

**ARTICLE X  
SUPPLEMENTARY REGULATIONS**

**SECTION 1000 OFF-STREET PARKING REGULATIONS AND SCHEDULE II.**

In all districts there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, improved and useable off-street parking spaces for motor vehicles in accordance with the requirements of this Article and Schedule II. None of the off-street parking facilities as required herein shall be required for any existing building or use, unless said building shall be enlarged or use changed. In such cases, off-street parking facilities for the building as enlarged or to accommodate the needs of the new use.

**A. Design Requirements**

1. Off-street parking space shall be provided as further specified in this Law and shall be furnished with necessary passageways and driveways. For the purposes of this Law a parking space shall not be less than ten (10) feet in width and twenty (20) feet in depth exclusive of accessways and driveways.
2. Off-street parking areas for non-residential uses shall provide an additional area of one hundred (100) square feet of area per off-street parking space to provide sufficient area for access drives and aisles.
3. Off-street parking areas with a capacity for more than twenty (20) vehicles shall delineate fire lanes and post "no parking" markers.
4. ~~Any off-street parking area with at least twenty (20) off-street parking shall designate a minimum of five (5) percent of those spaces, up to a maximum of ten (10) spaces, as only for the handicapped and clearly mark them for such use. Parking spaces designated to serve handicapped individuals shall be at least fourteen (14) feet in width and twenty (20) feet in depth.~~ **Parking regulations shall be in compliance with the Americans with Disabilities Act (ADA).**
5. All off-street parking spaces shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner.
6. All parking areas, passageways and driveways (except where provided in connection with one (1) and two (2) family dwellings, or farm residences

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and buildings) shall be adequately drained and surfaced with a dustless, durable, all weather surface, subject to approval of the Town Planning Board.

7. Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.
  8. The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots may be recommended for approval by the Planning Board and provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately.
  9. No more than two (2) driveways not less than twenty (20) feet or more than thirty (30) feet in width shall be used as means of ingress and egress for each non-residential use, except where deviation in the number of, or width of such driveway, may be deemed necessary by the Planning Board because of traffic safety conditions.
  10. No driveway to an off-street parking area shall be located closer than fifty (50) feet to the intersection of any two (2) streets or within twenty (20) feet of any side lot line provided that sufficient distance will always remain for all required radii for said driveway. The distance from the driveway to the intersection shall be measured by extending the curb line of the intersecting street until it intersects the curb line, extending if necessary, of the driveway in question. In addition, there shall be a minimum distance of twenty (20) feet between two (2) driveways located on one (1) frontage.
  11. Parking areas may be located in any yard space for non-residential uses but shall not be located closer than fifty (50) feet to any road right-of-way centerline and ten (10) feet to any property line.
- B. Location of Off-Street Parking Facilities - Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be walking distance measured from the nearest public entrance of the building that such facility is required to serve.
1. For one (1) and two (2) family dwellings and for all types of residential structures on the same lot with the building they are required to serve.

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2. For multiple family dwellings not more than two hundred (200) feet from the building they are required to serve.
  3. For other uses, not more than five hundred (500) feet from the building they are required to serve.
- C. Mixed Occupancies and Uses Not Specified - In any case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the Planning Board. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.
- D. Joint Use - The off-street parking requirements of two (2) or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
- E. Required Off-Street Parking Space - Required off-street parking space for specific uses as regulated in this Law is contained in Schedule II which is part of this Law.

**SECTION 1001     LOADING REGULATIONS**

For every building, structure or part thereof having over four thousand (4,000) square feet of gross building area erected and occupied for commerce, industry, and other similar uses involved in the receipt and distribution by vehicles of materials and merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with the public use of streets, alleys, or parking areas. Every building structure or addition thereto having a use which complies with the above definition shall be provided with at least one (1) truck standing, loading and unloading space on the premises not less than twelve (12) feet in width, fifty-five (55) feet in length, and fourteen (14) feet in height. One (1) additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross area in the building.

**SECTION 1002      SIGNS AND BILLBOARD REGULATIONS**

A.      Permits Required, Number of Signs

1.      Not more than two (2) signs containing advertising or otherwise relating to a single business or activity may be erected or maintained on a single property. Directional signs that do not exceed two (2) square feet in sign area and are limited to such texts as "Office," "Entrance," "Exit," "Parking" and "No Parking" are excluded from this limitation.
2.      Not more than one (1) of the two (2) permitted signs may be a ground sign.
3.      ~~All signs greater than~~ **Maximum promotion signage is** thirty-two (32) square feet in area shall **and shall** require a permit from the Zoning Officer.
4.      Sign permits issued in conformance with the regulations specified herein may be revoked by action of the Zoning Officer if the signs are not kept in good repair. The revocation of a sign permit shall result in the removal of said sign by or at the expense of the property owner.

B.      Design and Location of Signs

1.      No sign shall be illuminated by or containing flashing, intermittent, rotating or moving light or lights. All luminous signs, indirectly illuminated signs and lighting devices shall employ only lights emitting light of constant intensity.
2.      No luminous sign, indirectly illuminated sign or lighting device shall be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public street, highway or sidewalk or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No signs shall in its construction employ any mirror or mirror-like surface.
3.      No signs shall be erected or maintained upon the roof of any building or structure.
4.      No motor vehicle, motor home or trailer on which is placed or painted any sign shall be parked or stationed in a manner primarily intended to display the sign.

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5. No sign shall be erected or maintained within the right-of-way, nor within twenty (20) feet of the bed of any public street or highway. These minimum setback distances shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated.
6. No billboard or sign advertising a business use or service other than that provided on the premises on which said sign is located shall be permitted, **excluding directional signs.**
7. The regulations specified herein shall not apply to any sign or directional device erected by any governmental agency, non-advertising signs identifying underground utility lines, or posted or preserve signs erected pursuant to the Conservation Law of the State of New York.

C. Area and Height of Signs, General

1. No sign shall be erected or maintained having an area greater than thirty-two (32) feet per side, and no sign shall have more than two (2) sides.
2. No sign attached to the front of a building, including signs attached or affixed to windows or doors, shall exceed an area equal to fifteen (15) percent of the surface area upon which it is attached and shall not project more than twelve (12) inches in front of the face of the building.
3. No ground size shall exceed twenty (20) feet in overall height, measured from the highest level of natural grown immediately beneath the sign to the highest point of the sign or the supporting structure thereof.

D. Number of Permitted Signs Where More Than One (1) Principal Activity is Being Conducted

Notwithstanding the standard governing the number of signs permitted to be erected or maintained on any parcel of real property set forth in Section 1002, A hereof, the following standards shall guide the regulations of all private signs associated with projects when more than one (1) principal building is proposed to be conducted on a separate and discrete basis upon a single parcel of real property associated with the project, such as in the case of a shopping center, plaza or mall, or other multiple commercial use facility or industrial park.

1. A single ground sign of up to sixty-four (64) square feet in area and not more than twenty (20) feet in height may be erected which identifies the

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name of the center or facility as a whole and does not advertise any individual business activity.

2. Ground signs advertising individual businesses within a shopping center or joint development project shall be prohibited.
3. One (1) individual wall sign not in excess of thirty-two (32) square feet in sign area may be erected for each separate principal activity such as a shop or store. Under no circumstances, however, shall any wall sign exceed an area equal to fifteen (15) percent of the surface area on which it is attached.
4. In a multiple commercial use facility or industrial park, there may be one (1) directory sign at any location therein which shall not exceed five (5) square feet for each acre of land in such Business District or Industrial Park provided that no such sign shall exceed thirty-two (32) square feet in area. In addition, each point of entrance and exit for vehicular traffic into such multiple commercial use facility or in industrial park one (1) other sign shall be permitted which does not exceed two (2) square feet for each acre of land in such multiple commercial use facility or industrial park. Such signs shall not exceed twelve (12) square feet in area.
5. An overall sign design plan for any such center or facility shall be submitted with the application for the building and use permit. The sign design plan shall include plans for each principal activity therein, and shall reflect a reasonable uniformity of design, lettering, lighting and material.

E. Non-Conformance Signs

1. Any signs in existence at the date of the adoption of this Law which would be in violation under the provision of this Law, shall be allowed to continue. However, such signs shall not be altered, rebuilt, enlarged, extended or relocated, unless such action changes a non-conforming sign into a conforming sign as provided herein. The failure to keep non-conforming signs in good repair within a period of one hundred twenty (120) days after due notification by the Zoning Officer shall constitute abandonment. Such abandoned signs shall not be re-used and shall be removed by or at the expense of the property owner.
2. If a project subject to zoning review(s) is proposed for a parcel of property upon which an existing sign is located, and the said existing sign is associated with the principal activity which is the subject of the proposed

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project, but does not conform to these standards, the reviewing agency shall require that the said non-conforming sign be brought into compliance as a condition of the approval of the proposed action.

F. Off-Premises Directional Signs

Notwithstanding the provisions of Section 1002, B to the contrary, one (1) directional sign advertising an industry or business having its principal place of business within the Town of Middlebury may be located upon premises other than the premises of the principal place of such industry or business, provided:

1. Such industry or business is not fronting on a state highway.
2. The principal purpose of such sign is to direct motor vehicles to the location of such business or industry.
3. Such sign is located no closer than twenty (20) feet nor more than sixty (60) feet from the highway roadbed.
4. Such sign has a maximum area of not more than ~~thirty-two (32)~~ **two (2)** square feet on either side, and it shall have no more than two (2) sides.
5. No part of such sign shall be more than twelve (12) feet above the ground measured from the highest level of natural ground immediately beneath the sign.
6. Wherever possible, the grouping of compatible off premises directional signs shall be encouraged.

G. Temporary Signs

1. Temporary signs advertising any political, educational, charitable, civic, religious or like campaign or event, may be erected for a consecutive period not to exceed sixty (60) days in any calendar year. Said signs shall be removed within fourteen (14) days following the campaign or event.
2. If such temporary signs are not removed within the fourteen (14) day period, the Zoning Officer is authorized to remove said signs and to charge all costs incident to the removal of the sign or signs to the organization responsible for the placement of the signs.
3. No temporary sign shall be attached to fences, trees, utility poles, bridges,

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traffic signs and shall not obstruct or impair vision or traffic in any manner or create a hazard or disturbance to the health and welfare of the general public.

4. No temporary sign shall exceed thirty-two (32) feet in area.

H. Outmoded Signs

Any sign which no longer advertises a bona fide business being conducted on the premises shall be removed from said premises by the record owner or beneficial user of the premises within ten (10) days from the receipt of a written order to do so from the Zoning Officer. In default of said removal, the Zoning Officer is authorized to effectuate the removal of said sign and to charge all costs incident to the removal to the record owner of the property.

I. Prohibited Signs; Removal

1. The following types of signs are prohibited and shall not be permitted, erected or maintained in any zoning district, and the owner thereof shall, upon written notice of the Zoning Officer forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform with the provisions of this Law, or shall remove it. If, within ten (10) days, the order is not complied with, the Town Board may cause such sign to be removed at the expense of the owner;
  - a. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic control device on public streets and roads.
  - b. A sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway.
  - c. Signs which make use of the words as "STOP," "LOOK," "DANGER" or other words, phrases or symbols of like character, in such a manner as to interfere with, mislead or confuse traffic.
  - d. Any sign that becomes insecure, in danger of falling or otherwise unsafe, or any sign which shall be unlawfully installed, erected or maintained.



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- e. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description (except time and temperature revolving signs as allowed) or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations or any action of normal wind currents.
- f. Any sign or other advertising structure which depicts any obscene, indecent or immoral matter.
- g. Any sign which is not securely attached or affixed to a structure or the ground and which may be readily moved. Such signs may or may not have wheels.

J. Signs in Agricultural and **Rural** Residential Districts, Additional Requirements.

- 1. A sign indicating the name and address of the occupant or a permitted home occupation provided that it shall not be larger than two (2) square feet in area per side, and if free standing, not exceeding four (4) feet in height above the ground level at the sign's location, and shall be no closer than ten (10) feet to any lot line, and shall not be illuminated except indirectly.
- 2. For multiple family dwellings and public buildings, a single identification sign not exceeding sixteen (16) square feet in area, and indicating only the name and address of the building may be displayed. Such signs shall not be closer to any lot line than one-half (1/2) of the required setback and shall not project more than six (6) feet in height above grade, and shall not be illuminated except indirectly.
- 3. No more than two (2) signs advertising the sale, lease or rental of the premises upon which the sign is located. Such signs shall not exceed nine (9) square feet in area, provided such sign is erected or displayed not less than five (5) feet inside the property line and shall not project more than four (4) feet in height. Said signs must be removed from the premises within seven (7) days after the property has been leased or title transferred.
- 4. For farms no more than one (1) identification sign not exceeding thirty-two (32) square feet in area and provided that such sign shall not be closer than twenty-five (25) feet to any street or property line.

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5. A permanent sign may be erected to indicate a subdivision, which sign shall not exceed fifty (50) square feet in area nor more than seven (7) feet in height.
6. A temporary sign, not exceeding sixteen (16) square feet in area, the height of which is not greater than six (6) feet, shall be permitted for a period of three (3) years from the time of final subdivision approval or advertising the sale of property within such subdivision.
7. Roadside stand signs shall conform to the specific standards set forth in Article IX of this Law.

**SECTION 1003 ACCESS CONTROL**

In order to encourage the sound development of street frontage, the following special regulations shall apply to all non-residential buildings and uses:

- A. Each separate use, grouping of attached buildings or groupings of permitted uses shall not have more than one (1) access point for every two hundred (200) feet of frontage except as permitted by this Law.
- B. The use of common access points by two (2) or more permitted uses shall be encouraged by the Town Board in order to reduce the number and closeness of access points along the streets and to encourage the fronting of significant traffic generating uses upon a parallel access street and not directly upon a primary road. Access points for industrial uses shall not be less than twenty-four (24) feet nor more than forty (40) feet in width. All other access points shall not be less than twenty (20) feet nor more than thirty (30) feet in width.

**SECTION 1004 PRIVATE SWIMMING POOLS**

Private swimming pools shall be permitted in any Agricultural or Rural-Residential District provided that there is an existing residence on said lot. ~~and the following regulations are complied with~~ **and all applicable state regulations** *In addition to all applicable state regulations, the following Town regulations must be met.*

- A. Fences –
  1. Inground 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.

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2. Above ground pools less than four (4) feet in height shall be similarly fenced.
3. Above ground pools which are four (4) feet or more above the ground shall not require a fence.
4. **Pools less than four (4) feet and more than two (2) feet must be fenced.**

B. Setbacks

1. Outdoor swimming pools shall be located in the rear or side yard, but not closer than ten (10) feet to the side or rear property line.
2. No swimming pool shall be closer to the street or front lot line than the front of the building or structure to which the pool is an accessory use.

C. 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 public water supply, with existing sewage or drainage facilities, with the property of others or with public highways. Pools may not be drained into septic systems.

D. 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. **No lights shall be erected or operated in connection with a swimming pool in such a manner that causes glare to spill onto adjoining properties or roadways.**

E. Overhead Wiring - Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or the area surrounding the swimming pool extending ten (10) feet horizontally from the pool edge, diving structures, observation stands, towers or platforms. Service conductors shall be in shock hazard boxes and appropriately grounded.

F. Permits - Building and zoning permits shall be required for all swimming pools designed to be entirely or partially constructed below ground level.

G. Compliance with New York State Requirements - Applications for swimming pool permits shall comply with these regulations and all applicable requirements of the State of New York. Where the regulations of the Town and State are inconsistent, the more restrictive requirements shall govern.

**SECTION 1005 PONDS**

- A. Ponds for recreational, fire protection or agricultural **and conservation** purposes shall be permitted in any district provided the following regulations are complied with:
1. The pond shall be designed and approved by the Wyoming County Soil Conservation Service or other authority acceptable to the Zoning Officer, except as prescribed by law.
  2. A plot plan shall be provided showing the location of said pond.
  3. No pond shall be established within fifty (50) feet of any property line.
  4. The Board of Appeals, with a public hearing, may vary this property line requirement, but it shall not be reduced to less than twenty-five (25) feet.

**SECTION 1006 WIND ENERGY DEVICE**

- A. Design Requirements - Seventy (70) percent of all electricity or power generated on site by a Wind Energy Device is required to be utilized on the same site with the maximum turbine power output limited to twenty (20) KW.
- B. Location - A Wind Energy Device may only be located in an A-Agricultural District as an accessory use.
- C. Setbacks – A Wind Energy Device will be required to be set back from any power line, residence, public or private building, structure, right-of-way to any road and property line a minimum distance of one and one-half (1½) the height of the proposed Wind Energy Device or a variance is granted by the Zoning Board of Appeals. This requirement is in addition to and compliance with Schedule I of this Zoning Law.
- D. A Wind Energy Device must be of monopole construction to the extent practicable. If monopole construction is not practicable, a Wind Energy Device must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a Wind Energy Device may be guyed.
1. If the Wind Energy Device is guyed, fencing will be required around each guy wire at a minimum height of seven and one-half (7½) feet.

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2. Each guy wire will be wrapped with reflective tape to a minimum height of ten (10) feet.
3. Guy wire must be a minimum distance of twenty-five (25) feet from any property line.

E. Application Fee

1. To initiate the review process contemplated by this Section for an applicant for a Wind Energy Device, the applicant shall remit an application fee to the Town in the amount of two hundred and fifty dollars (\$250.00) for each anticipated device. Said sum shall not be refundable in whole or in part.
2. The applicant shall pay the fees and expenses of any consultant(s) incurred by the Town to assist in the review of the application. **LL No. 1/2007**

**SECTION 1007 ANIMAL WASTE STORAGE FACILITIES**

A. Animal waste storage facilities ~~shall~~ **may** include earthen storage ponds, earthen aerobic digestion systems, and any waste tanks or confinement areas that are used as temporary storage (0-12 months) for solid and/or liquid animal waste, that is later to be removed and utilized elsewhere on the farm facilities for fertilization, waste management, or final disposal. Waste management lagoons, as defined in this Law, shall not necessarily be governed by this section. ~~The following are definitions of animal waste storage facilities:~~

~~1. Earthen Storage Pond: Usually a single anaerobic pond designed to provide temporary storage (6-12 months) of animal waste until it can be field applied. Once the pond crusts over, odor from the storage is significantly reduced. Odors are strong when the pond is agitated (to pump the slurry) and when surface spread to fields. Odors may remain strong if the pond is loaded from the top.~~

~~2. Earthen Aerobic Digestion Systems: Animal waste is fed into shallow earthen "cells" with a slight grade so that solids settle out and decompose aerobically and the liquid drains away by gravity to another lower pond (with no outlet) where it is stored until it can be field applied or recirculated and used for flushing free stall facilities.~~

~~3. Waste Storage Tanks (above or below ground): Same principle as the~~

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~~anaerobic earthen pond, but utilizing a metal or concrete tank for storage  
(includes pits underneath a confinement area).~~

~~4. Waste Treatment Lagoon: An impoundment made by excavations or  
earthfill for biological treatment of animal or other wastes. Lagoons can  
be aerobic, anaerobic, or facultative, depending on their design. Basically,  
a lagoon is a VERY large pond with no outlet which is never emptied or  
spread. This "pond" may support various forms of vegetation and animal  
life.~~

- B. Animal waste storage facilities are considered an accessory use in Agricultural Districts, and shall be designed and approved by an engineer licensed or certified by the State so long as they are designed wholly in accordance with Natural Resources Conservation Service standards and specifications.
- C. Plans and specifications for waste management shall conform to the most current Natural Resources Conservation Service standards and procedures and/or to the designs and specifications of a licensed professional engineer.
- D. Waste shall be used to the fullest extent possible by recycling it through soil and plants.
- E. Clean water shall be excluded from concentrated waste areas to the fullest extent practical.
- F. Manure shall be collected and safely spread on land, treated, or stored until it can be safely spread. Adequate storage shall be provided to allow spreading during favorable weather and at times compatible with crop management and available labor.
- G. Polluted runoff and seepage from concentrated waste areas shall be intercepted and directed to storage or treatment facilities for future disposal or be directly applied to land in a manner according to NRCS standards and specifications.
- H. Waste water from processing shall be collected and directly applied, stored, or treated prior to re-use.
- I. Adequate drainage, erosion control, and other soil and water management practices shall be incorporated to prevent system-related problems and potential adverse impacts on nearby properties.

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- J. The overall system shall include sufficient land for proper use or disposal of waste at locations, times, rates and volumes that maintain desirable water, soil, plant, and other environmental conditions. Appropriate waste-handling equipment shall be available for effective operation of the system.
- K. The system should be outside major view sheds to conserve visual resources. Vegetative screens and other methods should be provided, as appropriate, to improve visual conditions.
- L. No manure or waste associated with such a system shall be stored outside of a fully enclosed building within three hundred (300) feet of any public street or property line, excepting temporary piling due to adverse weather conditions preventing spreading.
- M. System components shall be planned and installed in a sequence that insures that each will function as intended without being hazardous to others or to the overall system.
- N. Safety features and devices shall be included in animal waste storage facilities, as appropriate, to protect animals and humans from drowning, dangerous gases, and other hazards. Fencing and warning signs shall be provided as necessary to prevent livestock and others from using the facilities for other purposes. Safety features, fences and other devices shall be subject to NRCS standards and specifications.
- O. Aerobic lagoons and any storage **device or facility** which includes a discharge pipe(s) ~~may only be approved after an operating permit is approved by the Wyoming County Health Department.~~ **shall comply with all applicable laws of the New York State and County of Wyoming. Such discharge outfall(s) shall not be installed or operated until the owner receives all required permits and an approved operating permit from the County of Wyoming Health Department and/or any other applicable entities if required.**
- P. Wherever possible animal waste storage facilities shall be located where prevailing winds will carry odors away from residences and public areas.
- Q. Animal waste storage facilities shall not be located in areas of special flood hazard.
- R. The owner or operator shall be responsible for operating and maintaining the system. An approved Comprehensive Nutrient Management Plan shall be prepared for this use. The plan shall be approved by NRCS or a Certified

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Nutrient Management Planner. The plan shall meet the requirement of CAFO regulations, if applicable, and shall provide specific details concerning the operation of each component. At a minimum the plan shall include:

1. Timing, rates, volumes, and locations for application of waste and, if appropriate, approximate number of trips for hauling equipment and an estimate of the time required.
2. Minimum and maximum operation levels for storage and treatment practices and other operations specific to the practice, such as estimated frequency of solids removal.
3. Safety warnings, particularly where there is danger of drowning or exposure to poisonous or explosive gases.
4. Maintenance requirements for each of the practices. **LL No. 1/2007**

**SECTION 1008 HOME OCCUPATIONS MINOR**

- A. Findings; Statement of Policy - Recognizing the fact that many residents of the Town of Middlebury currently maintain home occupations/businesses, or may choose to do so at some point in the future, the Town has determined to provide a mechanism for permitting such use, subject to appropriate review and the implementation of mitigation measures where appropriate.**

**The Town Board recognizes that the residents historically have operated small businesses from their homes which provide services to the community and finds that these businesses have not impacted negatively on the appearance and character of these agricultural and residential districts. Conversely, the Town recognizes that unrestricted use of residentially zoned properties for nonresidential purposes carries with it the potential for conflicts with and detrimental impacts on the purposes and character of the areas zoned for residential and agricultural uses. In the Board's judgment, it finds that in order to expand economic opportunity of the town, to maintain the rural quality of life and in the interests of the welfare of the residents, home occupations/businesses should be allowed.**

**In order to further the benefits of home occupations/businesses while mitigating the potential detrimental off-site impacts of the same, the Town has enacted these regulations.**



Recognizing that different home occupations/businesses exhibit varying potentials for generating off-site impacts, the Town adopts three (3) tiers of businesses for the purposes of establishing review procedures and approval conditions. The three tiers are: (1) Home Occupations Minor; (2) Home Occupations Major; and (3) Home-Based Businesses. Because the nature and intensity of a proposed use, parcel and setting may differ considerably, Home-Based Businesses and Home Occupations Major are permitted in Agricultural (A) Districts only and with the issuance of a special use permit. See Article XI, Sections 1122 and 1123 for regulations governing special permit uses.

**B. Home Occupations Minor**

- 1. Permitted Districts - Home Occupations Minor are permitted in the A – Agricultural and R-R – Rural Residential Districts.**
- 2. Permitted Structure - Home Occupations Minor are permitted as an accessory use to a single-dwelling unit. No more than one (1) Home Occupations Minor shall be permitted for each property.**
- 3. Required Procedures - A site plan review is required by the Town Planning Board. No public hearing shall be required, unless the Town's Planning Board determines that there is a need to hold such a hearing. The site plan must show the location of the business, including floor plans indicating the portion of the principal and accessory buildings to be used for the business, the location of any vehicles and equipment to be parked outdoors, and any outdoor areas proposed for storage or display of goods or supplies. The above listed procedures are in addition to all regulations set forth in Article III, Section 303**
- 4. Limitations or Thresholds - In addition to all of the limitations applicable to the district in which it is located, no Home Occupations Minor shall be permitted unless it complies with the following restrictions:**
  - a. Evidence of Use and Maintenance of Residential Character - The appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of noises, odors or**

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vibrations. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used. No outdoor display of goods or outside storage of equipment or materials used in the home occupation or profession shall be permitted.

- b. **Employees on Site** - No employees other than the residents of the property shall be employed on site. No other partner, principal or professional may be employed on site.
  - c. **Number of Clients** - The Home Occupations Minor shall be conducted in such a manner that at any one time the maximum number of clients, customers and others at the site of the home occupation is not greater than two (2) persons.
  - d. **Hours of Operation** - The Home Occupations Minor shall be conducted in such a manner that all the deliveries, clients, customers and others coming to do business at the site of the Home Occupations Minor, shall arrive and depart between the hours of 7:00 a.m. and 9:00 p.m.
  - e. **Signage** - One unanimated, non-illuminated flat or window sign, not to exceed four (4) square feet in area per side, shall be permitted to identify the Home Occupations Minor. No sign shall have more than two (2) printed sides.
  - f. **Commercial Vehicles** - Not more than one (1) commercial vehicle shall be permitted in connection with any Home Occupations Minor and such vehicle shall be parked in the driveway or stored in an enclosed garage. No construction vehicles, construction equipment, or heavy vehicles may be used in connection with a Home Occupations Minor.
  - g. **Hazardous Materials** - No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use.
5. **Use of Accessory Structures** - A home occupation use must be conducted wholly within the residential dwelling on the parcel,

except that accessory structure, such as shed, detached garages, and barns, may be used for unheated storage of materials for the business.

6. Floor Area - A Home Occupation Minor may not use more than thirty (30) percent of the gross floor area of the dwelling for business purposes.

#### SECTION 1009 STABLES OR RIDING ACADEMIES

- A. Stables for the commercial boarding of horses or riding academies ~~may be~~ are permitted in the A - Agricultural District. ~~upon the approval of a special use permit by the Town Board.~~
- B. No site preparation or construction shall commence nor shall existing structures be occupied until ~~final site plan approval has been granted by the Town Board and~~ permits have been issued by all governmental agencies involved.
- C. The permitted use may include any of the following:
  1. Storage of horse vans for conveying or vanning of horses as may be accessory to the principal use.
  2. Sale or rental of horses for use by public by hour, day, month or year.
  3. Rides on horses by the public.
  4. Rental of horse vans.
  5. Riding lessons to the public.
- D. The land devoted to their use shall not be less than twenty (20) contiguous acres.
- E. One (1) principal single family dwelling may be located on the land devoted to this use provided that it complies with the requirements for this Law. The land area on which the principal single family dwelling is located shall not be considered as part of the land "devoted to this use" as set forth in paragraph D above.

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- F. The number of horses that may be boarded and/or trained at such property shall not exceed twenty-five (25) horses for the first twenty (20) acres of land devoted to this use, plus one (1) horse for each additional one-half (1/2) acre.**
- G. The stable and the facilities for the storage of manure shall be located on the land devoted to this use and not less than two hundred (200) feet from any boundary line.**
- H. Exercise tracks and riding rings shall be at least fifty (50) feet from any boundary line.**
- I. Accessory buildings such as barns (not housing horses) sheds and the like, may be located on the land devoted to this use provided that:
  - 1. Said building is set back at least one hundred (100) feet from the street line and one hundred (100) feet from each side boundary line.**
  - 2. Said building is not used for the storage of manure.****
- J. Structures on the land devoted to this use (not including the principal dwelling) shall not in the aggregate over more than ten (10) percent of the area of the land devoted to this use.**
- K. No structure shall exceed thirty-five (35) feet in height.**
- L. Suitable and adequate off-street parking in accordance with the reasonable requirements of the Planning Board shall be provided.**
- M. Exterior lighting shall be permitted only to the extent necessary to prevent injury to the public and shall be so installed and arranged as to reflect light away from the adjoining streets and prevent any nuisance to adjoining property.**
- N. Exterior loudspeakers shall be installed or used on the premises so as to minimize potential nuisances to adjacent properties.**
- O. No manure shall be permitted to be stored within one hundred (100) feet of any lot line in any district.**
- P. The maintenance of the structures and hygiene conditions connected with the use here permitted shall be under the continuous supervision of the**

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**Town Board and the Department of Public Health to the extent necessary. If conditions are found to exist which are dangerous to the health, safety and welfare of humans or horses, or if any of the requirements of this or any other section of this Law or of any condition attached to the permit issued hereunder are not complied with by the operator of the boarding stable, the permit issued hereunder may be revoked or suspended by the Town Board after public hearing.**

