

# ARTICLE 11

## ADDITIONAL REQUIREMENTS

### Section 11.1 Signs

#### A. Purpose

The purpose and intent of this section of this Code is:

1. To enhance and protect the natural beauty, historic and aesthetic qualities and neighborhood values through the Town; to insure the tasteful display of signs in the Town, to prevent the proliferation of signs, to protect view sheds and view corridors, to enhance traffic safety, and to secure economic stability in property values; and
2. To acknowledge that the reasonable display of signs is appropriate as a public service and necessary to the conduct of competitive commerce and industry; and
3. To set forth minimum standards regulating the design, erection, display and maintenance of signs based on the use of land and intensity of development permitted in the Town; to reduce hazards caused by signs overhanging or projecting onto public right-of-way, and by signs that impede or distract traffic or otherwise interfere with public safety.

#### B. Permit Required

Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated, any sign without first having obtained a Sign Permit issued by the Zoning Official.

#### C. General Standards

The following General Standards shall be adhered to for all signs:

1. Signs shall be maintained in a safe, legal and well-maintained condition at all times.
2. Town approval shall in no way eliminate the need for a permit from the New York State Department of Transportation (NYSDOT), when sign is visible to traffic on a State Primary route (e.g. Route 19, 243).
3. All signs will be constructed of materials that will be permanent in nature and will have a professional appearance.
4. Signs shall be 32 square feet or less. Signs exceeding 24 square feet require planning board review and approval.
5. Muted tones, earth tones, and black and white are encouraged. Day-Glo, bright and/or reflective background or lettering is discouraged and requires planning board approval.
6. No sign shall encroach onto a public right of way.
7. All signs shall be located at a minimum of 20 feet from nearest road edge or white line and such that visibility from driveways and road intersections is not adversely affected.
8. Signs will not exceed 20 feet in height from ground level.
9. All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed upon, any sign shall be safely and securely built or attached to the sign structure.
10. Illumination
  - a. Exterior lighting is not encouraged but shall be permitted, provided that minimal steady illumination necessary to light the face of the sign is concentrated upon the area of the sign so as to prevent glare upon the road or adjacent property.
  - b. Lights mounted on the top of the sign projecting downward are preferred.
  - c. Warm toned lights are preferred.

- d. Internally illuminated signs are not permitted.
  - e. Strobe lights, rotating lights, or blinking lights are not permitted as illumination or as part of any sign.
11. *Wall signs* shall meet the following standards in addition to standards 1 through 10:
- a. A wall sign shall have only one sign face.
  - b. No wall sign shall cover, wholly or partially, any wall opening.
  - c. No wall sign shall project beyond the ends or top of the building wall to which is attached, nor be set out more than one foot from the face of the building to which it is attached.
  - d. No wall sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from any door, window or fire escape.
12. *Ground signs* shall meet the following standards in addition to standards 1 through 10:
- a. Ground signs shall have a maximum of two sign faces.
  - b. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than 24 inches apart.
  - c. For safety and appearance, no guy wires shall be allowed.
  - d. Ground signs are encouraged to be placed as close to the ground as possible. When a ground sign is located near a driveway or road intersection, the sign shall be located such that it does not cause restricted visibility for drivers and pedestrians, resulting in a safety hazard.
  - e. Only one ground sign per location is allowed.
    - (i) A location is defined as an entrance way to, or roadway bordering on a plaza, office complex, commercial multi-tenant building, and/or similar multiple use or occupancy site. One sign must advertise all the products or services available at this location. This requirement does not preclude the use of small traffic signs or appropriate wall signs for identifying the occupants or services available in a particular portion of the complex.
    - (ii) On large commercial-recreation properties requiring significant acreage, such as but not limited to, golf courses or ski resorts, an on-premises directional sign will be permitted every 300 yards on each roadway.
13. *Projecting signs* shall meet the following standards in addition to standards 1 through 10.
- a. Every projecting sign shall be placed so that its lowest point shall be at least eight feet (8) above ground level and the distance of the vertical edge nearest the building shall not exceed three (3) feet from the face of the wall to which it is attached, or shall any sign or part thereof extend nearer the curb line than one (1) foot.
  - b. No projecting sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape.
  - c. Projecting signs shall not exceed fifty (50) pounds in weight.
14. *Off-Premises Signs* will meet the following standards in addition to standards 1 through 10.
- a. In order to protect view sheds and view corridors and to prevent sign proliferation, off-premises signs shall only be permitted in the Agriculture Residential (AR) Zoning District.
  - b. Off premise signs for any one business will be limited to no more than a total three (3) throughout the town.
  - c. Off-premises signs are permitted at intervals no closer than 300 yards.
  - d. Each off-premises supporting structure shall contain no more than one, double faced sign.

#### **D. Signs Not Requiring a Permit**

The following types of signs shall not require a permit, provided that any such sign is *not illuminated* and that *no more than one such sign* shall be located on each street frontage of a lot:

1. *Temporary signs*, such as signs advertising political candidates, real estate signs, and yard sales signs, whether for commercial, political or private purposes, shall be permitted, subject to the following conditions:
  - a. No such sign shall exceed twenty-four (24) square feet in area, per sign face.
  - b. No such sign shall obstruct traffic or interfere with the line of sight of persons and vehicles using public roads.
  - c. Such sign shall not be in place for more than 30 days before the event which is being advertised, and shall be removed within 48 hours after the event being advertised is completed.
  - d. Such signs shall not be located in the public right-of-way or on other public property.
  - e. The name and address of the sponsor and the person responsible for removal are identified.
  - f. The sign is not illuminated.
2. *Signs required by law* or needed for official government business or public safety and installed by local, State or Federal authority.
3. *Nameplates* not exceeding two (2) square feet in area.
4. *Bulletin boards* not exceeding twenty four square feet in area, erected upon the premises of a church, funeral home or public institution for the purpose of displaying the name of the institution and its activities or services. Such signs may include a reader board (changeable copy sign).
5. *Signs denoting the architect, engineer or contractor* when placed upon work under construction, and not exceeding sixteen (16) square feet in area, for the designation of one individual or firm. For multiple designations, the sign may be up to 32 square feet in area. No more than one sign per location shall be allowed, and it must be removed within 48 hours after receipt of the Certificate of Occupancy.
6. *Memorial signs or historical tablets, names of buildings and dates of erection*, provided that such signs do not exceed two (2) square feet in area.
7. *Any sign painted or lettered directly on a window*, in approved colors, not to exceed 25 percent of the window area.
8. *Any sign located within a building* that is not visible from outside of the building.
9. *Sandwich board signs* meeting the following criteria:
  - a. No sandwich board sign shall be larger than six (6) square feet in area for each face or forty-eight (48) inches in height or width. Such signs shall not be higher than four (4) feet above the adjacent sidewalk or curb.
  - b. Sandwich board signs shall be designed and located so as not to be an obstruction on any public space or walkway.
  - c. Sandwich board signs shall not be illuminated and may be displayed only between sunrise and sunset. While on display, such signs shall be securely fastened so as to prevent accidental tipping or blowing over.
  - d. Sandwich board signs are not used on a permanent or semi-permanent basis, or in lieu of a conforming ground sign.
10. *Signs not readily visible from a roadway* that are necessary and proper to a commercial operation such as, but not limited to, a ski resort or golf course.
11. *"Posted" signs* that are displayed in accordance with NYS Department of Environmental Conservation Regulations.
12. *Holiday Decorations*

13. *Flags* representing any nation, governmental entity or organization.
14. *Portable Event Signs*: Wheeled signs or other portable signs, excluding sandwich board signs, provided that the sign is not posted more than 7 days before an event and is removed within 24 hours after the event that is advertised.

#### **E. Prohibited Signs**

The following signs will not be permitted in the Town of Caneadea

1. Signs that constitute a traffic hazard. No sign or other advertising structure as regulated by any of the provisions of this section shall be erected at the intersection of any roads in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
2. Indecent, pornographic, or defamatory signs that malign or belittle any of the following, but not limited to; a person, product, institution, practice or belief.
3. Signs that contain flashing, moving, or animated parts, including an Electronic Message Display, except that one Time and Temperature Unit will be permitted, per sign.
4. Signs in excess of 96 square feet.
5. Signs on the top roof of any building. Roof signs are discouraged; however, on buildings with multi-level roofs signs are permitted on the lower roof, provided the sign does not exceed 20 feet in height from grade to the top of the sign and provided that the sign does not exceed 32 square feet in sign area, or exceed height of uppermost roofline.
6. Signs painted on sidewalks, roads, or curbs.
7. Signs higher than the building which it identifies or 20 feet from ground to the top of the sign; whichever is less.
8. Inflatable signs.
9. Vehicle signs.
10. Digital Signs, excepting Scoreboards located on athletic fields which conform to all other standards.

#### **F. Community Event Signs**

The Town Board may authorize a permit for temporary cloth signs, banners, streamers, etc., which are proposed to be suspended over, or placed on public property. The Town Board may require reasonable liability insurance coverage for such installation. Such temporary signs shall be removed within 24 hours after the advertised event or at the end of the season if a seasonal event is advertised. The regular permit fee and permit process is waived for signs in this category.

#### **G. Application Procedure**

##### **1. Application Requirements**

Application for a sign permit shall be made in writing on forms provided by the Town of Caneadea. Application shall be made to the Zoning Official. The applicant shall submit two copies of all application materials. The application shall include the following information:

- a. Name, address and telephone number of the applicant.
- b. Name, address and telephone number of the owner of the property, if different than the applicant.
- c. Location of the building, structure or land upon which the sign is to be erected.

- d. Elevation and plan drawings of the proposed sign shall be provided. This shall include a full description of the placement of the proposed sign, showing its location on the premises, specifically in relation to buildings, structures, rights of way, roads and property lines.
  - e. The appearance of the proposed sign should be described. The description should include the colors and materials of the sign; the graphic design, including symbols and letters; the text, copy and/or content of the sign; and the dimensions of the sign, including the area of the sign face and the height of the sign.
  - f. The method of illumination, if any, and the position of lighting.
  - g. Written consent of the owner, or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.
  - h. The required application fee, if any.
2. Decision
- a. The Zoning Official shall make a determination on the application for sign permit within 30 days of receipt of a complete application. If the Zoning Official determines that the proposed sign meets the standards of this Law, he shall issue the sign permit.
  - b. If the Zoning Official determines that the proposed sign does not meet the criteria in Sub-section 11.1H, but could comply with the criteria in Sub-section 11.1I, the Zoning Official shall refer the sign permit application to the Planning Board. The Planning Board shall consider the application within 60 days of receipt of a complete application.

#### **H. Sign Permits Issued by Zoning Official**

Upon proper application and payment of the required fee, the Zoning Official may issue a sign permits for:

- 1. Ground Signs (other than a developer's offering sign) which meet the following standards:
  - a. Does not exceed 24 square feet in area.
  - b. Does not exceed height from ground of 12 feet.
  - c. Does not contain more than three colors.
  - d. Is set back at least 20 feet from edge of all rights-of-way.
  - e. Meets all the appropriate criteria of this section of this Law.
- 2. Wall Signs (other than a developer's offering sign) which meets the following standards:
  - a. Does not exceed 24 square feet in area.
  - b. Is at least 8 feet above ground level when situated over walkways.
  - c. Height does not exceed 20 feet above ground level or height of building, whichever is lesser.
  - d. Does not contain more than three colors.
  - e. Structure on which mounted is set back at least 30 feet from edge of right-of-way.
  - f. Meets all the appropriate criteria of this section of this Law.

#### **I. Sign Permits Authorized by Planning Board**

- 1. After review, the Planning Board may authorize the Zoning Official to issue sign permits for:
  - a. Ground signs (other than a developer's offering sign) containing one or more variations from the standards set forth in sub-section 11.1H(1) of this Law, by:
    - (i) Being located closer to the right of way line than 20 feet.
    - (ii) Containing more than 3 colors, or any number of unapproved colors.
    - (iii) Being between 24 square feet and 96 square feet in sign area. However, maximum height shall not exceed 20 feet. All of the other standards of this Law shall be complied with.

- b. Wall signs (other than developer's offering sign) containing one or more variations from the standards set forth in sub-section 11.1H(2) of this Law, by:
  - (i) Structure on which sign is located is closer to the right of way line than 30 feet.
  - (ii) Containing more than 3 colors, or any number of unapproved colors.
  - (iii) Being between 32 square feet and 96 square feet in sign area.
- c. Developer's Offering Sign— a permit for a subdivision or offering sign, whether put in place by a real estate developer, contractor or owner, may be issued for a period of six months. The permit may be renewed without payment of an additional fee. These signs, which are expected to be erected for a limited time only, must meet all applicable sign requirements.
- d. Awnings and Canopies
  - (i) shall not extend beyond a point 12" inside the curb line
  - (ii) the lowest portion thereof shall not be less than 8 feet above grade level
  - (iii) Construction of Awnings: Awnings shall be constructed of cloth or metal. However, all frames and supports shall be of metal. Every awning shall be securely attached to and supported by the building.
  - (iv) Construction of Canopies: Canopies shall be constructed of cloth, metal hood, or other approved materials. The framework of all canopies shall be approved by the Building Official.
  - (v) Advertising: No advertising shall be placed on any awning or canopy, except the name of the owner and the business, industry or pursuit conducted within the premises. Said advertising may be painted or otherwise permanently placed in a space not exceeding eight inches in height on the front and side portions thereof.
- e. Super Graphics
 

The Planning Board may approve signs painted directly upon building walls, including murals. If such sign is used for advertising purposes, it shall be in lieu of the allowable wall sign and shall comply with all requirements for a wall sign in terms of sign area and height.
- 2. Criteria for Planning Board approval of sign permits
 

The Planning Board may approve, approve with conditions, or deny an application for sign permit. Before the Planning Board issues a sign permit, with or without conditions, the Board must make all of the following findings:

  - a. The proposed sign is consistent with the intent and purpose of this Law.
  - b. The size, location and configuration of the proposed sign are consistent with the character of the neighborhood in which it is located and compatible with similar signage.
  - c. The size, location and configuration of the proposed sign are consistent with the intent and purpose of the Comprehensive Plan.
  - d. The proposed sign does not pose a safety hazard.
  - e. The proposed sign conforms to all other criteria in this Law.

## **J. Maintenance**

- 1. Signs shall be maintained in a safe, legal, and un-deteriorated condition at all times.
- 2. Frames, poles, braces, supports, etc. must be kept painted and maintained free of weeds, brush and debris.
- 3. Removal and Maintenance of Signs:
  - a. The Zoning Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice, and shall assess all costs and expenses

incurred in the said removal against the property on which such sign is located. If said expense is not paid, it will become a lien on the property.

- b. Unsafe and unlawful signs must be removed or brought into compliance within five (5) days after notification by the Zoning Official. Upon failure to comply with such notice within the prescribed time, the Zoning Official shall remove or cause removal of such sign, and shall assess all costs and expenses incurred in the said removal against the property on which such sign is located. If said expense is not paid, it will become a lien on the property. In addition to any costs incurred pursuant to this paragraph, the violator may be subject to other penalties to the maximum extent allowed by state law.
- c. Other damaged or deteriorated signs must be repaired or replaced within 30 days. Upon failure to comply with such notice within the prescribed time, the Zoning Official shall remove or cause removal of such sign, and shall assess all costs and expenses incurred in the said removal against the property on which such sign is located. If said expense is not paid, it will become a lien on the property. In addition to any costs incurred pursuant to the provisions of this paragraph, the violator may be subject to other penalties to the maximum extent allowed by state law.
- d. When the sign display is no longer appropriate as a result of, but not limited to the sale, transfer, conversion or demise of a business, product, or person, the sign shall be removed within 7 days.
- e. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon, any sign shall be safely and securely built or attached to the sign structure.

#### **K. Non-conforming Signs**

1. If a sign is non-conforming or becomes non-conforming as a result of amendment to these regulations, each non-conforming sign and sign structure shall be allowed to be displayed for a period of time that provides a reasonable opportunity for the owner to benefit from the investment made in the sign.
  - a. An on-premises non-conforming sign, which is not governed by Section 88 of NYS Highway Law or Section 74-c of General Municipal Law shall be allowed to be displayed for a period of five (5) years from the effective date of this Law. After this time period has expired, non-conforming signs and sign structures shall be removed or otherwise brought into compliance with the requirements of this Law.
  - b. A non-conforming, off-premises sign that is not located in the Commercial Residential Zoning District which is governed by Section 74-c of NYS General Municipal Law, shall be allowed to be displayed for the relevant time period specified in Section 74-c(2) of General Municipal Law. After the time period specified in that law, the non-conforming signs and sign structures shall be removed or otherwise brought into compliance with the requirements of this Law.
2. Any sign not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this section and shall be removed by the Town of Caneadea, if the owner of the sign or property owner fails to do so after being so ordered by the Zoning Official. Costs of said removal shall be borne by the property owner and may be recovered by the Town, if necessary, by placing a lien against the property taxes of the parcel.

#### **L. Signs Approved by Site Plan Review**

When signs are approved by the Planning Board as part of Site Plan Review or a Special Use Permit, the Zoning Official shall issue sign permits for all signs that conform to that approval.

## **Section 11.2 Outdoor Lighting Standards**

### **A. Intent and Purpose**

The Town of Caneadea is located in a rural area, where one aesthetic characteristic is the ability to see a dark, star-filled night sky. This is a natural resource that should be preserved for the enjoyment of both residents and visitors to the Town. It is the primary purpose of this section of this Law to enact requirements that will help to preserve the night sky.

Additional purposes of this section are:

1. to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; and
2. to minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; and
3. to promote illumination levels that are appropriate for the type of activity that will occur on a site; and
4. to reduce over-lighting of an area by encouraging the reasonable uniformity of illumination levels; and
5. to conserve energy resources to the greatest extent possible.

### **B. Applicability**

These outdoor lighting standards shall apply to all new development that requires discretionary approval from the Town, including Special Use Permits, and Site Plan Review. However, the following types of lighting and activities shall be exempt from these regulations:

1. Lighting required by the FAA and other regulatory agencies; and
2. Holiday lighting; and
3. Temporary lighting for theatrical, television, sports and performance areas.

### **C. Standards**

1. General standards:
  - a. Exterior lighting and fixtures for building illumination shall blend with the architectural design.
  - b. Electrical service to outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on utility poles.
  - c. All outdoor lighting shall be located to minimize glare and light trespass onto adjacent and neighboring properties. Only the amount of illumination needed to do the job shall be used.
  - d. To the maximum extent feasible, security lighting should meet IESNA cut-off requirements. If non-cut-off fixtures are used, the Planning Board may require that they be motion sensor lights that turn on only when intruders are detected.
  - e. Swivel-mounted luminaires are prohibited.
  - f. Lighting for internal pedestrian walkways (not including sidewalks on public roads that are illuminated by street lights) and park areas, if any, shall be at a pedestrian scale. Bollard lighting may be appropriate.
  - g. To control light trespass onto adjacent properties, the maximum illumination, when measured at a point five (5) feet within the adjacent property line at a height of five (5) feet and facing the light fixture(s), shall be no greater than 0.1 foot-candles.
  - h. Sporting venues and parking located within the Educational Overlay Map are exempt from this standard.



2. Building façades
  - a. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets or roads.
  - b. To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
3. Signs
  - a. Ground signs are encouraged not to be illuminated. And if illuminated, with lights installed above the sign and projecting downward.
  - b. Lighting for signs shall be kept to the minimum needed to read the signs.
4. Lighting under canopies, including gasoline station canopies:

Light fixtures mounted under roof overhangs and canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (soffit) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85% from vertical.

### Section 11.3 Fencing

Any fences erected in the Town shall adhere to the following:

- A. Before a fence shall be erected**, a building permit must be obtained from the Code Enforcement Officer. A request for a permit shall be accompanied by a site plan which shall show the height and location of the fence in relation to all other structures and buildings, and in relation to all streets, lot property lines and yards.
- B. Fences may be erected**, altered or reconstructed to a height not to exceed three (3) feet above ground level when located within twenty-five (25) feet of the street line.
- C. Fences may be erected**, altered or reconstructed to a height not to exceed six (6) feet above ground level when located more than twenty-five (25) feet from the street line.
- D. These restrictions shall not be applied** so as to restrict the erection of a wall for the purpose of retaining earth.
- E. These restrictions shall not be applied** so as to restrict the erection, alteration or reconstruction of fences used in connection with farms except as insofar as such fences might affect public safety.
- F. Adjacent property** owners must be notified of any fence to be located within six (6) feet of a property line prior to the issuance of a building permit.
- G. Fencing for commercial**, industrial, and educational uses are subject to Planning Board review.
- H. Storage of Equipment and Materials:** To provide visual protection from the storage of equipment and materials (as opposed to material for sale on display), such storage in any district (except for operational farm equipment) shall be within completely enclosed buildings or, if left

open to the sky, shall be effectively screened from public view. Screening shall be of sufficient height and density to completely hide the storage from public view. In certain cases fencing may be necessary to supplement landscaping.

- I. All screening** (fences, landscaping or combinations of each) shall be maintained in such a manner as to present a neat and orderly appearance at all times.
- J. All fencing** shall be maintained in safe and good repair, or be taken down at the expense of the property owner.

#### **Section 11.4 Sanitation and Scrap Yards**

- A. The dumping of garbage or rubbish** shall only be permitted in locations within the Agriculture District and Land Conservation District under conditions approved by the Town Board and the Allegany County Health Department. As a matter of Town policy, maximum size should not exceed 15 acres of land. Any new or modified facilities for the treatment, storage or disposal of sewage, including excreta, bath, sink and laundry wastes or trade wastes, shall be provided and installed in accordance with the rules, regulations and standards of New York State and Allegany County Department of Health. Careful consideration shall be given to the location and construction of private water supplies to assure adequate protection of such supplies.
- B. The casual dumping** of clean fill is permitted in the CR and AR zones.
  - 1. A permit must be obtained for the dumping of more than 10 truckloads (approximately 100 cubic yards) of such clean fill within any twelve-month period or if the owner of the land or the dumper of such fill expects or should reasonably expect that such dumping will change the character of the land surface in such a way as to adversely affect existing drainage, accessibility, or views of the property or adjacent properties.
  - 2. In any case, all fill dumped in the Town of Caneadea shall be leveled within 30 working days after being placed unless otherwise stated in the conditions of a valid Dumping Permit issued pursuant to this Section.
  - 3. The owner of the land, or his agent, shall apply for a Dumping Permit, if required by the Building Official. The application shall be made on forms available from the Building Official and a Proposed Site Grading Plan sufficient to illustrate the effect of the fill on drainage, accessibility and views shall accompany the application.
- C. No lot, or other piece of property**, other than a legally zoned and permitted Automobile Repair Shop, Junkyard or Scrapyard shall contain more than one un-garaged motor vehicle that lacks a current inspection and is not road worthy.

#### **Section 11.5 Storage Buildings**

Storage buildings, excluding Self- Storage facilities which are considered commercial businesses, are structures incidental to the main use of the parcel for the purpose of storing goods and materials. The structure must be placed behind the front building line and must conform to setback and building code requirements as defined elsewhere. Prefabricated structures, whether wood, metal or other material, are permissible provided they are intended to mimic barn type buildings or sheds. Truck bodies and shipping containers such as Conex containers are only temporary and not permitted for periods greater than nine (9) months.

## **Section 11.6 Accessory Apartments**

**A. Where permitted in Article 3** of this Law, an accessory apartment may be allowed as an accessory use to a lot containing one single family home.

**B. All accessory apartments** shall comply with the following standards:

1. There shall be no more than one (1) accessory apartment per lot.
2. An accessory apartment may be located in a freestanding building, in a garage, or in an addition to the principal dwelling on the site. If an accessory apartment is located in the principal dwelling unit, the entry to such unit and its design shall be such that, to the maximum degree feasible, the appearance of the building will remain that of a single family dwelling.
3. The maximum gross floor area for an accessory apartment shall be no larger than 1200 square feet in size.
4. Mobile homes or manufactured homes shall only be allowed as accessory apartments with site plan review and approval by the appropriate board.
5. Legal title to the accessory apartment and single-family unit shall be held in the same name.

## **Section 11.7 Manufactured and Mobile Homes, Recreation Vehicles and Campers**

### **A. Manufactured and Mobile Homes**

1. Where permitted by the Land Use Table of this Law, one manufactured home may be situated on a lot where a single family home is permitted.
2. A manufactured home that is placed on any lot shall be deemed to be the principal use of that lot, subject to the following requirements:
  - a. Prior to placement of the home on the lot, the homeowner will obtain a building permit, and, if so required in Article 3, special use permit approval from the Planning Board.
  - b. The lot shall meet the minimum lot size standards of the zoning district in which it is located.
  - c. The manufactured home shall conform to all required setbacks and other dimensional requirements of the zoning district in which it is located.
  - d. The manufactured home shall be placed on a permanent foundation that meets the manufacturer's installation requirements and all state and local building codes.
  - e. No more than one manufactured home may be located on a lot without a variance and site plan review and approval.
3. A mobile home placed on a single family lot shall conform to the following requirements
  - a. Prior to placement of the home on the lot, the homeowner will obtain a building permit, and, if so required in Article 3, special use permit approval from the Planning Board.
  - b. Any mobile home that is placed on any lot shall be deemed to be the principal use of that lot.
  - c. The lot shall meet the minimum lot size standards of the zoning district in which it is located.
  - d. The mobile home shall conform to all required setbacks and other dimensional requirements of the zoning district in which it is located.
  - e. All towing apparatus, wheels and exposed chassis shall be removed prior to issuance of an occupancy permit
  - f. All mobile homes, which are not installed on an enclosed foundation that is set below the frost line, shall have skirting installed. The skirting shall screen the entire space between the manufactured home floor and the ground and shall be installed prior to the issuance of an

occupancy permit. All manufactured homes shall be completely skirted in an attractive manner. Materials used for skirting shall provide a finished exterior appearance and shall be similar in character to the material used in the manufactured home.

- g. No more than one mobile home may be located on a lot.
- h. No accessory structures, other than entrance/exit steps/ramp or an uncovered deck, may be attached to the mobile home.
- i. A mobile home not in use for 12 months shall be considered to be abandoned. A resumption of use of the mobile home shall be subject to the issuance of a new zoning permit.
- j. Mobile homes not displaying a “HUD Seal” are required to pass all required state and local structural, electrical and other inspections as determined by the Code Enforcement Officer.

#### **B. Recreation and Vacation Trailers**

- 1. Recreation or vacation trailers may be located and used in the Town as per the conditions stated in the Land Use Table, provided that they are currently registered and inspected and are not intended for permanent occupancy.
- 2. Individual recreation or vacation trailers may be stored on the property of the owner for an unlimited period of time, provided that no person may reside in such vehicle for more than one week without a permit from the Town Zoning Officer, and further provided that no business may be conducted in or from such vehicle, and further provided that such vehicles possess a current registration and inspection.

### **Section 11.8 Landscaping Regulations for Commercial, Industrial, Institutional, Recreational and other Projects**

#### **A. The Purpose and Intent of This Section is:**

- 1. To conserve and stabilize property values and to otherwise facilitate the creation of a convenient, attractive and harmonious community, and a healthful and pleasant environment by requiring the landscaping of all developments including off-street parking and loading areas.
- 2. To establish minimum standards and criteria for the landscaping of all nonresidential developments, to prevent the unnecessary clearing and disturbing of land and trees, to preserve the natural and existing growth of flora, and to replace removed flora or place new flora indigenous to the Western New York region.
- 3. To relieve and avoid the stark, congested and paved appearance of commercial and industrial areas, and reduce the effects of traffic noise and glare.
- 4. Provide unpaved areas for the absorption of surface waters and to prevent soil erosion.
- 5. Reduce the level of carbon dioxide and return pure oxygen to the atmosphere.

#### **B. Applicability of Landscaping Regulations**

- 1. Landscaped area is defined as the area required or permitted under this Section to be devoted to landscaping and environmental improvement, which may include existing and new vegetation, fences and walls for screening and contouring purposes, berms, lighting, street furnishings and ornamental features which are integrated with the vegetation.
- 2. The provisions of this Section are applicable to every project that requires discretionary approval from the Planning Board, Zoning Board of Appeals and /or Town Board, except for single-family and two-family homes.

### C. General Standards

1. A Landscape Plan shall be submitted and approved as a part of Site Plan Review applications. The Zoning Board of Appeals may require a landscape plan. The Landscape Plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate existing and proposed structures, uses, parking areas, access aisles, drainage pattern and the location, size and description of all landscape materials existing and proposed, including all trees and shrubs, and those existing plant materials that are to be removed, and such other information as may be required by the Planning Board or Zoning Board of Appeals. Such plan shall meet the following standards:
  - a. All exterior areas of any site not required for parking, accessory structures, or utility structures shall be landscaped. To meet this requirement, existing vegetation may be retained. In order to ensure the survival of trees and other plantings, each interior landscaping area shall be a minimum of 100 square feet, unless otherwise approved by the Planning Board.
  - b. Landscaping shall be located around the perimeter of parking lots and in the front yard setback. The Planning Board may require landscaping in the interior of large parking lots, and elsewhere on the lot. Foundation plantings may also be required along front walls of buildings.
  - c. Natural site features and vegetation shall be preserved and integrated into the proposed site development whenever possible. The Town encourages the retention of major stands of vegetation or single major specimens. Retention of existing suitable vegetation will reduce the amount of landscaping that needs to be provided. Individual trees should be a minimum of 6 inches in diameter, measured at breast height (4 1/2 feet from the ground) to be considered for retention. Major clusters of trees, where the individual trees are smaller than this standard shall also be considered for retention. Vegetation to be retained must be protected during construction according to the standards contained in this Section.
  - d. Landscaping may include deciduous trees, evergreens, shrubs, ground cover, perennial and annual plants, as approved by the appropriate Board.
  - e. Landscaping may include the use of berms, fencing, and raised or terraced planting beds, as approved by the appropriate Board.
  - f. The Town encourages the innovative use of planting design and materials. Use of plant materials that provide continual seasonal interest and/or use of native species is encouraged.
  - g. No plastic or artificial plants shall be used to meet any requirement of this Law.
  - h. Vegetation shall be appropriate and compatible with soil and growing conditions on the site and within the regional climate. Preferred tree species are those that do not have a high probability of causing damage to public water and sewer lines, having branches that are subject to a high incidence of breakage, or having fruit that is considered a nuisance or high maintenance, as determined by the Planning Board or Zoning Board of Appeals.
2. Minimum plant size and spacing at time of planting
  - a. Deciduous trees shall have a minimum caliper of two (2) inches, measured six inches above the ground.
  - b. All evergreen trees shall have a minimum height of five feet.
  - c. Hedges shall be a minimum of 24 inches in height at the time of planting. Spacing of the planting shall depend upon the species. Hedges shall form a solid continuous visual screen at least three feet in height within 2 years of planting.
3. Ground treatment

- a. The ground area within required landscaping areas which is not dedicated to trees or preservation of existing vegetation shall receive appropriate landscape treatment and shall present a finished appearance and complete coverage upon completion. Sand or pavement shall not be considered appropriate landscape treatment.
  - b. Ground cover may be planted in lieu of grass in conjunction with planting of trees, shrubs, or hedges. Ground cover shall provide a minimum of 50 percent coverage immediately upon planting and 100 percent coverage within two years after planting.
  - c. Grass areas shall be planted with species suitable as permanent lawns. Grass areas shall be regularly maintained.
4. Maintenance
- a. All landscaping shall be maintained in a healthy condition throughout the year. Landscaped areas are to be kept neat and free of litter and weeds.
  - b. The applicant and all succeeding owners are required to maintain the landscaping in perpetuity. If trees on the landscaping plan, including those retained at the time of the initial construction, die, they shall be replaced within six (6) months. Shrubbery or other plantings which die shall also be replaced in kind within six (6) months.
  - c. The Planning Board may require the applicant to post a performance bond for a term of up to three years following completion of construction to ensure that replacement of trees and other vegetation occurs. This time period is the most critical for the health of transplanted trees and shrubbery.
  - d. The applicant and all succeeding owners are required to maintain the landscaping in good and sightly condition. If not, the Planning Board has the authority to revoke the project's site plan, special use permit approval and occupancy permit.
5. Protection during construction of existing trees and other vegetation that are to be retained.
- a. No cables, fences, signs, or ropes shall be attached to any tree to be retained.
  - b. Trees to be retained shall be temporarily enclosed by protective fencing that is sturdy, durable and readily visible. The size of the area to be protected is the critical root zone.
  - c. No storage of construction materials, debris, or impervious materials shall be permitted within the critical root zone around trees to be retained.
  - d. No excavation shall be allowed in the critical root zone around trees to be retained. The minimum critical root zone is the entire area included in a tree's dripline. However, if circumstances warrant, the Planning Board may require a larger critical root zone to be protected during construction.
  - e. Severe changes in grade affect the survival rate of existing vegetation. Therefore, if the grading plan calls for a finished grade that is 12 inches higher or lower than the existing grade within the critical root zone, that tree(s) shall not be included in the existing vegetation to be retained.
6. When tree removal is occasioned by any development or land use or change thereof requiring a site plan, Special Use Permit, and/or variance, the approval thereof shall constitute approval to remove, cut down, kill or otherwise destroy the trees other than those designated to be preserved.
7. Buffer yards
- Where a commercial or other nonresidential use abuts a residential use, the appropriate Board may require the new nonresidential site to provide a buffer yard that will provide some visual screening and privacy for the residential use and that will limit noise, dust and other potential impacts from the adjacent use on the residential use. The buffer yard may consist of either (a) a landscaped area, densely planted (or having equivalent natural growth) with shrubs or trees of a reasonable type and height that will provide for a year round dense screen; or (b) an opaque

wall or barrier or uniformly painted fence at an appropriate height; or (c) a combination of fencing and landscaping. The buffer yard shall be maintained in good condition at all times. The appropriate type, height, width and extent of buffer yard shall be determined by the Planning Board (or Zoning Board of Appeals), as part of their review of the project, and shall be shown on the approved landscaping plan.

8. Screening of loading docks, dumpsters and other service features:

Any unenclosed use, such as outdoor storage, loading or service area, trash collection area, litter receptacles or dumpsters, or similar feature, shall provide a fence, screen or landscaping sufficient to obscure such uses from view from abutting properties or from any public right-of-way. If landscaping is used, it shall be of a species and density of planting that will provide a year round screen. Any fencing should generally be a minimum of four feet in height, up to six feet in height, and be substantially light-tight or solid. A wall of similar height may be substituted.

**D. Fencing**

1. A fence or wall in a CR zoning district shall not exceed six (6) feet in height.
2. All fences shall be maintained to be structurally sound and aesthetically pleasing.
3. Note additional fencing requirements under Section 11.3.

**Section 11.9 Hillside and Hilltop Development**

**A. Purpose**

Development on hillsides and hilltops poses special problems and challenges. It may result in unsightly views as well as pose potential hazards to the health, safety and welfare of the residents of the Town of Caneadea. Hillside development may cause an increase in erosion. Steep road grades may result in difficult access for emergency vehicles. Development on steep slopes can also be aesthetically unsightly, due to areas of large cut and fill and the necessity for large retaining walls, which conflict with the natural, vegetated character of the community.

Furthermore, large areas of cut and fill may be unstable unless suitably engineered. Development on hilltops can result in unnaturally abrupt transitions between forested hilltops and areas clear-cut for building or lumbering, resulting in a jagged vista. For all these reasons, development on hillsides and hilltops requires special regulation to prevent these adverse impacts.

**B. Applicability**

These regulations shall apply to any application which involves hillside and hilltop development. All hilltop and hillside development will require Site Plan Review.

**C. Aesthetic Standards for Hilltop Development**

Any hilltop development shall preserve a natural landscape appearance and consistent tree line, and avoid abrupt transitions and jagged vistas.

**D. Grading Standards**

1. The site shall be laid out to promote the efficient use of land and to minimize disturbance to the natural grade and existing mature vegetation.
2. Site grading for new construction shall blend in with the surrounding grades. The finished grade shall not be significantly higher or lower than the surrounding area, and shall not appear unnatural. Grading should relate to the natural contour of the land. Graded areas shall be rounded off in a natural manner, so that there are no sharp angles at the top and toe of areas of

cut and fill.

### 3. Retaining walls

- a. The use of retaining walls shall be minimized to the maximum extent feasible. Retaining walls shall be constructed of materials that are used elsewhere on the site or of natural or decorative materials. Landscaping shall be provided within or in front of extensive retaining walls.
- b. For single family homes, retaining walls not to exceed twelve (12) feet in height may be permitted. However, terracing is encouraged for structural stability and safety.
- c. For attached single family homes and commercial development, retaining walls should be no higher than four (4) feet. If retention of more than four (4) feet is necessary, the retaining wall shall be terraced with a three (3) foot horizontal separation of walls. The terraced area shall be planted. A total of twelve (12) feet of retention, in three terraces may be permitted.
- d. All fill shall be compacted in conformance with generally accepted engineering standards.
- e. To the maximum extent feasible, the site shall be laid out, and grading conducted, to maintain the natural drainage features of the site.
- f. No grading shall be allowed for purposes other than for the preparation of the ground for structures and for access. The size of the graded area should be as small as practical to accommodate the building site and access.
- g. All grading shall be accomplished in the shortest practical period of time.
- h. All areas that have been disturbed by grading shall be stabilized and planted with vegetation as soon as possible.
- i. Cut and fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes steeper than 2:1; or where fill slope toes out within twelve feet horizontal to the top of an existing or planned cut slope.
- j. There shall be a minimum five foot setback from the rear wall of a dwelling to the top or toe of a manufactured slope or retaining wall. The only exception to this standard is in the case of a terraced rear yard where multiple levels of functional yard space are provided.

### **E. Storm Drainage and Erosion Control**

Site grading shall be designed such that the rate and direction of storm water flow off site does not increase onto adjacent properties or onto the Town's right-of-way in an uncontrolled manner.

### **F. Roads and Driveways**

1. Roads shall meet the Town's road standards for public and private roads.
2. Roads and driveways shall be designed to substantially follow the natural contour, to the maximum extent feasible.
3. Roads and driveways shall be designed to reduce the amount of cut and fill required, to accommodate emergency vehicle access, and to provide for year round access to the structure.
4. If the street is proposed to be a private road, the width of paved travel lane and right of way width may vary depending upon the proposed level of use and the topography of the site. One way streets may be approved to reduce the amount of grading required, as long as emergency vehicle access is not compromised.

### **F. Property with Slopes of 25% or Greater**

1. See Section 11.10, Property in Excess of 25% in Slope, for additional regulations.
2. No construction or grading shall be permitted in areas containing slopes of fifty (50) percent or greater.



### **Section 11.10 Property in Excess of 25% in Slope**

Construction of any public or private roadways, access, or streets on slopes in excess of 25% shall be discouraged. In circumstances that are compelling, the Planning Board may approve construction of such roadways, for a distance not to exceed 125 feet, if it is necessary to cross an area of land with a slope in excess of 25% in order to access an otherwise inaccessible area of land which has a slope less than 25%. In no case shall a structure (residential or nonresidential) be constructed on ground which has a slope in excess of 25% if the roadway which is serving the structure is on ground in excess of 20% in slope. Where a lot has an average slope in excess of 25 %, the maximum density for that lot shall be calculated at the density of one unit per three acres.

### **Section 11.11 Home Occupations**

Where permitted in Article 3 of this Code, a home occupation shall conform to all the requirements of this section, and any other applicable regulations of this Law. Activities that conform to the requirements for Minor Home Occupations shall be allowed by right (permitted use). All other activities shall be considered to be Major Home Occupations and shall require the issuance of a Special Use Permit by the Planning Board in accordance with the procedures contained in this Law, prior to commencing operation as a Major Home Occupation.

#### **A. General Standards**

All Home Occupations, whether Major or Minor, shall conform to the following standards:

1. The home occupation is clearly incidental and accessory to the use of the building as a dwelling unit, does not change the character of the dwelling unit, and does not have any exterior evidence of such use, except for one nameplate sign.
2. A home occupation may be conducted in the residence, or in an accessory structure or garage.
3. There is no outdoor storage or display of material or equipment.
4. The home occupation shall not generate electrical interference, dust, noise, odors, smoke or traffic that disturbs the peace, quiet, and enjoyment of the neighborhood in which it is located.
5. Customer/client visits to the home occupation shall be limited to the hours from 9 a.m. to 8 p.m.
6. There shall be no retail sale of merchandise. (However, such sales may be approved as a Home Retail and Service Trade establishment).
7. All parking for customers of the home occupation shall be accommodated on-site, in addition to the required parking spaces for the residential use of the property.
8. Delivery vehicles used to deliver goods to a home occupation are limited to passenger vehicles, United States Postal Service mail carriers, and express carriers such as UPS or FedEx. Deliveries shall be permitted between 8 a.m. and 7 p.m.

#### **B. Minor Home Occupations**

1. In addition to the general standards, above, a Minor Home occupation shall conform to all of the following requirements:
  - a. There are no on premise employees, other than the residents of the dwelling unit in which the home occupation is located.
  - b. The home occupation shall not generate more than 8 customer/client visits in any one day, on average over a one-month period.
  - c. The home occupation shall receive no more than two deliveries/pick ups per day from the delivery vehicles and services listed above.

2. Permitted minor home occupations may include, but are not limited to, the following, provided they meet the criteria for minor home occupations contained herein:
  - a. Offices for authors and composers.
  - b. Office of a salesman, sales representative, or manufacturer's representative.
  - c. Offices for professionals such as architects, planners, brokers, counselors, clergy, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, graphic designers, construction contractors, landscape designers, and surveyors.
  - d. Tutoring.
  - e. Instruction in a musical instrument for not more than one student at a time.
  - f. Studios for artists, sculptors, musicians, photographers and craft persons (such as weaving, jewelry making, pottery, woodworking, taxidermy and similar arts/crafts), provided that retail sales occur off site, except for occasional art tour events. (If retail sales will occur, the artisan may apply for approval as a Home Retail and Service Trade establishment).
  - g. Workrooms for tailors, dressmakers, milliners, haberdashers and upholsterers.
  - h. Direct sale product distribution, such as Avon, Tupperware, etc.
  - i. Typing, word processing services, data processing, computer programmers, web designers.
  - j. Cake decorating and baking/cooking/catering for a profit.
  - k. Beauty parlors and barber shops.
  - l. Pet grooming establishments.
  - m. Small appliance repair.
  - n. General contractor.
  - o. Small engine repair (lawn mowers, snow blowers, etc.).

### **C. Major Home Occupations**

1. Any home occupation that exceeds the standards in Section 11.11 B(1) shall be considered to be a major home occupation. This includes uses that may be listed in Section 11.11 B(2).
2. No Major Home Occupation shall be put into operation without first obtaining a Special Use Permit in accordance with the provisions of this Law. In addition to the General Standards, above, Major Home Occupation shall conform to the following requirements:
  - a. There shall be no more than one on premise employee, in addition to the residents of the dwelling unit in which the home occupation is located.
  - b. The Planning Board may establish, as a condition of approval, a maximum limit for the number of customer/client visits in any one day.
  - c. The Planning Board may limit the hours of operation to be more restrictive than the standard in Section 11.11 A(5).

### **D. Prohibited Home Occupations**

The following uses, by the nature of the scale and intensity of the activity, are more suited to a commercial or industrial district and shall not be permitted as home occupations, either major or minor:

1. Funeral homes
2. Adult Uses

### **Section 11.12 Campgrounds**

Campgrounds may be permitted in the A-R District provided the following standards are observed:

- A. No developed portion** of the property for which a Special Use Permit is sought is within one thousand (1,000) feet of any water course which is part of any water supply system; and
- B. All provisions** of the Sanitary Code or such other regulations of the NY State Health Department pertaining to camps shall be complied with; and
- C. No camp structure** shall be located within three hundred (300) feet of any street or property line.

## **Section 11.13 Adult Uses**

### **A. Intent and Purpose**

Adult uses, due to their nature, have serious objectionable characteristics that can have a significant impact on the neighborhood and community in which they are located, particularly when located in close proximity to residential areas and recreational commercial areas. The objectionable characteristics of these uses are further heightened by their concentration in any one area thereby having deleterious effects on adjacent areas. The uncontrolled proliferation of such uses would be inconsistent with the Town as a primarily residential and family oriented community as well as a recreational destination. Adult uses can contribute to the blighting or downgrading of areas in which they are located, as a result of their related potential for an increase in crime and the undermining of the economic and social welfare of the community. The special regulations deemed necessary to control the undesirable secondary effects arising from adult uses are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of the residential community and to protect the public health, safety and welfare. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the contact of any communicative materials, or to deny access by adults to adult materials.

### **B. Special Permitted Use**

No adult use shall be established except upon the receipt of a Special Use approval from the Planning Board in accordance with Article 5 of this Law and the provisions herein. Adult uses shall only be allowed in the AR District as identified on the Land Use Tables of this Law and restricted to Pinkerton Road between E. Hill Road and McClure Hill Road.

### **C. Regulations**

An adult use shall conform to the following requirements:

1. Location and separation distances
  - a. No adult use shall be located within 750 feet of any building currently in residential use, measured in a straight line from exterior building wall to closest exterior building wall.
  - b. No adult use shall be located within 250 feet of the side or rear property lines.
  - c. No adult use shall be located within 500 feet of the right of way of any Town, County, New York State or US roadway.
  - d. No adult use shall be located within five hundred feet of any church, school, BOCES Center, day care center, park or playground, civic facility, library, cemetery, historic resource, or recreation area (ski resort, snow tubing facility, golf course or similar commercial recreational facility that minors may use), measured in a straight line from the property line on which the sensitive use is located to the nearest property line of the parcel on which the adult use is proposed to be located.
  - e. No adult use shall be located within one thousand feet of another adult use, measured from exterior building wall to exterior building wall.

- f. No adult use shall be located in any building that is used in whole or in part for residential uses. No residential use shall be established in any building that contains an adult use.
  - g. No more than one adult use shall be located on any lot.
  - h. An adult use shall not be permitted as an accessory use.
2. Standards
- a. All building openings, including doors and windows shall be located, covered or screened in such a manner as to prevent a view into the establishment from any public road or street, sidewalk or parking area. Such screening shall be done in an aesthetically appropriate manner.
  - b. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas where they can be viewed from a public road or street or sidewalk adjacent to the establishment.
  - c. As a condition of approval of any adult use, there shall be a restriction that no person under the age of eighteen years shall be permitted into or on the premises.
  - d. No loudspeakers or sound equipment shall be used by the adult uses that can be heard by the public from outside the establishment.
  - e. All adult uses shall be conducted in an enclosed building.
  - f. Adequate screening and buffering, to the satisfaction of the Planning Board, shall be provided, as necessary, to minimize the visual impact on adjacent sites of any structure containing an adult use. This may be accomplished by landscaping, fencing or other means approved by the Planning Board.
  - g. If any adult use contains one or more Adult Viewing Booths, the booths shall be constructed in accordance with the standards in Section 11.10, Private Viewing Booths.
3. Signage
- As a condition of approval of any adult use, there shall be a restriction that there shall be no outdoor sign, display or advertising of any kind other than one identification sign limited to only the name of the establishment and one sign giving notice that the premises are off limits to minors. Such signs shall be reviewed by the Planning Board in conjunction with the Special Use application and shall conform to all signage requirements of this Law as per Section 11.1 Signs.

### **Section 11.14 Private Viewing Booths**

Where permitted as a special permitted use, or as part of a commercial use that has a valid Special Use Permit issued pursuant to Article 5 of this Law, all private viewing booths shall conform to the following standards:

- A. Each booth** shall be totally accessible to and from aisles and public areas of the establishment. Access to a booth shall be unrestricted by doors, locks, or other control-type devices.
- B. Each booth** shall have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth. Visibility shall not be blocked by doors, curtains, partitions, drapes or any other obstruction.
- C. Each booth** shall be separated from adjacent booths and any nonpublic areas of the establishment by a solid wall, which shall extend from the floor to the ceiling.