicable respect the preservation of unique views which are integral to the natural heritage of the City and the character and density of surrounding areas. The PR district use and density control regulations are intended to apply to new zoning designations subject to full review and approval by the Common Council of the City of Salamanca.

Section 6.1 -- Permitted Uses.

Within the PR Planned Residential Use District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the PR District are further identified in Section 4.10 of this Article, entitled City of Salamanca Zoning Law Use Regulation Table.

6.1.1 Permitted Principal Uses.

1. Adult care facilities.
2. Churches or places of worship.
3. Colleges and institutions of higher education.
4. Day care centers.
5. Detached single-family dwellings.
6. Libraries.
7. Museums
8. Nursery schools.
9. Public and private schools.
10. Public parks and non-commercial recreational uses.
11. Public utilities and essential services.

6.1.2 Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.
4. Private parking lots.

6.1.3 Special Permitted Uses.

The following uses may be permitted in the PR Planned Residential Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Bed and breakfasts.
2. Clustered projects.
3. Home occupations.
4. Multi-family dwellings.
5. Semi-detached single-family dwellings.
6. Senior citizen housing.
7. Two-family dwellings.

Section 6.2 -- Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Schedule, which is part of this Law.

Section 6.3 -- Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

Section 6.4 -- Signage.

Signs are permitted as listed in Article 10 of this Law.

Section 6.5 -- Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

ARTICLE 7 PLANNED BUSINESS DISTRICT (PB)

Section 7.0 -- Intent.

It is the intent of this Article that use regulations and density controls be established for planned business districts to be applied in any areas which may be added to the City through future annexation where this form of development is most suitable. The Planned Business District provides for mixed-use business and industrial park developments along regional arterial roads in keeping with the environmental characteristics of areas most suitable for consideration for annexation as development occurs in future years. It is the intent of this Article that developments in areas where these regulations are applicable respect the character and density of surrounding areas. The PB Use District use and density control regulations are intended to apply to new zoning designations subject to full review and approval by the Common Council of the City of Salamanca.

Section 7.1 -- Permitted Uses.

Within the PB Use District, permitted principal, special and accessory uses shall be as specified in the following sections. Permitted uses in the PB Use District are further identified in Section 4.10 of this Article, entitled City of Salamanca Zoning Law Use Regulation Table.

7.1.1 Permitted Principal Uses.

1. Adult care facilities.
2. Amusement game centers.
3. Antique and craft shops.
4. Art galleries.
5. Banks and financial institutions.
6. Barber and beauty shops.
7. Bowling alleys.

8. Convenience/mini-markets.
9. Day care centers.
10. Drive-in uses.
11. Dry cleaning businesses.
12. Garage service and repair uses.
13. Gasoline filling stations.
14. Gasoline/convenience/mini-markets.
15. General business office uses.
16. Government uses.
17. Hotels and motels.
18. Libraries.
19. Medical clinics.
20. Museums.
21. Newspaper and publishing facilities.
22. Non-profit clubs, membership.
23. Nursing and convalescent homes.
24. Parking structures.
25. Personal service establishments.
26. Photographic studios.
27. Private parking lots.
28. Professional offices.
29. Professional office buildings.
30. Public and private schools.
31. Public parks and recreational uses.
32. Public utilities or essential uses.
33. Research laboratories.
34. Standard and fast food restaurants.
35. Retail businesses and commercial uses other than those listed above.
36. Theaters.
37. Vehicle sales and/or repair uses.
38. Warehousing and wholesale and retail distribution centers including offices and showrooms.

7.1.2 Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and not on the same lot.
2. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
3. Antennas, minor.
4. Private parking lots.

7.1.3 Special Permitted Uses.

The following uses may be permitted in the PB Planned Business Use District consistent with the provisions of this Law and provided that a Special Use Permit is approved by the Planning Commission:

1. Bars and nightclubs.
2. Funeral homes.

3. Manufacture, fabrication, extraction, assembly, and other handling of material.
4. Public utilities and essential services.

Section 7.2 -- Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled City of Salamanca Zoning Law Density Control Schedule, which is part of this Law.

Section 7.3 -- Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 9 of this Law.

Section 7.4 -- Signage.

Signs are permitted as listed in Article 10 of this Law.

Section 7.5 -- Site Plan Review.

Site plan review and approval shall be secured as required in Article 8 of this Law.

ARTICLE 8 PLANNING COMMISSION: SPECIAL USE PERMITS AND SITE PLAN REVIEW AND APPROVAL

Section 8.0 -- Special Uses.

8.0.1 Purpose and Intent.

The purpose of special use approval is to allow the proper integration into the community of uses which may be suitable only under certain conditions and at appropriate locations. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, special uses require special consideration so that they may be properly located with respect to the objectives of this Zoning Law and their effect on nearby properties.

8.0.2 Authorization to Grant or Deny Special Uses.

The Planning Commission is authorized to approve special uses. The special uses listed in this Zoning Law may be permitted, permitted with conditions or not permitted by the Planning Commission in accordance with the standards and procedures set forth in this section. In permitting a special use or the modification of a special use, the Planning Commission may impose those standards and requirements expressly specified by this law and any additional conditions which the Planning Commission considers necessary and reasonable to protect the best interests of the surrounding property, the neighborhood, or the City as a whole. These conditions may include, but are not limited to, size or controlling the location and number of vehicle access points, increasing the street width, limiting the number, size and location of signs, limiting hours of operation, and required fencing, screening and landscaping or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this law and classified in this law as a special use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with special uses.

On application, and after public notice and hearing, the Planning Commission may authorize the issuance by the Zoning Officer of permits for any of the special uses for which this law requires such permits.

8.0.3 Procedures for special uses.

- a. A property owner(s) or his agent(s) may initiate a request for a special use or modification of a special use by filing an application which includes a legal description of the property, a proposed current site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas and all streets within two hundred and fifty (250) feet of the lot, plans and elevations necessary to show the proposed development, other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties and a filing fee.
- b. In the case where a special use has been approved a building permit shall be issued after the granting of the special use by the Planning Commission, and then only in accordance with the terms and conditions of the special use permit.
- c. Before a special use is permitted the proposed special use shall be subject to public notice and a public hearing.
- d. The Planning Commission, on its own motion, may revoke any special use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing. The forgoing shall not be the exclusive remedy and it shall be unlawful and punishable for any person to violate any condition imposed by a special use permit. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to revocation of the said permit. In cases where there is imminent danger to the public health, safety or welfare, the revocation of the special use permit shall be immediate.
- e. The Planning Commission may require that special use permits be periodically renewed after notice and a public hearing to determine if the original conditions have been complied with or whether conditions have changes since the original special use permit was granted.
- f. The Planning Commission may, at its discretion, waive any submission requirements which it deems to be not relevant to the proposed use and site.

8.0.4 Standards Governing Special Uses.

A special use shall comply with the standards of the district in which it is located. In approving such uses, the Planning Commission shall take into consideration the public health, safety and welfare and comfort and convenience of the public in general and of the residents of the immediate neighborhood in general and shall, to the maximum extent possible further the expressed intent of this law and the accomplishment of the following objectives:

- a. In order to grant any special use, the Planning Commission shall find that the request is in harmony with the general purpose and intent of this Zoning Law, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with the use and the size of the site with respect to streets giving access thereto.
- b. In order to grant any special use, the Planning Commission shall find that the establishment, maintenance, or operation of the use applied for, under the circumstances of the particular case, will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City.
- c. The proposal will not result in the destruction, loss, or damage of any natural, scenic or significant historical resource.
- d. The proposal will not create excessive additional requirements of public cost for public facilities and services; and will not be detrimental to the economic welfare of the community.
- e. The proposal will be served adequately by essential public facilities such as highways, streets, police and fire protection, storm water drainage, water and sewer, schools or that the applicant for the proposed special use shall otherwise provide that these services be adequately obtained.
- f. The proposal essentially conforms with the Comprehensive Plan.
- g. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- h. The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the orderly development of adjacent properties, in accordance with the zoning classification of such properties.
- i. The proposal conforms to all applicable requirements of Article 9, Development Guidelines.

In addition to the above, in the case of any use located in, or directly adjacent to, a residential district:

- a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to existing streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood.

- b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

Section 8.1 -- Site Plan Review and Approval

8.1.0 Intent.

The intent of site plan approval is to authorize the City of Salamanca Planning Commission to review and approve site plans for uses otherwise permitted by this Law in order to determine full compliance with the intent of the standards of this Law. The objective is to evaluate site plans in order to minimize conflicts between the site layout and design of proposed uses and existing uses and natural site conditions and thereby minimize any adverse effects affecting the health, safety, and overall welfare of the community.

8.1.1 Authorization.

The power to approve, approve with modification, or disapprove site plans for as required by this Law is vested in the City of Salamanca Planning Commission. Section 30-a of the General City Law of New York State provides legislative authority for the Common Council of the City of Salamanca to authorize the Planning Commission to review and approve site plans. Prior to issuing a building permit for construction, expansion or change in use of any use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval. The Planning Commission may require that the site plans be prepared by a licensed architect or engineer. Such requirement shall be based on the complexity of the site features and of the proposed structure(s) or land use as related to same.

8.1.2 Applicability and Exceptions.

Under this Article, all new development, or renovations which result in significant changes to external character or appearance or land use activities within the City shall require site plan review before being undertaken, except the following:

1. Construction or expansion of a single one family dwelling and ordinary accessory structures, and related land use activities.
2. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Law.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 500 square feet or have a cost value of less than \$10,000.00, whichever is less, except within the City Center Use District, where such uses will be subject to Site Plan Review.
5. Agricultural or gardening uses not involving substantial timber cutting.
6. All signs except in conjunction with new construction.

7. Garage, yard and porch sales not exceeding four (4) days in duration if such sales take place no more often than four (4) times in any calendar year.

8.1.3 Concept Plan Conference.

Concept plan submittal is optional and may be waived by the Planning Commission. The purpose of concept plan submittal is to encourage the person applying for a use to consult early and informally with the Planning Commission in order to save time and money and to make the most of opportunities for desirable development.

8.1.3.1 Requirements.

A concept plan, if prepared, shall be submitted in triplicate to the Planning Commission. Before preparing a concept layout, the developer may discuss with the Planning Commission the general requirements as to design of streets, reservations of land, drainage, sewage, water supply, fire protection, and other improvements as well as procedural matters.

Developers of land adjoining state or county highways are advised to consult with the City Department of Public Works, the City Superintendent of Public Works, the District Engineer of the New York State Department of Transportation or Cattaraugus County Highway Superintendent and the Salamanca Board of Public Utilities at the concept stage in order to resolve problems of street openings or storm water drainage at the earliest possible stage in the design process. The Planning Commission shall provide written comments on the concept plan of a proposed development and in the course of its review may consult with other interested public agencies.

The concept plan shall include the following information:

1. An area map showing:
 - a. Applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.
 - b. All properties, their ownership and uses, subdivisions, streets, zoning districts, easements, and adjacent buildings within five hundred (500) feet of the applicant's property.
2. A site development plan, including but not limited to:
 - a. Existing natural features such as water bodies, watercourses, wetlands, wooded areas, individual large trees, flood hazard areas.
 - b. Zoning districts, school districts.
 - c. Special improvement districts (water, sewer, lights, fire, drainage and the like).
 - d. Easements.
 - e. All existing built features.
 - f. All proposed buildings, structures and public improvements.
3. A map showing the topography of the site.
4. A soils overlay, if general site grades exceed 10% or if portions of the site have susceptibility to erosion, flooding or ponding.

The requirement for submission of these documents may be waived at the sole discretion of the Planning Commission and Architectural Stamped Plans may be required.

8.1.4 Preliminary Site Plan Application.

Application for preliminary site plan approval shall be made in writing in triplicate to the Zoning Officer. The Zoning Officer shall notify the City Clerk of receipt of the application and shall refer the application to the Planning Commission for its review and approval. For the purposes of this Law, the submission date shall be the date of the first Planning Commission meeting following submission to the Zoning Officer.

8.1.5 Preliminary Site Plan Requirements.

The preliminary site plan application shall include the information listed below. The Planning Commission may at its discretion waive any preliminary requirements, which are not relevant to the proposed use and site.

1. An area map showing that portion of the applicant's property under consideration for development, any adjacent parcels owned by the applicant, and all streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of applicant's property.
2. A preliminary site plan shall include the following information:
 - a. Title of drawing, including the name and address of the applicant as well as the name and address of the owner, if different from than of the applicant.
 - b. North arrow, scale and date.
 - c. Boundaries of the project must be submitted as a scale drawing with the scale used indicated on the drawing.
 - d. Existing natural features such as watercourses, water bodies, wetlands, wooded areas and individual large trees, showing features to be retained.
 - e. Existing and proposed contours at intervals of not more than ten (10) feet.
 - f. Location of proposed land uses and their areas in square feet or acres, the uses proposed and the height of each proposed structure.
 - g. Location of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
 - h. Description of sewage disposal and water systems and the location proposed for such facilities.
 - i. Provision for buffer areas and other landscaping.
 - j. Delineation of residential areas, if proposed, indicating the general extent of each area, a description of the dwelling unit types proposed, and a calculation of residential density in dwelling units per gross acre for each such area.
 - k. Location of all parking and truck-loading areas, showing access and ingress drives.
 - l. The location, design and size of all signs and lighting facilities.
 - m. The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
 - n. Building orientation, proposed building materials, building footprint and elevations.
 - o. The location and design of all energy distribution facilities, including electrical, gas and solar energy.

- p. Provision for energy efficiency.
 - q. Grading and erosion control measures including the proposed location of sediment sink/settling pond and interceptor swales, etc.
 - r. Location and design for storm water management facilities.
 - s. A drainage report including supporting design data and copies of the engineering computations used to determine the design capacities and performance requirements of drainage facilities.
 - t. The lines and dimensions of all property which is offered, or is to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.
 - u. Right-of-way lines.
 - v. Easements.
 - w. Notations and descriptions of deed restrictions, if any.
3. The Planning Commission may require additional information, which appears necessary for a complete assessment of the project.
 4. The Planning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:
 - a. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access
 - b. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - c. Location, arrangement, size and design of buildings, lighting and signs.
 - d. Relationship of the various uses to one another and their scale.
 - e. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.
 - f. Adequacy of storm water and sanitary waste disposal.
 - g. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
 - h. Compatibility of development with natural features of the site and with surrounding land uses.
 - i. Adequacy of flood-proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency (FEMA).
 - j. Adequacy of building orientation and site design for energy efficiency. The extent to which the proposal plan conserves energy use and energy adequate sunlight for use by solar energy systems.
 - k. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
 - l. Adequacy of pedestrian access, circulation, convenience and safety, including compliance with the requirements for access by the physically challenged which are incorporated in the American Disabilities Act (ADA).
 - m. Those requirements that apply that are found in Article 10.

In its review of a preliminary site plan, the Planning Commission may consult with the Zoning Officer, the City Department of Public Works, the City Superintendent of Public Works, Cattaraugus County Highway Superintendent, the Salamanca Board of Public Utilities, Fire and Police Departments, other local and Cattaraugus County officials, and any designated private consultants, in addition to representatives of federal and state agencies including, but not limited

to, the Soil Conservation Service, the New York State Department of Transportation (NYSDOT) and the New York State Department of Environmental Conservation (NYSDEC).

8.1.6 Public Hearing.

Upon the Planning Commission's certification that the preliminary site plan application is complete and satisfactory, the Planning Commission shall schedule a public hearing for the review thereof and give public notice of said hearing by publication in the official newspaper of general circulation of a notice of such hearing at least five (5) days prior to the date thereof.

8.1.7 Notification of Decision on Preliminary Site Plan.

Within thirty (30) days of the public hearing at which a preliminary site plan is considered, the Planning Commission shall act upon it. The Planning Commission's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, conditionally approved, or disapproved. A copy of the appropriate minutes of the Planning Commission shall be a sufficient report. The Planning Commission's statement may include recommendations as to desirable revisions to be incorporated in the final site plan application. If the preliminary layout is disapproved, the Planning Commission's statement will contain the reasons for such findings. In such a case the Planning Commission may recommend further study of the proposal and resubmission of the preliminary site plan.

8.1.8 Final Site Plan Application.

After receiving approval, with or without conditions, from the Planning Commission on a preliminary site plan, and approval for all necessary permits and curb cuts from responsible local, county and state officials, the applicant may prepare its final site plan and submit it to the Planning Commission for its review and approval. The Planning Commission, at its discretion, may waive the concept and final application procedure.

If more than one (1) year has elapsed between the time of the Planning Commission's report on the preliminary site plan and submission by the applicant of a final site plan application, and if the Planning Commission finds that conditions have changed significantly in the interim, it may require a resubmission of the preliminary site plan for further review and possible revisions prior to accepting the proposed final site plan application for review. The final site plan shall conform to the approved preliminary site plan, and shall incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All revisions shall be clearly indicated by the applicant.

8.1.9 Notification of Decision on Final Site Plan.

Within thirty (30) days of the submission of the final site plan, the Planning Commission shall render a decision.

1. Upon approval, the Planning Commission shall endorse its approval on a copy of the final site plan and shall forward it to the Zoning Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
2. Upon disapproval, the Planning Commission shall so inform the Zoning Officer who shall deny a building permit. The Planning Commission shall also notify the applicant in writing of its decision and its reason for disapproval. A copy of the appropriate minutes may suffice for this notice and shall be filed with the City of Salamanca Assessment/Zoning Office.
3. Specifications for improvements shown on the site plan shall be those set forth in this Law and in other Laws, rules and regulations, or in construction specifications of the City of Salamanca.

Section 8.2 -- Appeal.

The applicant or any interested person may appeal a decision of the Planning Commission. The appeal is made to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the filing of a decision on a special use permit or site plan review application.

Section 8.3 -- Fees for Required Special Use Permits or Site Plan Review.

The Common Council may require the payment of fees to the City of Salamanca by applicants whose proposals require special use permits or site plan review as described by this article. Fees for special use permits or site plan review in accordance with this article shall be established from time to time by local law or ordinance of the Common Council.

ARTICLE 9. DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS**Section 9.0 -- General.**

The Planning Commission, in reviewing a site plan, shall take into consideration the prospective character of the development and require that improvements be designed to be consistent with reasonable protection of the public health, safety, or welfare. The Zoning Officer shall ensure compliance with this Article and any other applicable Laws, articles or sections.

Section 9.1 -- Lots and Blocks.

9.1.1 Lot Size and Arrangement. The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

Section 9.2 -- Streets, Roads, and Sidewalks.

Street systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; patrolling by the Police Department; and storm water drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable.

9.2.1 Streets and Roads. All streets and roads shall be constructed in conformance with specifications set forth by the City of Salamanca.

9.2.2 Sidewalks. It is the policy of the City of Salamanca to encourage the building of sidewalks wherever appropriate. Location of sidewalks generally shall be within the right-of-way of public streets and pedestrian access easements. Sidewalks shall conform to specifications set forth by the City of Salamanca.

Section 9.3 -- Off-Street Parking Requirements.

9.3.1 General Requirements.

1. Parking shall not be permitted in front yards except following site plan review as provided for in Article 9 of this Zoning Law. Under any circumstances, a minimum four (4') foot wide planting strip shall be provided between the adjacent sidewalk or public right-of-way and any permitted parking area.
2. It shall be the responsibility of the owner of a property to provide the total number of off-street parking spaces required by this Law for any uses, which are enlarged, erected or structurally altered after the effective date of this Law.
3. A parking space shall be a minimum of 9 feet by 20 feet, exclusive of parking aisles and driveways appurtenant to and giving access thereto.
4. An area containing one or more parking spaces shall have direct access to a public street or alley.
5. No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two public rights-of-way.
6. Where appropriate, the Planning Commission may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the proposed uses be equitably treated.
7. In stadiums, theaters, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat.
8. The outdoor lighting of off-street parking lots shall be designed to shield adjacent properties from glare.
9. If the uses, structures or parcels for which parking is provided are under separate ownership, the right to joint use of parking spaces shall be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use. Upon application by an owner or owners, the Zoning Board of Appeals may, without requiring a variance, authorize the joint use of parking facilities upon a finding that up to fifty (50) percent of the parking spaces required for a specified use which is primarily a daytime activity may be used to satisfy the parking requirements for a specified use which is primarily an evening activity. Applicants seeking such authorization shall submit written documentation justifying their requests.

10. The use of off-street parking areas in residential areas for the parking or storage of commercial vehicles of 10,000 lbs. or more shall be prohibited.
11. Any vehicle stored shall be licensed.
12. No parking in subway areas.
13. No parking in the lawn area in front of a R1, R2 or MH residence, except on the driveway of such residence.
14. The parking or storage of more than two (2) of any combination of RV's, camping trailers, or any non-motorized trailers shall be prohibited. In zones R1, R2 , MH.

9.3.2 Required Off-Street Parking Spaces.

The minimum number of parking spaces required shall be determined by the number or amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings, uses 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:

1. Single-Family Dwelling Unit - Two spaces per unit.
2. Two-Family Dwelling - Two spaces per unit.
3. Townhouses or Multi-Family Dwelling Unit - One and one-half spaces per one-bedroom unit; two spaces per two-bedroom unit; and two and one-half spaces per three-bedroom unit. Any den or similar room capable of being used as a bedroom shall be deemed to be a bedroom.
4. Home Occupation - One space for each person or employee engaged in any home occupation.
5. Hospitals, Nursing Homes - One space for each employee on major shift plus .25 spaces per bed.
6. Bed and Breakfasts, Inns - One space for each bedroom within the facility.
7. Motels/Hotels - One space for each unit plus one space for every 4 employees plus one space per 150 sq. ft. net area of restaurants and assembly rooms.
8. Offices - A minimum of one space is required, plus one space for each 300 sq. ft. of gross floor area over 1,000 sq. ft.
9. Retail Establishments, Veterinary Hospitals, Banks, and Related Commercial Establishments of a Personal Service nature - A minimum of one space is required, plus one space for each 200 sq. ft. of gross floor area over 1,000 sq. ft., plus one space per employee.
10. Restaurants - One space for each 150 sq. ft. of customer floor area.
11. Conference/Convention Centers, Commercial Recreation, Private Membership Clubs - One space for every 150 sq. ft. of public assembly space.
12. Roadside Stands - One space for every 100 sq. ft. area devoted to selling or display.
13. Nursery and Elementary Schools - One space per employee plus one additional space per classroom.
14. Public Schools - Five spaces for each classroom.
15. Churches or Places of Worship, Auditoriums, Theaters - One space for every four seats.
16. Industrial Uses
 - a. One space for each 800 sq. ft. of floor area devoted to manufacture including printing, publishing, and laundry or dry cleaning plants.
 - b. One space for each 1,500 sq. ft. of floor area devoted to storage or stationary operating equipment.

- c. One space for each 3,000 sq. ft. of area devoted to outside storage, including used car lots and equipment rental or sales yards.
- d. For any industrial use, one space for each company vehicle.
- 17. Funeral homes - a minimum of ten (10) spaces for each establishment, plus one space for each 150 sq. ft. of gross floor area over 1,000 sq. ft.

9.3.3 Calculation of Required Parking Spaces.

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 proven that staggered hours of use would permit joint use of parking areas or other modifications. Whenever a major fraction of a space is required, a full space shall be provided.

9.3.4 Dimensions for Off-Street Automobile Parking Spaces and Areas.

Every parking space provided shall be at least 9 feet wide and 19 feet long, and all parking areas shall be designed in dimensions in accordance with the following:

9.3.5 Location of Required Parking Spaces.

- 1. Residential Districts (R1, R2 and MH Districts):
 - a. Required automobile parking spaces shall be provided on the same lot as the residence. This space shall be graded for parking use and readily accessible from the street.
 - b. Open parking areas may encroach on any required side or rear yard to within three (3) feet of a property line except that in existing lots with six foot (6') side yards, required parking spaces may, upon approval of the Planning Commission, extend to the side and/or rear lot lines.
- 2. Commercial Districts (B1, B2 and B3), Waterfront Conservation (WC) and Industrial Districts (I1 and I2):
 - a. Required parking spaces shall be provided on the same lot as the business, residential, institutional or industrial use, or not more than 400 feet distant from them.
 - b. Where such parking is situated adjacent to a residential use it shall be set back a minimum of six (6) feet from the residential lot line, and an adequate landscape buffer in conformance with Section 9.17 shall be provided within such setback area.

9.3.6 Off-Street Parking Waiver.

Off-street parking requirements may be waived in whole or in part upon finding by the Zoning Board of Appeals that:

- 1. Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use, or
- 2. Evidence of satisfactory off-site parking arrangements has been documented.

9.3.7 Construction of Parking Areas.

All off-street parking areas, with the exception of those for single-family residences, shall meet the following construction standards:

1. Be paved with a suitable all-weather, dust-free surface. The individual spaces shall be visibly marked with paint or other durable material.
2. Be provided with wheel stops to keep parked vehicles within proper boundaries.
3. Be designed, graded and surfaced for proper drainage.

9.3.8 Landscaping.

At least 10 percent of the area of a lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened adequately, as set forth in Section 9.17, from adjoining properties. All parking areas and landscaping shall be properly maintained thereafter in a sightly and well-kept condition.

Section 9.4 -- Off-Street Loading and Unloading Requirements.

In all districts, wherever a lot or structure which is to be occupied by manufacturing, commercial, business or other similar uses requires the receipt and distribution by vehicles of materials or merchandise, there shall be provided and maintained, on said lot, off-street loading berths as specified below:

Loading berths shall be located in such a way as not to unreasonably interfere with the movement of people and vehicles on public ways. The Planning Commission may allow use of a public alley to satisfy loading berth requirements.

9.4.4 Landscaping shall be as required in Section 9.17.

Section 9.5 -- Accessory Building and Uses.

9.5.1 Accessory Buildings.

Accessory buildings not attached to principal buildings shall comply with the following:

1. All accessory buildings shall require a building permit.
2. Accessory buildings shall only be located on the same lot as the principal use stated in the Density Control Table.
3. Accessory buildings shall only be located in a rear or side yard in compliance with the following minimum requirements:
 - a. R1, R2, MH, B1, B2, B3 and WC Districts:
 - (1) For buildings greater than 100 sq. ft.

- Side Lot Line: Minimum 6'
- Rear Lot Line: Minimum 6'

(2) For buildings less than 100 sq. ft.

- Side Lot Line: Minimum 3'
- Rear Lot Line: Minimum 3'

b. I1 and I2 Districts:

- Side Lot Line: Minimum 6'
- Rear Lot Line: Minimum 6'

c. Where any District abuts an existing residential use and/or a residential district, any accessory building shall be located a minimum of one-half (1/2) the distance specified in the Density Control Table for principal structures.

4. Accessory buildings shall not be located closer than five (5) feet to the principal building.

9.5.2 Accessory Uses. 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 structures, shall not be located in front yard on such lots; and shall be located not less than six (6) feet from any lot line and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

9.5.3 Where 50% or more of the lots in a block are occupied by buildings which have yard, coverage or setback dimensions which are different than those required under this Law, the average yard dimensions, coverage and set-backs shall determine the requirements for any new accessory building or use within the block. Or, where no standard block exists the word "block" as used above shall be interpreted to mean those structures within 250 feet of either side of the lot in question, on the same side of the street. The average setback shall be based on no fewer than two similar uses.

Section 9.6 -- Driveway Standards.

9.6.1 Portions of driveways which lie within public rights-of-way shall be constructed in conformance with specifications set forth by the Superintendent of Public Works of the City of Salamanca and the New York State Department of Transportation.

9.6.2 All work and materials within public rights of way shall be furnished as required to meet specifications set forth by the Superintendent of Public Works of the City of Salamanca and the New York State Department of Transportation.

9.6.3 No alteration or addition shall be made to any portion of a driveway lying within a public-right-of-way without first securing permission from the City of Salamanca Common Council and Superintendent of Public Works and applicable state permits from the New York State Department of Transportation.

9.6.4 No more than two driveways to a single commercial establishment entering on one street shall be permitted, except as permitted by the New York State Department of Transportation.

9.6.5 Any curb cuts will require approval by the Salamanca Board of Public Works, in accordance with fees established by the City of Salamanca Common Council, as well as any state permits required.

9.6.6 Drive-Way setbacks will be at least 3' in R1, R2, and WC Zones.

Section 9.7 -- Fences and Walls.

Fences and walls are permitted as follows:

9.7.1 Where a driveway meets a street, no hedge, wall or other planting shall be installed and maintained which exceeds three (3) feet in height above grade or street pavement, whichever is greater, to within 8 feet from the public right-of-way.

9.7.2 The minimum distance for clear vision at a street intersection shall be thirty (30) feet measured from the intersection along the lot lines of the lot.

9.7.3 Fences, walls, hedges or screen plantings may be required, as specified elsewhere in this Law for multi-family, commercial or industrial uses, as is necessary to protect the residential quality of adjacent property.

9.7.4 Fence and wall regulations.

1. Residential Districts - maximum height of three (3) feet above street pavement shall be allowed for fences and/or walls located in a front yard at a street intersection; any fences or walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with Section 9.7.2. Fences in side and rear yards shall not exceed six (6) feet in height above ground and shall be located a minimum of two (2) feet from the front, side and rear property lines.
2. Business and Industrial Districts - there shall be no restrictions, except that any fence or wall located on a residential lot line or district boundary shall be limited to six (6) feet in height and that fences and walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with Section 9.7.2.
3. All Districts – All fences, on all sides of a property, in all zones, shall be located a minimum of two (2) feet from the property lines.
4. In no instance other than in connection with an agricultural use shall barbed wire, razor wire or electrical fencing be used.
5. The finished, or decorative, side of a fence installed on a property line shall face toward the neighboring property.

9.7.5 The clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the street pavement, unless such plantings have all branches and foliage removed to a height of eight (8) feet above the finished grade.

Section 9.8 -- Steep Slopes, Storm Drainage, Erosion and Sediment Control.

9.8.1 Steep Slope Guidelines.

The City of Salamanca is characterized by numerous steep slope (15% or greater) areas. Special design treatment for streets, building sites and other development is needed to preserve the natural terrain, trees, rock formation, and scenic views in these unique areas. Development on steep slopes will be permitted subject to the following guidelines, which shall be applied during site plan review to development proposed in areas with steep slopes:

1. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).
2. Padding or terracing in order to create level building sites shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or an unfavorable visual appearance.
3. Design principles shall include, but not be limited to, the following:
 - a. Landscaping of areas around structures making them compatible with the natural terrain.
 - b. Shaping, grouping and placement of man-made structures to complement the natural landscape.
 - c. Arrange buildings so they complement one another to promote visual interest. Clustering of residential units and multiple dwellings shall be encouraged to house a given population with a minimum spoilage of land. The developer shall first of all determine the qualities of the site and then plan and build to accentuate these qualities rather than destroy them.
 - d. Shape of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing or other similar forms for building sites in the hill area.
 - e. Encourage the development of off-street parking bays.
 - f. Encourage the use of turning circles at mid-block points.
 - g. to avoid the use of private driveways for turning and parking movement.
 - h. Encourage split-level building sites.
 - i. Use one-way streets when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain. Roads shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
 - j. Land within the hill area that is in excess of 25% slope shall not, to the greatest extent possible, be developed as individual residential lots.
 - k. Outstanding natural features such as the highest crest of the hill, range, natural rock outcroppings, particularly desirable vegetation should be retained.

9.8.2 Drainage System and Erosion Control.

1. Drainage Systems. Adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating within and outside the proposed development as follows:

- a. Drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.
- b. Preservation of natural watercourses is generally preferable to the construction of drainage channels.
- c. Interior drainage systems shall be designed to accommodate a ten (10) year storm.
- d. The design of natural watercourses and structures shall depend upon the drainage area, but in general:
- e. Watersheds of less than one (1) square mile shall be designed for a 50 year storm frequency.
- f. Areas of one (1) square mile and over shall be designed for a 100-year storm frequency.
- g. All structures shall be set back a minimum of fifty (50) feet from the streambank.
- h. Utilizing the drainage guidelines outlined above, the Planning Commission may require the developer to submit the following:
 - i. Plan profiles, and typical and special cross-sections of proposed storm water drainage facilities.
 - j. Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - k. The grading plan shall be developed to suitable contour interval with grading details to indicate proposed street grades and elevations and building site grades and elevations.
 - l. If the development is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
- m. Design criteria as specified in City design standards shall be applicable to this section.

2. Erosion Control.

In order to ensure that the land will be developed with a minimum amount of soil erosion, the Planning Commission shall require the developer to follow certain erosion control practices. Such procedures may include:

- a. Exposing the smallest practical area of land at any one time during the development.
- b. Provision of temporary vegetation and/or mulching to protect critical areas.
- c. Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.
- d. Fitting of the development plan to the topography and soils so as to minimize the erosion potential.
- e. Retention and protection of existing vegetation wherever possible.

- f. Installation of permanent final vegetation and structures as soon as practicable.
- g. Provision of adequate protective measures when slopes in excess of 15% are graded, and minimizing such steep grading.
- h. Installation of temporary sedimentation basins as required by the Soil Conservation Service.

Section 9.9 -- Design.

Every effort should be made to preserve unique physical features such as historic landmarks, stream banks, forested areas, natural lookouts, desirable views of the hills and mountains which surround the City as well as other major natural features, rock outcroppings and other unique natural features of the City environment. Storm drainage, erosion and sediment control shall conform with specifications set forth by the Superintendent of Public Works of the City of Salamanca.

Section 9.10 -- Open Space, Parks and Playgrounds.

The Planning Commission may, as a condition of site plan approval, require that specific areas be designated for recreational purposes. Such designation shall depend upon the magnitude and character of the project, and accessibility to existing public recreational areas. All lands proposed for park or recreation purposes shall meet the following minimum standards.

9.10.1 Such lands shall either be deeded to the City or be held in corporate ownership and maintained by an established organization.

9.10.2 Such lands shall have locational and physical characteristics which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimizing hazards and vehicular traffic conflict for children walking between such facilities and their homes in the neighborhood.

9.10.3 Any such area shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.

9.10.4 A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least 2,000 sq. ft. in size with appropriate play structures and activity areas.

9.10 The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

Section 9.11 -- Utilities.

9.11.1 Provision for water supply, sanitary sewer and electrical utilities shall conform to specifications set forth by the Salamanca Board of Public Utilities.

9.11.2 Utility Easements. An easement shall be provided for all utility lines wherever those utility lines do not fall within a dedicated right-of-way. All utility easements shall be plotted on the site plan submitted to the Planning Commission. Utility easements shall have a minimum width of ten feet (10'). All utility lines which are primarily intended to provide service to the lots

within a subdivision shall be installed underground at a depth and at such locations as will minimize risk of interruption of services.

9.11.3 Additional Easements. The Planning Commission shall have the right to require additional easements when the purposes of the easements are found to be in the public interest.

Section 9.12 -- Industrial District Regulations.

9.12.1 Design Standards.

1. General Standards: The following general standards are hereby adopted for the control of any Industrial Use:
 - a. Smoke shall not be emitted when the shade of such smoke is darker than No. 2 on the Ringlemann's Scale for Grading the Density of Smoke published by the U.S. Bureau of Mines.
 - b. Noise levels shall not exceed 90 dba measured at the boundaries of the lot occupied by such use causing the same.
 - c. Discharge of effluent into any sanitary sewer system shall not occur except in accordance with the provisions of the Code of the City of Salamanca.
 - d. Open storage or stacking of any hazardous waste materials shall be in accordance with the standards of the New York State Department of Environmental Conservation.
2. Specific Standards: The following specific standards are hereby adopted and must be complied with, for any use in any Industrial District and before the same be permitted, established, maintained or conducted:
 - a. Storage Facilities: Materials, supplies, or semi-finished products shall be screened wherever possible in conformance with Section 9.17.
 - b. Wherever possible, provisions for handling of all freight shall either be on those sides of any building, which do not face on any street or proposed streets or be suitably screened there from.
 - c. Buffers and Landscaping:
 - (1) Buffers from residential use districts: All principal buildings shall be set back from any lot lines abutting a residential use district a minimum distance equal to twice the required yard depth within the residential use district. Such buffer shall be landscaped in accordance with Section 9.17.
 - (2) Landscaping: All areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped with lawn, 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, and shall be provided in conformance with Article 11.
 - d. Off-Street Parking and Loading: Shall conform to Sections 9.3 and 9.4.

- e. Signs: Shall conform to the requirements of Article 11, Signage.
- f. Utilities: All water and sewer facilities shall be designed and installed according to City standards as per Section 9.11.

Section 9.13 -- Home Occupation.

9.13.1 Home occupation uses shall conform to the following standards which shall be minimum requirements:

9.13.2 No more than 25% of the total floor area of a dwelling unit, or 500 square feet, whichever is less, shall be used for such use.

9.13.3 The use shall be carried on wholly within the enclosed walls of the dwelling unit or an accessory building.

9.13.4 There shall be no external evidence of such use except for one sign not exceeding two (2) square feet in area mounted flush with and on the front facade of the dwelling unit. No stock, merchandise, equipment or displays of any kind shall be visible outside the dwelling unit or accessory building.

9.13.5 No external structural alternations which are not customary to a residential building shall be allowed.

9.13.6 The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.

9.13.7 No article is sold or offered for sale except such as may be produced by members of the family residing on the premises. Any form of business, the primary function of which is the wholesale or retail sale of goods or articles at the premises, shall be deemed a commercial use and shall not be permitted as a home occupation.

Section 9.14 -- Antennas & Towers for Wireless Telecommunications

No satellite television antenna of any kind may be erected or established in the City except in conformance with the standards in this section and Section 4.10, Use Regulation Table.

9.14.1 Applicability.

1. New Towers and Antennas. All new towers or antennas in the City shall be subject to these regulations, except as provided in this Section.
2. Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).

4. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

9.14.2 General Requirements.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Officer may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible; (e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. (f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense; (g) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time

to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

5. Signs. No signs shall be allowed on an antenna or tower.
6. Multiple Antenna/Tower Plan. the City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

9.14.3 Permitted Uses.

General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit:

1. Minor Antennas or towers located on property owned, leased, or otherwise controlled by the City provided a license or lease authorizing such antenna or tower has been approved by the City.
2. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.
3. Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.
4. Minor Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Officer as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided: (a) The antenna does not extend more than thirty (30) feet above the highest point of the structure; (b) The antenna complies with all applicable FCC and FAA regulations; and (c) The antenna complies with all applicable building codes.
5. For a single user, up to ninety (90) feet in height; for two users collocating together at a single location, up to one hundred twenty (120) feet in height; and for three or more users collocating, up to one hundred fifty (150) feet in height.

9.14.4 Information required for special permit applications for antennas and towers:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Officer to be necessary to assess compliance with this ordinance.
2. Legal description of the parent tract and leased parcel (if applicable).
3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of

construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

5. A landscape plan showing specific landscape materials.
6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
7. A description of compliance with the requirements of this Zoning Law and with all applicable federal, state or local laws.
8. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
10. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
11. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

9.14.5 The Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

9.14.6 Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area, which meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
8. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

9.14.7 Design Standards:

1. Height: No tower shall exceed a maximum height of 50 feet above ground level, whether mounted on a structure or directly mounted on the ground. No building-mounted masts shall exceed a height of 10 feet above the highest part of the building.
2. Setbacks: Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
3. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
4. Separation: The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby. The following Table 9.14 shows the separation distances which are required from off-site uses/designated areas:

Table 9.14 Separation Distance Requirements for Wireless Towers

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower whichever is greater
Vacant unplotted residentially zoned lands	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater

Non-residentially zoned lands or non-residential uses	None; only setbacks apply
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5. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
6. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device, provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
7. Landscaping. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. In addition, existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

Section 9.15 -- Townhouse and Multi-Family Developments.

All townhouse and multi-family development, as permitted under the provisions of the City of Salamanca Subdivision Regulations, shall, in addition to the requirements set forth in said section and articles, conform to the following standards. These standards shall be regarded as minimum requirements:

9.15.1 Townhouse and Multi-Family developments shall meet the following standards:

1. Yard requirements:
 Front Yard - Minimum 25 feet or 10 feet per story whichever is greater (from interior project road)
 Rear Yard - Minimum 30 feet or 10 feet per story whichever is greater
 Side Yard - Minimum 10 feet (at ends of buildings)
2. Maximum building height shall be as specified in Section 6.1, Density Control Table.
3. Maximum site coverage by all buildings and structures shall not be more than 50% of the lot area, such percentage to be calculated on the basis of the total project area.
4. Accessory buildings, including unattached garages, shall be located a minimum distance of ten (10) feet from any lot line and shall only be permitted in the rear or side yard.
5. Parking: Shall be in conformance with Section 9.3, Off-Street Parking.

Section 9.16 - Gasoline Stations, Service and Repair Garages, Automobile Sales Areas.

Where permitted, a gasoline station, service and repair garage and automobile sales area shall conform to the following standards, which shall be regarded as minimum requirements:

9.16.1 Minimum lot size shall be:

1. 7,500 sq. ft. for a gasoline station, service and repair garage.
2. 10,000 sq. ft. for a combination gas station, mini-mart convenience food store.
3. Additional lot area and setbacks shall be required as deemed to be adequate by the Planning Commission to accommodate tractor trailer servicing.

9.16.2 At least one lot frontage and width shall be a minimum of 100 feet.

9.16.3 Fuel pumps and other service devices shall be located at least 35 feet from any front lot line and 50 feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.

9.16.4 All automobile parts, including tires, are to be stored within a building. Tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a 8' high fence, wall or natural screen in conformance with Section 9.17.

9.16.5 Accessory goods for sale may be displayed on the pump island and the building island only, if provided for in a suitable stand or rack.

9.16.6 All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjustor inspection may be stored for a period not to exceed thirty (30) days and must be stored in the rear of the premises and screened to the greatest extent possible.

9.16.7 Parking:

1. No vehicle shall be parked, stored or left standing within 15 feet of the street line and/or fuel pump islands.
2. Parking requirements shall be in conformance with Section 9.3. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning Commission to accommodate tractor trailer delivery.
3. Where parking areas in B-2, B-3 I2 districts abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted plant material, solid fencing, or a combination of both which, in the opinion of the Planning Commission, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery or fences becomes decayed and fails to provide an adequate screen, the Zoning Officer may direct the property owner to replace said shrubs or fences.

9.16.8 All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained and, if lighted, shall produce no glare on adjacent properties.

9.16.9 A maximum of two driveways and curb cuts shall be permitted per lot frontage. These shall be no less than 20 and no wider than 30 feet, and located a minimum of 30 feet from any street intersection and a minimum distance of 30 feet shall be maintained between such driveways and curb cuts.

9.16.10 Parking is prohibited in front yards except as approved by the Planning Commission as part of site plan review.

Section 9.17 -- Buffer and Landscaping Requirements.

9.17.1 Intent.

The objective of this Section is to ensure consideration of the physical and visual elements of land use development in the City of Salamanca which require, or may be improved, by buffering, setbacks and landscaping in order to enhance the appearance, screen or effectively separate different land uses and minimize impacts on adjoining uses such as dirt, litter, noise, glare and incompatible buildings or uses (such as outdoor storage, loading and parking areas). The Planning Commission may require that a professional licensed Landscape Architect prepare plans under this Section.

9.17.2 Buffer and Landscaping Techniques.

The particular type of buffer and landscaping treatment shall be as determined by the Planning Commission to meet the intent of this Section. The following types of treatment may be considered:

1. Landscaping and other screening including tree planting, use of beams, and planting of shrubs designed to separate, obscure or soften an incompatible view or use.
2. Visual setting, including ground cover and plant materials designed to stabilize the landform and provide an appropriate foreground or setting.
3. Physical separation, including setbacks from public streets or adjacent uses in combination with plant materials or features designed to separate land use types or activities.

9.17.3 Planting Standards.

1. Trees. All trees shall be plant species having an average crown spread of greater than fifteen (15) feet and having trunks, which can be maintained in a clean condition, free of branches from grade to five (5) feet above grade. Trees having an average mature spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown. Tree species shall be a minimum of seven (7) feet of overall height immediately after planting. Tree plantings along public rights-of-way shall be of native species.
2. Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, when measured, shall be planted and maintained so as to form a continuous visual screen within two (2) year after time of planting.
3. All disturbed soil areas within a the site shall be replaced or reseeded in an appropriate fashion.
4. No landscape feature shall be erected, placed or maintained in such a manner as to interfere with clear vision and/or the safe movement of vehicular traffic.

Section 9.18 -- Fast Food Restaurants.

Where permitted, fast food restaurants meeting the definition of this Law shall conform to the following standards which shall be regarded as minimum requirements.

9.18.1 Minimum Lot Size shall be 10,000 sq. ft.

9.18.2 At least one lot frontage shall be a minimum of 100 feet.

9.18.3 Access.

1. A maximum of two driveways and curb cuts shall be permitted on each street frontage.
2. All drives shall be no less than 20 and no wider than 30 feet in width.
3. Drives shall be located a minimum of 30 feet from any street intersection and shall maintain a minimum of 30 feet between such driveways or curb cuts.
4. Driveways shall create minimal conflict with pedestrian access to the building from the parking lots and sidewalk abutting the property.

9.18.4 Parking.

1. The number of parking spaces shall be as specified in Section 9.3.
2. Parking lots shall be designed to provide pedestrian safety.

9.18.5 Landscape Requirements.

A landscape area equal to that portion of land contiguous to the public right-of-way and extending a depth of 5 feet shall be provided. Landscaping shall also be used to screen or buffer to parking, dumpsters, freezers and other accessory uses as per Section 9.17.

Section 9.19 -- Drive-In Use Regulations

Where permitted either as accessory to other permitted uses or as principal use, these facilities as defined in this Law shall conform to the following standards, which shall be regarded as minimum requirements.

9.19.1 All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes.

9.19.2 To the extent possible, lanes shall not cross any principal pedestrian access to the building or site.

9.19.3 Stacking or Queuing Requirements.

1. Fast-food Restaurants: A minimum of 140 feet between start of lane to service window.
 - a. Minimum 80 feet from start of lane to order station.
 - b. Minimum 60 feet from order station to service window.
2. Banks and other businesses:
 - a. Minimum of 100 feet from start of lane to service window.

3. Multiple drive-through lanes: The Planning Commission may allow reductions for businesses with multiple drive-through lanes based on review of proposed traffic circulation and usage.
4. All uses shall maintain a minimum distance of 20 feet from the service window to the public right-of-way or interior parking aisles.

Section 9.20 -- Commercial Parking Lots and Structures.

All commercial parking lots and structures, as permitted in Section 4.8, Use Regulation Table, shall conform to the following standards, which shall be regarded as minimum requirements.

9.20.1 Any parking garage facade fronting on a primary street shall achieve architectural unity/compatibility with the surrounding structures that it is intended to serve.

9.20.2 A minimum of 8 percent of the lot area shall be devoted to landscaping which shall be provided in conformance with Section 9.17.

9.20.3 Adjacent sidewalks shall be rebuilt as necessary and shall be designed to promote pedestrian safety.

9.20.4 Ingress and egress shall be designed to promote the orderly flow of traffic to and from City streets. Directional signs shall be used as necessary to ensure this flow.

Section 9.21 -- Swimming Pool Regulations.

No swimming pool, whether of the above ground or in ground type, shall be located, installed, constructed or maintained on any lot, except in conformity with the following requirements:

9.21.1 Swimming pools may be permitted as an accessory use to a residence in the AC, R1, R2, MH and WC districts, or as an accessory use to a residence, club, or any public or semi-public use in the B1, B2 or B3 districts provided that the following regulations are complied with:

9.21.2 Fences

In-ground swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have a gate with a latch to control access to the pool area. Above ground pools less than forty-six (46) inches in height shall be similarly fenced. Above ground pools which are forty-six (46) inches or more above the ground shall not require a fence. All access to above-ground pools shall be provided with a gate and lock.

9.21.3 Setbacks and Coverage

Outdoor swimming pools shall be located in a rear yard only, shall occupy no more than twenty-five percent (25%) of the rear yard area, after excluding all private garages and other accessory buildings or structures and shall be located no closer than five (5) feet to any side or rear property line. Inground pools shall conform to the same setbacks as accessory buildings. Above

ground pools shall be located no closer than five (5) feet to any side or rear property line or no less than fifteen (15) feet from a house foundation.

9.21.4 Drainage

No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate and will not interfere with the property of others, with public highways or with area drainage facilities.

9.21.5 Lighting

No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.

9.21.6 Overhead Wiring

Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or an area surrounding the swimming pool which extends ten (10) feet horizontally from the edge of the pool, diving structures, observation stands, towers or platforms.

9.21.7 Permits

A building permit shall be required for all swimming pools including those, which are to be installed above ground and those to be installed partially or entirely below ground level.

Applications for swimming pool permits shall comply with these regulations and with all other applicable requirements of the Municipal Code of the City of Salamanca and the New York State Uniform Fire Prevention and Building Code. Where the regulations are inconsistent, the more restrictive requirements shall govern.

Section 9.22 -- Mobile Home District Regulations

9.22.1 Design Standards - All Mobile Home uses shall be located in Mobile Home Park developments, with the exception of temporary housing as provided for in Section 9.23, and shall require special permits which meet the following standards:

1. General Standards: The following general standards are hereby adopted for the control of Mobile Home Parks in Mobile Home Districts:
 - a. A mobile home park shall be designed, located, maintained and operated in a manner, which does not impair the public health, safety, welfare, natural environment or neighborhood character of the community.
 - b. The park shall not cause undue traffic congestion or create a traffic hazard.
 - c. The park shall be appropriately sited and designed with respect to utility services, fire protection, waste disposal and other services and/or facilities. If City sewer service is available, it must be used to service the park. If City sewer service is not available, the provision of sanitary sewer will be regulated by the Cattaraugus County Health Department.

2. Specific standards: The following specific standards are hereby adopted and must be complied with, for any use in any Mobile Home District and before any uses be permitted, established, maintained or conducted in such District:
- a. Any Mobile Home Park shall have a minimum of two (2) acres of land area under single ownership.
 - b. No mobile home use shall be placed closer than one hundred feet from any City, County or State roadway, or closer than one hundred feet from any exterior property boundary of the Mobile Home Park.
 - c. Any Mobile Home Park shall have a buffered area at least twenty (20) feet in width along its exterior property boundaries, suitably planted and maintained so as to serve as a visual buffer from adjacent properties.
 - d. Any Mobile Home Park shall be designed as a self-contained unit with interior park roads at least eighteen (18) feet wide for one-way facilities, or twenty-eight (28) feet wide for two-way facilities, and paved with an all-weather, dust-free surfacing material approved by the City.
 - e. Open storage of refuse or building materials is not permitted within Mobile Home Park sites; storage of such materials shall be provided within the mobile home unit or in enclosed accessory structures.
 - f. Off-Street Parking and loading: Shall conform to Sections 9.3 and 9.4.
 - g. Signs: Shall conform to the requirements of Article 10, Signage.
 - h. Utilities: All water and sewer facilities shall be designed and installed according to City standards as per Section 9.11.

Section 9.23 -- B1 - City Center Use District

9.23.1 The B1 - City Center District is the historic commercial core of the City of Salamanca that retains a distinctive nineteenth and early twentieth century character and appearance. Design regulations are essential to the revitalization and redevelopment of the City Center District. The purpose of the regulations is to preserve the historic character while improving the economic viability and aesthetic qualities of the district. Preservation and appropriate redevelopment are key components in the City's effort to create a vibrant retail, office and residential district in the City Center District. Benefits of this effort will include increased tax base through reinvestment in historic properties, stabilization and improvement of existing businesses, job creation, and the improvement of the aesthetic qualities of this unique architectural resource. The City Center District is divided by the Allegheny River into two distinct areas each with its own historic character.

9.23.2 City Center District - North Side of the Allegheny River. On the north side of the Allegheny River, the commercial buildings generally date from the mid- to late-nineteenth century. They are 2 and 3 stories tall and faced with unpainted brick. This section is characterized by large single buildings that take up entire city blocks, and smaller individual buildings that are connected with neighboring buildings by party walls. These urban buildings are built directly on their front lot lines and adjoin the public sidewalk with no setback or green space. Roofs are not visible from the street level.

The buildings feature commercial space on the ground floor and residential or office space on the upper floors. The commercial storefronts are characterized by recessed entrances flanked by large plate glass display windows that are raised on low wood or marble bulkheads. Although these are covered over in many cases, the majority of the buildings feature rectangular glass

transoms over the entrances and shop-front windows that were designed to allow for additional interior illumination. The commercial first floor is visually delineated from the upper stories by projecting metal or wood lintels that span the width of the building facade. Upper stories are characterized by multiple, symmetrically arranged, tall, double-hung sash wood windows that feature a single large pane in the upper sash over a single lower pane in the lower sash, known as 1-over-1 windows.

Decorative features on the north side of the Allegheny River are generally derived from Italianate, Victorian and Romanesque Revival styles of architecture. Long building facades are visually broken up by windows with decorative window hoods and sills in brick, stone and/or metal. Most buildings are crowned by decorative metal cornices.

9.23.3 City Center District - South Side of the Allegheny River. The architecture on the south side of the B1 - City Center Use District generally dates from the 1920s and 1930s as a result of a fire of 1923 that leveled the district south of the river.

The overall massing of buildings is generally more square and block-like than is the case in the north side of the district. Typically, buildings range between 1 and 2 stories in height and are made of brick. They are urban buildings with no setbacks from front lot lines and no intermediate green space.

As in the north side of the district, south side buildings are designed to have commercial spaces on their first floors and office and residential spaces on the second floor. The commercial first floors feature recessed entrances flanked by large display windows that span the width of the buildings. Low bulkheads made of wood or marble raise the windows above the sidewalk. Rectangular transoms, including some that retain their original leaded spectral glass, are featured above the shop windows and entrances. Upper stories, which house residences and office space have metal or wood sash, 1-over-1 windows which are often grouped in pairs.

Unlike the older buildings in the north side of the district, these buildings feature little or no decoration. They present a more modern, streamlined appearance typical of early twentieth century commercial architecture. Facades have smooth unbroken surfaces with no visual delineation between the first and second floors. Minimal decorative features consist generally of brick corbelling or flat stone detailing around windows. Windows have plain brick sills and flat brick lintels. Buildings topped by plain or stepped brick parapet walls are most common. The few metal cornices that are featured on buildings in the south side of the district are less ornamental than those in the north side.

9.23.4 Standards for the alteration, rehabilitation and restoration of existing buildings in the City Center District are based on the United States Secretary of the Interior's Standards for Rehabilitation and the recommendations of the City of Salamanca Cityscape project, as follows:

1. Every reasonable effort shall be made to use the property for its originally intended purpose or to provide compatible use requiring minimal alterations, i.e. first-story storefront commercial space should be retained for commercial uses, while residential and office uses should be reserved for the upper stories.
2. The distinguishing characteristics of a property shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided whenever

possible. Distinctive architectural features of the City Center District include:

- a. overall massing and height
- b. building materials, including ornamental building materials
- c. Storefronts: recessed entrances, shop-front display windows, low bulkheads, glass transoms.
- d. windows and fenestration pattern (i.e. window placement, grouping and dimensions)
- e. cornices and parapet walls

3. Each property shall be recognized as a product of its own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which have taken place over the course of time are evidence of the property's history and environment. These changes may have acquired significance in their own right and, if so, this significance shall be respected.

5. Distinctive stylistic features and examples of craftsmanship that characterize a property shall be treated with care. For example, ornamental cornices, decorative window surrounds, glass transoms, etc.

1. Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.

7. The gentlest means possible shall be used to clean the property's surface when necessary. Sandblasting and other cleaning methods that will damage the historic building materials are prohibited.

8. Archeological resources affected by, or adjacent to, any alteration shall be protected and preserved.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. Whenever possible, a new addition or alteration shall be accomplished so that its future removal will not impair the essential form and integrity of the original structure.

11. Exterior cladding of a structure shall be consistent with the original materials used on the property. Inappropriate materials for the City Center District include:

- a. aluminum and vinyl siding
- b. plywood siding
- c. asphalt and hardboard siding
- d. ceramic tile

- e. slump block and weeping mortar
- f. shake shingle siding

9.23.5 Standards for New Construction. Where new structures are built in the district, the following standards apply:

1. New structures should be modern in appearance, but compatible with the surrounding historic buildings.
2. Height shall be compatible with adjacent historic properties.
3. The proportion of openings, width and height of windows, doors and entries, shall be compatible with adjacent historic buildings. A long, unbroken facade in a setting of existing narrow structures shall be divided by openings, setbacks or decorative details into smaller bays thereby complementing the historic streetscape.
4. The rhythm or relationship of solid spaces to voids (i.e. walls to windows and doors), in the facade of a structure shall be visually compatible with the adjacent historic properties.
5. Material, textures and colors for the facade of the structure should relate attractively to and be tempered by the predominant materials, textures, and colors of adjacent structures.
6. A structure that has frontage on more than one street resulting in multiple facades shall require application of compatibility standards to each facade.
7. New storefront construction shall be compatible with the surrounding historic storefronts. The amount of total glazing should be the average of the nearest two storefronts that conform to the standards. New storefront design shall follow the following guidelines:
 - a. bulkheads shall be between 18"-24" tall.
 - b. glazing above the bulkhead (including display windows and transom windows) shall rise to the height of the interior ceiling.
 - c. the main entrance shall be slightly recessed and located in the center or to one side of the storefront.

ARTICLE 10 -- SIGNAGE

Section 10.0 -- General.

10.0.1 Intent.

The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of natural beauty and community environment.

10.0.2 Signs restricted.

1. The construction, erection, alteration, reconstruction, display, ownership, maintenance or operation of any sign within the city except as provided by this article is hereby prohibited.

2. Signposts are specifically prohibited from the public right-of-way with the exception of those that are necessary or recommended by the State of New York Manual of Uniform Traffic Control Devices.
3. Signs overhanging the public right-of-way are specifically prohibited except as provided by this article.
4. Signs judged obscene by the zoning board are prohibited.
5. No electric sign or electrically illuminated sign, or any sign board, signpost, portion of any advertising nature or otherwise shall be permitted or allowed to remain on the sidewalk nor on any portion of the city streets.

10.0.3 Institutional signs.

Institutional signs shall not exceed thirty-two (32) square feet in size nor shall there be more than one such sign per institution.

10.0.4 Temporary banners within rights-of-way.

Signs, other than official street or traffic signs, shall not be erected within the right-of-way lines of any street, except that temporary banners may be permitted for festivals or special events with the requirement that special permits for such banners for no longer than ten (10) days be issued by the Mayor and Common Council of the City of Salamanca. Applicant must provide a Certificate of Insurance in the amount of one million dollars (\$1,000,000.00) naming the City as additional insured.

10.0.5 General Provisions:

1. Permits required: A sign permit shall be required before any sign or billboard may be erected, altered, reconstructed or displayed within the city.
2. Application for permit: Written application shall be made to the Zoning Officer on a form provided by the Zoning Officer and shall be accompanied by complete plans and specifications showing the construction, method of support and materials to be used. Application may be made by the owner or operator of the property upon which such sign is to be placed. The Zoning Officer may require the plans and specifications be signed by a professional engineer or architect registered in the state.
3. Permit fees. Each application shall be accompanied by a fee as established by the Common Council, which may be amended or modified from time to time. The Zoning Officer of the City of Salamanca may require proof of the monetary value of sign. All other signs within the City must comply with the requirements of this article on the effective date of its enactment.

Upon the approval of the Zoning Officer of such application and of the place and manner of erecting the sign therein mentioned, and upon his writing or stamping thereon the amount of the fee required for the sign applied for, the applicant shall pay to the Zoning Officer the fee prescribed by this division, and thereupon the Assessor/ shall issue to the applicant a permit for the sign applied for.

Permit fees for the erection or maintenance of signs shall be established by the Mayor and Common Council of the City of Salamanca by resolution from time to time.

Liability insurance must be obtained by the owner of a sign prior to approval by the Zoning Officer. Minimum single limit liability coverage is required of no less than one hundred thousand dollars (\$100,000.00) for property damage, and one hundred thousand dollars (\$100,000.00) personal injury. All liability insurance policies must be issued by a company licensed to do business in New York State.

4. Temporary permits. Temporary signs and portable signs shall require a permit from the Zoning Officer.

A permit for a temporary sign or a portable sign may be issued for a period not exceeding thirty (30) days; and such sign shall be removed within twenty-four (24) hours after expiration unless an extension of time, not exceeding thirty (30) days, shall have been granted in writing by the Zoning Officer.

Materials, except frames, used in the construction of temporary signs may be of light-weight material. Temporary signs and portable signs shall conform to all other applicable provisions of this article.

5. Unsafe, unlawful and deteriorating signs: Whenever it shall appear to the Zoning Officer that any sign has been constructed or erected or is being maintained in violation of the terms of this article, or is unsafe or insecure, or is a menace to the public, or has been allowed to deteriorate, he shall give written notifications to the property owner and/or tenant. Said sign shall be removed or repaired and placed in a safe condition within ten (10) days after receipt of the written notification. If the foregoing is not complied with, the City will have the sign in question removed and the bill for the cost of removal sent directly to the property owner. If the bill for the cost of removal is not paid within sixty (60) days, a lien will be placed on the property.

In the event a sign has been damaged and presents an immediate threat to the public, the Zoning Officer may order the immediate removal of said sign and take appropriate action to protect the public and recover costs. Any time a business goes out of business or moves, the owner or company shall remove all signs of said business.

6. Sign mounting: All exterior signs shall be securely mounted and anchored.
7. Restrictions. Signs and billboards shall not in any way obstruct the required door or window area of any building or structure. Signs shall not be attached to or placed upon any portion of a fire escape. Signs shall not be erected that will in any way interfere with the activities of the fire department. Signs constructed or erected after the adoption of this zoning law shall not be rotating or contain any moving parts.
8. Traffic control signs. Signs necessary for traffic control on private property and containing no advertising may be erected, not to exceed an area of twelve (12) square feet per sign.
9. Exemptions. The provisions of this article shall not apply to the following signs:
 - a. Traffic signs erected by governmental bodies.
 - b. Railroad warning signs.

- c. Municipal signs.
 - d. Memorial signs or tablets, names of buildings and date of erection when cut in any masonry surface or when constructed of bronze or other combustible [non combustible] materials.
 - e. Occupational signs denoting only the name and profession of an occupant in commercial buildings and the name and nature of the occupancy in public and institutional buildings. Such signs shall not exceed two (2) square feet in area.
10. Illumination: Signs may be illuminated at night by back lighting or direct lighting only provided the latter is so screened as not to cast any direct light upon any residence. No sign or lighting device shall be of the flashing, intermittent or reciprocating type.

Illuminated signs must bear the National Underwriters seal of approval or must be inspected and approved by the Zoning Officer or designee thereof.

Section 10.1 -- Signs in Residential Use Districts.

Signs in the R1 Single-family Residential, R2 Single-family/General Residential, and MH Mobile Home districts shall conform to the following regulations:

10.1.1 Identification signs.

Identification signs shall be permitted as an accessory use in any residential district as follows:

1. Customary professional or home occupation identification signs not over two (2) square feet in size, related solely to the profession or home occupation conducted on the premises by a resident thereof, except signs for Bed and Breakfast facilities which shall not be over twelve (12) square feet in size.
2. No more than one (1) such identification sign shall be permitted for each professional or other person so engaged and residing in the premises; but if a dwelling has frontage on more than one (1) street, an additional identification sign shall be permitted for each additional frontage.
3. Such identification sign may be affixed to the face of the building or may be erected on a post or posts not over four (4) feet high, located in the yard but at least five (5) feet from the property line or twenty (20) feet from street pavement, whichever is greater.
4. The sign may not be illuminated.
5. A permit is required.

10.1.2 Bulletin boards.

1. Permanent bulletin boards or similar announcement signs are allowed only for churches and other nonprofit institutions. They may not exceed twenty (20) square feet in gross area and

shall be located either on the face of the building or on a post or posts at least five (5) feet from the property line. One (1) such sign shall be permitted for each street frontage.

2. Signs may be illuminated by night by back lighting or by direct lighting provided the latter is so screened as not to be visible from an adjacent residence.
3. A permit is required.

10.1.3 Temporary signs.

Temporary "For Sale", "To Let" or "Household Sale" signs relating to the premises and containing the name, address and telephone number of the owner or authorized agent, or both, and not exceeding six (6) square feet in area per side or twelve (12) square feet in aggregate shall be permitted. One (1) such sign shall be permitted for each street frontage and may not be illuminated. Temporary signs must be removed within forty-eight (48) hours after the intent of business of the sign is complete.

10.1.4 Attaching to trees, poles or structures within public rights-of-way.

It shall be unlawful for any person to paint, post, place or fix any business or commercial advertisement, paper, handbills or circulars, or cause the same to be done upon any utility poles within the limits of the city.

10.1.5 Political signs.

1. An individual permit per candidate is required for each election.
2. No artificially illuminated signs of any type are allowed.
3. Size is limited to six (6) square feet per side, or twelve (12) feet in aggregate.
4. Signs must be free standing.
5. No more than one sign per candidate is allowed per lot.
6. Signs may be erected no sooner than 30 days before an election and shall be removed within forty eight (48) hours following the election.
7. No sign shall be placed closer than thirty (30) feet to an intersection, measured from the center line of intersecting roads.
8. No political signs shall be erected in the subway/right-of-way.
9. Shall be allowed in B1, B2, B3, I1,I2 and WC.

Section 10.2 -- Signs in the B1 City Center District.

The intent of the sign standards for the B1 City Center District is to provide guidelines for the overall size and dimensions, design, illumination, and placement of signs, which allows for variety while at the same time maintains the historic character and pedestrian scale of the downtown area.

10.2.1. The following types of signs are permitted in the B1 City Center District:

1. Window signs.
2. Wall signs.
3. Ground signs.
4. Awnings.
5. Sandwich Board Signs.
6. Balloon Signs

10.2.2. General Requirements

1. Wall signs shall not extend more than twelve (12) inches from the face of the building into any street, alley, sidewalk, thoroughfare or other public space.
2. Wall signs projecting six (6) inches or more into any public space from the face of a building shall have a clearance of not less than eight (8) feet between the bottom of such sign and the sidewalk level of any public thoroughfare.
3. Glass in any wall sign must be safety glass or comparable material.

10.2.3 Window Signs

- a. No window sign shall occupy more than 20% of the total area of the window upon which it is located. Window signs shall not be counted as total square footage for signage.

10.2.4 Wall Signs.

- a. Total display area shall not exceed 2.0 square feet per lineal foot of building frontage.
- b. No wall sign shall extend above the roofline of the building upon which it is attached.
- c. No wall sign shall cover, wholly or partially, any wall opening.
- d. Wall signs *may* include moving, flashing, or animated parts.
- e. Projecting wall signs shall be at least 8' above the sidewalk.
- f. The outside vertical edge of the wall sign shall be no more than 3' from the side of the building upon which it is mounted.
- g. One wall sign shall be permitted per exposed face and one sign extending from the building.
- h. Wall signs can be painted on the face of a building.

10.2.5 Ground Signs

- a. One ground sign shall be allowed per location.
- b. Signs shall be no more than 10' in height.
- c. Total display area shall not exceed 32 square feet.
- d. Ground signs can be internally illuminated and any external lighting is allowed. Any lighting of the ground sign shall be directed to the sign itself so as not to impact surrounding properties.
- e. No ground sign shall be located in the public right of way.
- f. No ground signs shall present a physical or visual obstruction to vehicular or pedestrian traffic.

10.2.6 Awnings

- a. The outer edge of an awning shall not extend beyond the curb line.
- b. The lowest edge of the awning shall be attached no lower than 8' above the sidewalk.

10.2.7 Sandwich Board Signs

- a. Sandwich board sign display area shall not exceed 6 square feet per side, or a total of 48" in height or width.
- b. No sandwich board sign shall be taller than 4' from the level of the sidewalk.
- c. Sandwich board signs shall be designed so as not to be an obstruction to any public space or walkway.
- d. No sandwich board sign shall be illuminated.
- e. Sandwich board signs can only be on display during regular business hours.

10.2.8 Balloon Signs**10.2.9** Project Signs

- a. Projecting signs shall not exceed 16 square feet per side.
- b. Projecting signs shall not project more than 48 inches from the face of the building.
- c. Projecting signs shall be at least 8 feet above the sidewalk.
- d. Externally lit projecting signs are preferred when practical, however, internally lit projecting signs may be allowed with a Special Sign Permit at the discretion of the City of Salamanca Planning Commission.

10.3 Signs Allowed in the B2 General Commercial District

10.3.1. The following types of signs are allowed in the B2 General Commercial District:

Each business establishment shall be allowed the following types of signs only and which shall be installed at the business location only. However, ground signs and pole or pylon signs may not be used in combination. Further, any area allowed in a ground sign or a pole or pylon type shall be deducted from the total area allowed under Section 10.3.2., "Size Limitations."

1. Wall sign: A sign attached to, erected against or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.
2. Ground sign: A detached sign erected upon or supported by the ground.
3. Pole or pylon sign: A sign supported by or suspended from a free-standing column of concrete, structural steel, aluminum pipe or structural aluminum.
4. Backlit balloon awnings.
5. Window signs.
6. Sandwich Board Signs

10.3.2 Size limitations.

The total display area of all signs, including wall, ground, pole, pylon and window, permitted upon a single lot shall be determined as follows:

1. On an interior lot, two (2) square feet of display area for each lineal foot of building frontage facing the main street or highway.

10.3.3 General requirements.

1. Any sign attached to a building shall not extend more than fifty (50) percent above the roof line immediately behind the sign, and in no case shall the sign extend above same roof line by more than five (5) feet.
2. Wall signs shall not extend more than twelve (12) inches from the face of the building into any street, alley, sidewalk, thoroughfare or other public space.

3. Wall signs projecting six (6) inches or more into any public space from the face of a building shall have a clearance of not less than eight (8) feet between the bottom of such sign and the sidewalk level of any public thoroughfare.
4. Glass in any wall sign must be safety glass or comparable material.

10.3.4. Ground signs.

Two (2) ground signs may be permitted not exceeding sixty-five (65) square feet in total area and subject to the following regulations:

1. Shall not be more than ten (10) feet in height as measured from the ground.
2. Any open space between the ground and the bottom of the sign shall not exceed three (3) feet.
3. Ground signs may not be located in any area, which shall affect visibility for motor vehicle traffic.
4. An additional sign shall be allowed under the provisions of section 6, paragraph 4 of this article, and subject to the above regulations.

10.3.5. Pole or pylon signs.

One (1) pole or pylon sign may be permitted not exceeding sixty-five (65) square feet in area and subject to the following regulations:

1. The height of the pole or pylon shall not be more than twenty-five (25) feet above the ground or curb, whichever is lower.
2. An open space of not less than ten (10) feet shall be maintained between the ground level and the bottom of such sign.

Section 10.4 -- Signs Allowed in the B3 Neighborhood Commercial District.

10.4.1 The following types of signs are allowed in the B3 Neighborhood Commercial District:

Each business establishment shall be allowed the following types of signs only and which shall be installed at the business location only.

1. Wall sign: A sign attached to, erected against or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.
2. Ground sign: A detached sign erected upon or supported by the ground.
3. Window signs.
4. Sandwich Board signs.

10.4.2 Size limitations.

The total display area of all signs, including wall, ground, pole, pylon and window, permitted upon a single lot shall be determined as follows:

1. On an interior lot, two (2) square feet of display area for each lineal foot of building frontage facing the main street or highway.

10.4.3 General requirements.

1. No sign attached to a building shall extend more than five (5) feet above the roof line of the building.
2. Wall signs shall not extend more than twelve (12) inches from the face of the building into any street, alley, sidewalk, thoroughfare or other public space.
3. Wall signs projecting six (6) inches or more into any public space from the face of a building shall have a clearance of not less than eight (8) feet between the bottom of such sign and the sidewalk level of any public thoroughfare.
4. Glass in any wall sign must be safety glass or comparable material.

10.4.4. Ground signs.

One (1) ground sign may be permitted not exceeding twenty (20) square feet in total area and subject to the following regulations:

1. Shall not be more than ten (10) feet in height as measured from the ground.
2. Any open space between the ground and the bottom of the sign shall not exceed three (3) feet.
3. Ground signs may not be located in any area, which shall affect visibility for motor vehicle traffic.
4. An additional sign shall be allowed under the provisions of section 6, paragraph 4 of this article, and subject to the above regulations.

10.5 Signs in the WC - Waterfront Conservation Use District.

Within the WC - Waterfront Conservation Use District, all signs shall conform to the requirements of Section 10.1.

10.6 Signs in I1 and I2 - Industrial Use Districts.

Within the I1 and I2 - Industrial Use Districts signs shall conform to the B3 use district regulations.

Section 10.7 - Administration and Violations.

10.7.1. Off-premises advertising signs.

Off-premises advertising signs shall be permitted by special use permit. Such special use permit shall be issued in accordance with this zoning law.

10.7.2. Variances.

Notwithstanding any other provision of this article, upon application to the zoning board of appeals, that board may vary or adopt the strict application of any of the requirements of this article.

ARTICLE 11. NON-CONFORMING BUILDINGS, USES AND LOTS**Section 11.0 -- Continuation of Non-Conforming Buildings and Lots.**

Any lawful building, structure or use of premises existing at the effective date of the original zoning Law of the City of Salamanca, as approved by the Salamanca Common Council on, 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 of this Law provided however:

11.0.1 Nothing herein contained shall be construed to render lawful any use not lawfully conforming to provisions of the City of Salamanca Zoning Law hereby repealed.

11.0.2 Any extension of a non-conforming use must conform to the provisions of this Law.

11.0.3 No non-conforming building or structure shall be enlarged, extended or increased during its life to an extent exceeding fifteen (15) percent of its existing gross floor area or in aggregate value fifty (50) percent of the replacement cost of the building, whichever is greater, unless said building or structure is changed to conform to the requirements of this Law.

11.0.4 A building or structure containing a non-conforming use may be repaired or strengthened sufficiently to remove a hazard to public safety, as such hazard may be determined by the Zoning Officer, but not so as to perpetuate the non-conforming use or character of the structure. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Zoning Officer.

11.0.5 Only by approval of 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 or other act of God. Substantial restoration shall be made within six months of the occurrence of the damage, except that this time limit may be extended by the Zoning Board of Appeals in cases of practical difficulty or hardship. Any building damaged by such occurrence to the extent of more than fifty (50) percent of its replacement value and not demolished shall be repaired or rebuilt within a six month period to conform to the building line of the original structure.

11.0.6 No non-conforming use shall be maintained, renewed, changed or extended without a Certificate of occupancy having first been issued by the Zoning Officer.

Section 11.1 -- Discontinuance of a Non-conforming Use

11.1.1 Any building or land which is used for or occupied by a non-conforming use and which is changed to or replaced by a conforming use, shall not thereafter be used for or occupied by a non-conforming use.

11.1.2 When a non-conforming use has been discontinued for a period of one year, it shall be deemed abandoned and shall not thereafter be re-established and the future use shall be in conformity with the provisions of this Law.

Section 11.2 -- Necessary Maintenance and Repairs.

A building or structure of non-conforming use may be repaired or restored to a safe condition except as specified in Section 11.5.

Section 11.3 -- Prior Construction.

Any building or structure for which a building permit was issued prior to the effective date of this Law, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for such building and structure.

Section 11.4 -- Existing Undersized Lots.

11.4.1 Any lot held in single and separate ownership prior to the adoption of this Law, and whose area is less than the specified minimum lot requirements of this Law for the district, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:

1. Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district.
2. Such lot has an area of at least 3,000 square feet and a minimum width of at least 40 feet at the required setback line if it is to be used for residential purposes.
3. The following minimum yard dimensions are maintained for residences:
 - Side yards - 4 feet
 - Rear yards - 10 feet
 - Front yards - 15 feet
4. No detached accessory building shall be located closer to a side lot line than three (3) feet, nor less than five (5) feet to the residence building and is located behind the rear line of such residence building. No accessory building shall be located closer to the rear lot line than three (3) feet if no easement is located along such rear lot line.
5. All other bulk requirements for that district are complied with.

11.4.2 In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one (1) single-family dwelling.

Section 11.5 -- Reduction in Lot Area.

A building permit shall not be issued for any lot that is reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Law.

ARTICLE 12. GENERAL EXCEPTIONS

Section 12.0 -- Public Properties.

Nothing in this Law shall restrict construction or use in the exercise of a governmental function of public buildings, lands or property.

Section 12.1 -- Public Utilities.

Nothing in this Law shall restrict the construction or use of underground or overhead distribution facilities of utilities, which serve the public operating under the laws of the State of New York. Other facilities may be constructed subject to a site plan approval.

ARTICLE 13. ZONING BOARD OF APPEALS**Section 13.0 -- Establishment and Duties**

Pursuant to City Laws and in accordance with the General City Law of the State of New York, as amended, the City of Salamanca shall establish a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor with the approval of a majority of the Common Council. Members shall be electors residing in the City of Salamanca. The Mayor and Common Council may provide for compensation to be paid to members, experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Mayor and Common Council for this purpose. The Zoning Board of Appeals shall designate a Chairperson or Vice-Chairperson with the approval of the Mayor and Common Council. In the absence of a Chairperson or Vice-Chairperson, the Zoning Board of Appeals may designate members to serve in acting capacities in these positions. A member of the Zoning Board of Appeals shall not at the same time be a member of the Common Council of the City of Salamanca. The Mayor and Common Council shall have the power to remove any member of the Zoning Board of Appeals for cause, after public hearing.

13.0.1 Term of Appointment. The terms of office of the members of the Zoning Board of Appeals shall be five (5) years. 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 of three years, one for the term of four years, one for the term of five years, from and after his or her appointment. The appointment of a Chairperson and Vice-Chairperson shall be for a term of one year.

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 Mayor and Common Council of the City of Salamanca by appointment for the duration of the un-expired term.

13.0.2 Staff. The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary, and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriations made by the Mayor and Common Council of the City of Salamanca and then available for that purpose.

13.0.3 Powers and Duties. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and this Law, which are more particularly specified as follows:

1. Interpretation.

It shall be the responsibility of the Zoning Board of Appeals to hear and decide appeals from, and review, any order, requirement, decision, or interpretation made by the Zoning Officer.

2. Use variances.

a. The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this Law.

b. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate and the Zoning Board of Appeals shall find that:

- (1) Under the applicable regulations of this Law the applicant is deprived of all reasonable economic use or benefit from the property in question, which deprivation must be established by competent financial evidence; and
- (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; and
- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) That the alleged hardship has not been self-created.

c. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area Variances

a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Officer, to grant area variances from the lot area, lot width, yard, height, lot coverage or other dimensional requirements of this Law.

b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Zoning Board of Appeals shall also consider:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and/or

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; and/or
 - (3) Whether the requested area variance is substantial; and/or
 - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and/or
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (6) Whether the proposed change could be made on another portion of the lot without recourse to a variance.
- c. If the Zoning Board of Appeals, in its discretion, shall grant an area variance, it shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. All work which is authorized by variances granted shall be commenced and completed within one year of the granting of the variance by the Zoning Board of Appeals.

13.0.4 Mandatory Referral.

1. The Zoning Board of Appeals shall, at least ten (10) days before a public hearing, mail notices thereof to the parties, and to the Regional State Park Commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal.
2. The Zoning Board of Appeals, before taking final action on any use variance affecting real property lying within a distance of 500 feet from the boundary of any city, village or town, or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, shall refer such matter to the Cattaraugus County Planning Commission for report and recommendation. If the County Planning Commission fails to make such report within 30 days after receipt of referred matter the Zoning Board of Appeals may act without such report. If the County Planning Commission disapproves the proposal, or recommends modification thereof, the Zoning Board of Appeals may act contrary to such disapproval or recommendation only by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action. The Zoning Board of Appeals shall file a report of its action with the County Planning Board within 7 days after such action is taken.

13.0.5 Procedure.

1. All appeals and applications made to the Zoning Board of Appeals shall be in writing, on forms prescribed by said Board and accompanied by a fee as determined by local law or ordinance of the Common Council. Every appeal or application shall refer to the specific provision of the Law involved, and shall exactly set forth the interpretation that is claimed, 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.
2. The Zoning Board of Appeals shall hold a public hearing on appeals within sixty (60) days of receipt thereof and public notice thereof shall be given by publication in the official newspaper of general circulation of a notice of such hearing at least five (5) days prior to the date thereof.
3. Copies of the appeal or application document shall be mailed to the members of the Board of Appeals. The Board of Appeals shall meet within forty-five (45) days of the date of filing the appeal or application, review the matter and schedule the required public hearing.
4. The Zoning Board of Appeals shall decide on appeals and on other matters referred to it within 60 days after final public hearing.
5. Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of said Board in the particular case.
6. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Law, the Zoning Board of Appeals shall have the power to vary or modify the application of any of the regulations or provisions of this Law relating to the use, construction, structural changes in, equipment or alteration of buildings or structures, or the use of land, so that the spirit of the Law shall be observed, public safety and welfare secured and substantial justice done. The Zoning Board of Appeals shall have no power to vary or modify the application of the provisions and requirements of the Uniform Fire Prevention and Building Code of the State of New York.

13.0.6 Rules of Procedure, By-Laws, Forms.

1. Meetings Open To The Public.

All meetings of the Zoning Board of Appeals shall be open to the public.

2. Minutes of Meetings.

Such Board shall keep minutes of each of its meetings, which it shall certify as accurate and which describe the factors considered by the Board in reaching its decision and which show the vote of each member on every application to the Board. Each member present at any meeting of the Board shall have a vote on every question brought before the Board for its consideration and no member shall be excused from voting on any question except by a concurring vote of four of all present. If a member is absent or abstains from voting the minutes shall indicate such fact.

3. Quorum and Majority Vote.

Three (3) votes of the Board shall constitute a quorum and three (3) votes shall be necessary to decide in favor of any applicant or any matter upon which said Board is required to pass under the provisions of this Law.

4. Additional Procedures and By-Laws.

The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such additional written rules of procedure, by-laws, and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this Law.

ARTICLE 14. ADMINISTRATION

Section 14.0 -- Enforcement.

This Law shall be enforced by the Zoning Officer, who shall be appointed by the Mayor and Common Council of the City of Salamanca. No building permit shall be issued or reissued except where all the provisions of this Law have been complied with. The Zoning Officer shall keep the Planning Commission advised of all matters pertaining to the enforcement of this Law other than routine duties, and shall submit a monthly report to the Mayor and Common Council, Planning Commission and Zoning Board of Appeals enumerating the applications received, inspections made, permits issued or refused, and other actions taken.

Where sufficient cause exists to believe that the terms of this Law have been violated and where corrective action has not been taken nor an appropriate variance application to the Zoning Board of Appeals filed, within fourteen (14) days of the issuance of a written notice of violation mailed by certified mail to the record owner(s) of the property where the violation occurs, with a copy to the alleged violator, if not the same person, the Zoning Officer, pursuant to Municipal Home Rule Law SS 10, Subdivision 4(a), is authorized to issue an appearance ticket, either in person or by certified mail, directing the alleged violator to appear in a designated local criminal court at a designated future time in connection with the alleged and designated offense.

Section 14.1 -- Building Permits.

14.1.1 – No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Zoning Officer for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature. The final determination is made by the Zoning Officer, for the City of Salamanca if it is structural in nature.

14.1.2 For zoning purposes, there shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be

erected, and such other information as may be necessary to determine and provide for the enforcement of this Law.

14.1.3 One copy of such layout or plot plan shall be returned when approved by the Zoning Officer, together with such permit to the applicant, upon the payment of a fee as set by the Common Council of the City of Salamanca.

Section 14.2 -- Certificate of Compliance.

No land shall be occupied or used and no building or other structure erected, altered, extended, enlarged or, if a non-conforming use, restored shall be occupied, used, or changed in use until a Certificate of Compliance shall have been issued by the Zoning Officer stating that the building, other structure or proposed use thereof complies with the provisions of the Zoning Law of the City. Vacated existing commercial properties may not be used or occupied until a certificate has been issued to ensure that the new use or occupancy is permitted.

All Certificates of Compliance for new or structurally altered buildings or structures shall be applied for coincident with the application for a building permit therefore. Such Certificate of Compliance shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Law.

14.3 - Inspection.

The Zoning Officer is hereby empowered to cause any building, other structure or tract of land to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereat in violation of any provision of this Law. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to comply with such order.

ARTICLE 15. REMEDIES

Section 15.0 -- Complaints of Violations.

Whenever a violation of this Law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and investigate the report thereon in a timely manner.

Section 15.1 -- Procedure for Abatement of Violations.

15.1.1 Whenever in the opinion of the Zoning Officer, after proper examination and inspection, there appears to exist a condition which is a violation of any provision of this Law, or of any rule or regulation adopted pursuant thereto, the Zoning Officer shall serve a written notice of violation upon the owner of the property in violation. Fourteen (14) days after notification the condition shall be considered a violation and shall be subject to appropriate penalties and other remedies as provided for herein and under the laws of the State of New York.

15.1.2 Such notice of violation shall (1) inform the owner of the nature and details of the condition and the reason why it is a violation, (2) recommend remedial action which if taken will effect compliance with this Law and other rules and regulations of the City of Salamanca, and

(3) state the date by which the violation must be remedied or removed in order to be in compliance with this Law.

15.1.3 In the event the violation is not remedied within the time allowed, then the person notified of such violation shall be subject to conviction for a violation as defined by the Penal Laws of the State of New York punishable by a fine of not more than three hundred and fifty dollars (\$350.00) or by sentence of imprisonment for a period of not more than fifteen (15) days, or both for a conviction of a first offense. Each week that the violation continues shall constitute a separate offense. For a conviction of a second offense, in which both first and second offenses were committed within a period of five (5) years, punishable by a fine of not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed fifteen (15) days or both; and upon a third or subsequent offense, in which all three offenses were committed within a period of five (5) years, punishable by a fine of not less than seven hundred dollars (\$700.00) nor more than one thousand (\$1,000.00) or imprisonment for a period not to exceed fifteen (15) days or both.

15.1.4 In addition to the owner, the general agent, lessee or tenant of the building, other structure or tract of land or any part thereof or an architect, builder, contractor, or anyone who commits or assists in any violation of any of the provisions of this Ordinance shall be subject to the procedure and penalties imposed by this Article.

Section 15.2 -- Alternative Penalty.

15.2.1 A violation of any of the provisions of this Zoning Law by an owners of land and/or a builder or contractor shall constitute an offense which may alternatively be punishable by the imposition of a Civil Penalty in the above amounts, which said penalty may be assessed and recoverable against the violator in a Small Claims Proceeding instituted by the City in the City Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act. Each week that the violation continues shall constitute a separate offense.

15.2.2 In addition to the foregoing remedies, in the case of any violation or threatened violation of any of the provisions of this Law, or conditions imposed by the Common Council or Planning Commission of the City of Salamanca, in addition to other remedies herein provided, the Common Council may institute any appropriate action or proceeding in a court of competent jurisdiction to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 16. AMENDMENTS

Section 16.0 -- Procedure.

The Common Council of the City of Salamanca may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Commission, amend the regulations and districts established under this Article after public notice and hearing in each case. All proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the Common Council.

Section 16.1 -- Advisory Report to the Common Council of the City of Salamanca.

Every proposed amendment, unless initiated by the Planning Commission, shall be referred by the Common Council to the Planning Commission. The Planning Commission shall report in writing its recommendations thereon to the Common Council and the Zoning Officer, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Commission fails to report within a period of forty-five (45) days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Common Council, the Common Council may act without such report. If the Planning Commission recommends disapproval of the proposed amendment, or recommends modification thereof, the Common Council shall not act contrary to such disapproval or recommendation except by a four-fifths vote.

Section 16.2 -- Petition by Owners of 50 Percent of Frontage.

Wherever the owners of 50 percent of the frontage directly adjacent to a property subject to a proposed amendment shall present a petition duly signed and acknowledged to the Common Council, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Common Council to vote upon said petition within ninety days after filing of the same by the petitioners with the City Clerk.

Section 16.3 -- Public Notice and Hearing.

The Common Council of the City of Salamanca shall, by resolution, fix the time and place of the public hearing and cause notice to be given as follows:

16.3.1 By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the City, not less than ten (10) days prior to the date of public hearing.

16.3.2 By giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in a manner prescribed by Law.

Section 16.4 -- Protest by Owners.

If a protest against the proposed amendment is presented to the Common Council, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending 100 feet there from, or by the owners of twenty (20) 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 a three-fourths majority of the Common Council.

Section 16.5 -- Decision by Common Council.

The Common Council shall set the public hearing as required and shall render its decision within 60 days of the receipt of the Planning Commission's report. If the Common Council deems it

advisable, it may require as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.

Section 16.6 -- Notification of Decision.

The Common Council shall notify the applicant for and amendment of its decision in writing within five (5) days after the decision has been rendered.

Section 16.7 -- Filing with the Secretary of State.

Every amendment to this Law shall be filed with the Secretary of State of New York and become effective five (5) days thereafter.

ARTICLE 17. FEE SCHEDULE

A schedule of fees for all permits and applications required by this Law shall be set by the Mayor and Common Council of the City of Salamanca by ordinance from time to time.

ARTICLE 18. REPEAL

Chapter 30 of the City of Salamanca Municipal Code entitled "Zoning" as originally enacted by ordinance of the City Council on April 13, 1970, together with any subsequent amendments thereto is hereby repealed in its entirety as of the effective date of this Law. Chapter 34 of the City of Salamanca Municipal Code entitled "Fence Placement and Construction" as originally enacted by ordinance of the City Council on December 23, 1981, together with any subsequent amendments thereto is hereby repealed in its entirety as of the effective date of this Law. Section 35.4 of Chapter 35 of the Salamanca Municipal Code relating to the location of swimming pools is hereby repealed in its entirety as of the effective date of this Law.

In the event of an inconsistency between this Law and any other City ordinance or resolution, the provisions of this Law shall be controlling. Such repeal or modification shall not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal or modification takes effect.

ARTICLE 19. EFFECTIVE DATE

This Zoning Law of the City of Salamanca shall be filed with the Secretary of State and shall become effective five (5) days thereafter.