

VILLAGE OF PAINTED POST

ZONING LAW

Originally Adopted July, 1984

Revised Version Adopted February 12, 2001

Revised to Include Adult Uses Adopted November 12, 2001

Revised to Include Planned Development Districts Adopted February 9, 2004

Revised to Include Amendments to the Sign Regulations Adopted August 9, 2010

Revised to include Amendments to the Sign Regulations Adopted October 15, 2013

Revised to include Amendments to the Parking and Mixed Use Regulations

Adopted August 11, 2014

- F. Does not create excessive noise, dirt, odor or electrical interference.

MANUFACTURED HOME, RESIDENTIAL DESIGNED: A single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which meets or exceeds the following criteria. This includes the term “double-wide.”

- A. The manufactured home has a minimum width over twenty (20) feet (multi-section)
- B. The manufactured home has a minimum of nine hundred (900) square feet of enclosed living area.
- C. The pitch of the roof has a minimum nominal 3/12 pitch; and has a type of shingle commonly used in standard residential construction.
- D. The exterior siding consists of vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction.
- E. All towing devices, wheels, axles, and hitches must be removed.
- F. The front of the dwelling is parallel to the street.
- G. Permanent landing and steps with handrails are required at each exterior doorway. The structure must include steps which lead to the ground level.

MANUFACTURED HOME, STANDARD DESIGNED: A single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the criteria of a Residential Designed Manufactured Home. This includes the term “single-wide.”

MOBILE HOME, SUBSTANDARD: A single family dwelling that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of June 15, 1976.

MANUFACTURED/MOBILE HOME PARK: A contiguous parcel of land, which is planned and improved specifically for such a purpose, on which two (2) or more manufactured/mobile homes (with or without the wheels and axles in place) are located. Such a park consists entirely of manufactured/mobile homes, each located on a site leased or rented to its occupants who either own, rent, or lease the living unit as a permanent residence.

MINING: Excavation of earth materials for commercial purposes such as gravel pits, rock quarrying, stripping of topsoil, subsoil removal and/or the removal of such materials for sale other than what may be required in the erection of buildings on site.

MIXED USE DEVELOPMENT: A single development containing two or more significant land uses (retail, office, residential, hotel/motel, or recreation) which are functionally, visually, and physically

integrated into a single site, are developed under a coherent vision, and are compatible with the Comprehensive Plan.

~~MIXED USE: A building or a lot used for more than one permitted principal use.~~

MODULAR HOME: A dwelling unit constructed off-site, consisting of two or more segments and designed to be permanently anchored to a foundation, to become a fixed part of the real estate and which meets all State requirements. This includes the term “sectional home.”

MOTEL: See “HOUSING, TRANSIENT.”

NEWSRACK: Any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and distribution or sale of newspapers or other news or informational periodicals. This includes “honor box,” “newspaper box,” or “real estate box.”

NON-CONFORMING BULK: See “BULK, NONCONFORMING.”

NONCONFORMING USE: See “USE, NONCONFORMING.”

NURSERY SCHOOL: A non-public school organized for the purpose of providing regular daytime care or instruction for three or more children less than seven years of age for less than three hours per day, (two sessions may be held daily), as registered and certified by the NYS Education Department. This includes “day nursery” or “kindergarten” but does not include “day care center.”

NURSING OR CONVALESCENT HOME: A building where persons are lodged and furnished with meals and long-term or permanent nursing care as defined by the NYS Department of Social Services or successor. This definition includes “assisted care living units,” “health care services facility,” and “home for the aged” but does not include “hospital,” or “halfway home.”

PARKING SPACE: An off-street space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

PERSONAL SERVICE ESTABLISHMENTS: Establishments which provide services to an individual consumer for compensation including but not limited to barber shops, beauty shops, shoe repair shops and other uses of a similar nature.

PETROLEUM BULK STORAGE REGULATIONS: New York State’s standards and regulations of petroleum administered by the New York State Department of Environmental Conservation as defined in 6NYCRR Parts 611 through 614.

PLANNED DISTRICT - One or more commercial, residential or industrial uses proposed as a unit, in conformance with Article VI.

PLANNED RESIDENTIAL DISTRICT - A form of residential development characterized by a unified site design and providing density increases, a mix of building types and common open space. It permits the calculation of densities over the entire parcel and involves additional requirements as set forth in Article V.

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

PROFESSIONAL OFFICE: An office operation involving the practice of or associated with medicine, dentistry, law, architecture, engineering and similar fields.

RESIDENCE: A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy. "Residence," therefore, includes all non-transient housing. However, "residence" shall not include the following:

- A. Transient housing, such as hotels, and motels.
- B. That part of a mixed use which is used for any non-residential uses.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, where the sale of alcoholic beverages is incidental to the sale and consumption of food, and where customers are served their food and beverages by a restaurant employee for consumption: (a) at the same table or counter at which the food or beverages are served, or (b) elsewhere within the building, or (c) within a motor vehicle parked on the premises, or (d) off the premises as carry-out orders.

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

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

ROADSIDE STAND: A light structure with a roof, either attached to the ground or movable, used for the sale of local produce on a seasonal basis.

SATELLITE DISH: An antenna capable of receiving communications from space. Includes "satellite dish."

SETBACK: The required distance in feet between any building and any lot line of the lot on which it is located.

SIGN: Any image, device, structure (or part thereof) viewable from a public place, which shall display information for the purpose of announcement, direction or advertisement.

SIGN, ACCESSORY: Any sign other than the primary identification signs, directional signs, open/closed signs, or exempt signs; common uses include product and service advertising signs.

SIGN AREA: The area within the shortest lines that can be drawn around the outside perimeter of a sign including all decorations, lights and negative space, but excluding the supports if they are not used for advertising purposes. Each separate face of the sign shall be counted in computing the area.

SIGN, BILLBOARD: A large panel for the display of advertisements in public places, such as alongside highways or on the sides of buildings.

Village OF PAINTED POST
280.28 Density Control Schedule* (Area bulk Schedule)

Use	Zoning District	Minimum Land Area Per Dwelling Unit (Sq. Ft.)	Minimum Land Area Per Principal Use (Sq. Ft.)	Minimum Lot Width at Bldg. Line	Minimum Yard Dimensions			Maximum Lot Coverage (Inc. All Accessory Bldgs.)	Maximum Stories	Maximum Height
					Front	Side	Rear			
Residential	LDR	87,120 (2 acres)	-	100	30	10	25	10%	3	35'
	MDR	12,000	-	100	30	10	25	30%	3	35'
	UCR	6,500	-	65	30	6	25	30%	3	35'
	UC	6,500	-	65	30	6	25	30%	3	35'
Non-Residential	LDR	-	174,240 (4 acres)	100	30	10	25	10%	3	35'
Residential	MDR	-	13,000	100	30	10	25	30%	3	35'
	UCR	-	8,400	75	30	10	25	30%	3	35'
	UCR	-	8,400	75	30	10	25	30%	3	35'
	B	-	5,000	50	30	10	25	30%	2	25'
	I	-	15,000	100	50	25	50	30%	5	65'

*These density control regulations can vary with uses that require site plan review. Each Planned Commercial District, Planned Development District, Cluster Development, Mixed Use Development, and Planned Residential District will be reviewed on an individual basis using the above schedule as a guide.

§ 280.33 DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT

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

§ 280.34 EXCEPTIONS TO FRONT YARD REQUIREMENTS

If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the proposed lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the district, the front yard of the proposed lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth. If there are dwellings on both abutting lots with front yards greater than the required depth for the district, or if there is a dwelling on one abutting lot with a front yard greater than the required depth for the district, the front yard for the lot shall be determined by averages as specified.

§ 280.35 GENERAL EXCEPTION TO HEIGHT REGULATIONS

Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, solar energy equipment and other similar objects not used for human occupancy are not subject to the building height limitations of this Law.

§ 280.36 STANDARDS FOR MIXED USES

Intent

The provisions of mixed use standards are to accommodate the development of well-planned sites that incorporate multiple uses and in doing so, encourage increased opportunities for pedestrian oriented living, village infill development, and distinctive neighborhood character. Traditionally, in a "Main Street" situation, retail and/or service uses are located on the first floor and office or residential uses are located on upper floors, with minimal parking in the rear of the lot.

The character of mixed-use development is usually pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, has amenities, architectural expression, and tends to mitigate the negative effects of traffic.

To give the site planner maximum freedom, more intensive land use may be permitted for mixed use developments. The coverage, height, setbacks, and other elements of site design may be varied under circumstances in which a more imaginative use of the building site is proposed than can currently be achieved under other regulations of this Law. Each Mixed use development will be subject to the procedures and requirements for obtaining a Special Use permit as defined in Article XII of this law.

A. Permitted Zones. A Mixed-use Development may be permitted in the following zoning districts subject to the approval of a Special Use Permit and Site Plan Review by the Village Planning Board provided such use is not specifically prohibited in the district:

- 1) Planned Residential
- 2) Planned Commercial
- 3) Urban Center District

4) Urban Center Residential

5) Business

B. Permitted Uses. The following uses and their accessory uses may be permitted subject to the approval of a Special Use Permit and Site Plan Approval by the Village Planning Board:

1) Residential developments such as single-family dwellings, townhouses, duplexes, and apartment houses, provided that all residences are intended for permanent occupancy by their owners or tenants;

- Accessory uses are allowed, given that they are specifically designed to meet noncommercial facility needs; Accessory uses do not count as a separate or additional use.

2) Neighborhood commercial and retail uses as allowed in the underlying zone.

3) General Office uses

4) Cultural Facilities

C. Non-Permitted Uses. There are general uses that have been determined to be incompatible with the overall objectives of the Village's Mixed Use Ordinance. These uses include the following:

1) Shopping centers / strip malls

2) Regional malls

3) Drive-through windows

4) Big Box commercial and wholesale structures and developments

5) Auto-oriented uses such as auto repair, auto sales, gas stations, and car washes

6) Gated residential developments

7) Mobile/Manufactured homes

8) Heavy industrial

9) Industrial scale agricultural uses

10) Mini storage, self-storage units

D. General Layout & Design Standards. Any mixed use development proposal shall conform to the following standards which shall be regarded as minimum requirements, in addition to all applicable standards in other sections of this Law.

1) Mixed-use Developments must occupy a single building on a single site. These uses could be combined vertically or horizontally within the same building.

2) All developments shall be served by public sewer and public water.

3) Mixed use developments shall be placed so the building is located close to an adjoining village center, close to major roads, close to public transit, or close to other significant developments.

4) The main pedestrian access point to a building shall be located along the facade oriented toward the primary street with the entrance from a public sidewalk or plaza. Secondary entrances from parking lots are permitted.

5) Mixed residential uses shall be designed to include diverse housing options.

6) Utility lines shall be located underground when practical to minimize negative visual impacts

7) The design of the mixed use planned development shall take into account the relationship of the proposed site to the surrounding areas. The perimeter of the mixed use development shall be so designed as to minimize undesirable impact of the mixed use development on adjacent properties as well as to minimize undesirable impact of adjacent properties on the mixed use development.

8) Density regulations (such as minimum lot size, lot width, lot coverage, setbacks, height) on mixed use planned development areas shall be comparable to or

compatible with those of the existing development of adjacent properties or if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties and the land use component of the comprehensive plan.

~~In all districts where mixed uses are permitted, a lot held in single ownership may be improved for a mixed use. The lot must meet at least one minimum lot size, as required for each of the permitted uses in a mixed use, whichever is largest. The lot must also accommodate all requirements for each of the uses, such as parking, buffering, coverage, etc. The building group, as a unit, must meet all setbacks.~~

- § 280.37 (Reserved)
- § 280.38 (Reserved)
- § 280.39 (Reserved)

§ 280.62 CONDITIONS

1. Incentive Award Areas are:

1. Planned Residential Districts (PRD's). PRD's may only be located within (Urban Center (UC) and Urban Center Residential (UCR) Zones.

2. Mixed Use Developments. MUD's may only be located within Planned Residential Districts, Planned Commercial Districts, Urban Center Districts, Urban Residential Districts, and Business Districts.

~~2. Incentive Award Areas are Planned Residential Districts (PRD's). PRD's may only be located within (Urban Center (UC) and Urban Center Residential (UCR) Zones.~~

D. **EQUAL TAX BURDEN.** Where a project involving zoning incentives affects property in two or more school, special assessment or tax districts, it may not unreasonably transfer the tax burden between the taxpayers of such districts.

E. **MAPPING.** Open Space Conservation Areas are coterminous with the Low Density Zone and Incentive Award Areas are Planned Residential Districts which are designated and mapped on the Village of Painted Post Zoning Map.

F. **ENVIRONMENTAL REVIEW.** Notwithstanding any other provision of law to the contrary, environmental quality review pursuant to article eight of the environmental conservation law for any action in a receiving district that utilizes development rights shall be conducted

G. **CONSERVATION EASEMENTS.** One lot conservation easement per two dwelling unit bonus. A conservation easement on the equivalent of one lot located within the Low Density Zone shall be required for the granting of two additional housing units in excess of the density permitted in the underlying zoning sought as part of the Planned Residential District (PRD).

1. **The easement is noted on the deed.** The above conservation easement shall be issued by the Village to the applicant proposing the PRD and to the landowner in the Low Density Zone to whose land the easement applies in a form suitable for recording in the registry of deeds at the Steuben County Clerk's office in the manner of other conveyances of interests in land affecting its title.

2. **Easement enforcement.** That the burden upon land designated as an open space protection area located within the Low Density Zone shall be documented by an instrument duly executed by the grantor in the form of a conservation easement, as defined in title three of article forty-nine of the environmental conservation law, which burden upon such land shall be enforceable by the appropriate Village in addition to any other person or entity granted enforcement rights by the terms of the instrument. All provisions of law applicable to such conservation easements pursuant to such

approximately fifty (50) feet, subject to location of drives, street intersections, or other features. In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the street right-of-way if approved by the Village Planning Board.

- C. **STREET NAMES AND SIGNS.** All streets shall be named, and such names shall be subject to the approval of the Village Board. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged. Street signs shall be provided by the developer at all intersections and shall be of a type approved by the Superintendent of Public Works.
- D. **STREET IMPROVEMENTS - GENERAL.** In addition to the required improvements specifically referred to elsewhere in these regulations, developers shall provide for all other customary elements of street construction and utility service which may be appropriate in each location as determined by the Village. Such elements may include, but shall not be limited to, street lighting standards, inlets, manholes, curbs, sidewalks, street lighting standards, water mains, fire hydrants, fire alarm signal devices, and sanitary sewers. Underground utilities within the street right-of-way shall be located as required by the Village and underground service connections to the property line of each lot shall be installed before the road is paved. All street improvements and other construction features of the development shall conform to municipal specifications which may be established from time to time and shall be subject to approval as to design, specifications, and construction by the Superintendent of Public Works.
- E. **WIDENING OF EXISTING STREET RIGHT-OF-WAY.** Where a development adjoins an existing street which does not conform to the Village right-of-way standards, the developer shall dedicate whatever additional right-of-way width is necessary to provide, on the development side of the normal street centerline, a width which is equal to at least one-half of the minimum standard width for the respective type of street.
- F. **DESIGNATION OF STREETS.** Every street shown on a site plan or plat that is hereafter filed in the office of the County Clerk shall be deemed to be a private street until such time as it is formally accepted as a public street by resolution of the Village Board of Trustees, or alternatively condemned by the municipality for use as a public street.

§ 280.103 **OFF-STREET PARKING**

A. **GENERAL REQUIREMENTS.**

- 1. Site Plan Review. The creation, expansion, or significant alteration of off-street parking facilities is subject to site plan review and approval by the Planning Board.

2. It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use which is erected, enlarged, or altered after the effective date of this law.
3. A parking space shall be considered adequate if it is not less than one hundred sixty two (162) square feet (18X9) exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to street or alley
4. No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two public rights-of-way.
5. Where appropriate, the Zoning Board of Appeals, may upon the presentation of evidence, vary the number and circumstance of the following parking space requirements, in order that the general welfare be served and the prospective uses be equitably treated.
6. Uses not permitted within residential districts shall not locate their parking within residentially zoned districts.
7. The lighting of off-street parking lots shall not be directed into adjacent properties.
8. All off-street parking shall be paved, surfaced or covered so as to be well-drained. Impervious surfaces should be minimized wherever practical. Runoff water should be redirected so that land is available to absorb storm water and to reduce polluted runoff and flooding. Constructions of pervious roadways are preferred.
- ~~1. It shall be the responsibility of the owner of a property to provide the off-street parking spaces required in the listing below for any use which is erected, enlarged, or altered after the effective date of this law.~~

- ~~2. A parking space shall be considered adequate if it is not less than two hundred (200) square feet (10' x 20') exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to street or alley.~~
- ~~3. No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two public rights of way.~~
- ~~4. Where appropriate, the Zoning Board of Appeals, may upon the presentation of evidence, vary the number and circumstance of the following parking space requirements, in order that the general welfare be served and the prospective uses be equitably treated.~~
- ~~5. Uses not permitted within residential districts shall not locate their parking within residentially zoned districts.~~
- ~~6. The lighting of off street parking lots shall not be directed into adjacent properties.~~

B. OFF-STREET PARKING REQUIREMENT

<u>USE</u>	<u>REQUIREMENT</u>
1. Residential	
- One and two-family	One space per dwelling unit LDR District - Two spaces per dwelling unit
- Multi-family	One and one-half spaces per dwelling unit
- Home Occupation	Two spaces for each person or employee engaged in any home occupation
2. Public	
- Hospitals, sanitariums nursing homes	One space for every two beds <u>plus</u> one for every two employees
- Places of public assembly (churches, auditoriums, theaters)	One space for every five seats
- Elementary and intermediary Schools	One space per employee <u>plus</u> one space for every fifty students
- High schools and colleges	Five spaces for each classroom
<u>USE</u>	<u>REQUIREMENT</u>
3. Commercial, Office, Business	
- Tourists home, rooming house	One space per bedroom

- Motels, hotels	One space per unit <u>plus</u> one space for every five seats in any associated restaurant
- Offices (professional, personal service, public/private utility)	<u>3 spaces per 1,000 square feet of gross office floor area</u> One space per two hundred square feet of gross office floor area
- Service Retail	<u>4.5 spaces per 1,000 square feet of gross floor area</u> One space per one hundred square feet of gross floor area
- Retail	<u>4.5 spaces per 1,000 square feet of gross floor area</u> One space per one hundred square feet of gross floor area
- Private/public membership clubs	One space per one hundred square feet of gross floor area
<u>Restaurants/Bars/Taverns</u>	
<u>One space per four seats</u>	
- Roadside stands	One space per fifty square feet of area devoted to selling or display
- Wholesale	One space per employee <u>plus</u> one space per seven hundred square feet of patron serving area
4. Industrial	
- Industrial	Two space per three employees on the main shift

5. Spaces in municipal lots, where provided, may be credited toward the parking requirements for these uses, provided that:
 - A. These spaces are within four hundred (400) feet of the uses to be served;
 - B. The parking needs for existing facilities (within four hundred (400) feet and computed on the same basis as for new facilities) are satisfied first, and only excess capacity is used for this purpose; and
 - C. The Village Board approves such use.

6. Other uses not specifically listed above shall furnish such parking as required by the Village Planning Board. The Village Planning Board shall use the above requirements as a guide for other uses.
 - C. **CALCULATION OF REQUIRED SPACE.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If a portion of floor area, not less than one hundred (100) contiguous square feet in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, such space may be deducted in computing parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this law.

- D. **JOINT USE OF FACILITIES.** The off-street parking requirements of two 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 any point of 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. **LOCATION OF PARKING FACILITIES.** Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not farther than two hundred fifty (250) feet from the building or use they are intended to serve, measured in a straight line from the building. The burden of proving the existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking.
- F. **USE OF COMMERCIAL PARKING LOTS.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- G. **PARKING, FRONT YARD.** Unless otherwise provided, required parking and loading spaces shall not be located in any required front yard, except in the case of single or two-family dwelling, but such space may be located within a required side or rear yards. Parking located in a rear yard will be given preference.
- H. **DEVELOPMENT AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING.** Every parcel of land hereafter used as a public or private parking area shall be developed as follows:
1. An off-street parking area for more ~~then~~-than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge, or planting, on each side which adjoins property situated in a residential area or premises, or any school or like institution.
 2. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directory upon any adjoining property.
 3. Except for single-family and duplex dwelling, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering with a road or right-of-way.

4. In a multiple residence development, parking shall be so distributed as to service the individual units. There shall be no more than two hundred (200) feet between care and door. Parking lots should be kept small and in other ways broken up into smaller units through provision of islands and plantings. Parking spaces should not run continuous more than ten (10) adjacent spaces.
5. Single, large parking areas should be avoided and instead, the lots should be broken into smaller units through the provision of islands and plantings. The design shall reflect the difference between through aisles for the relatively unobstructed conduct of traffic through the area and interior aisles for the purpose of providing access to the individual parking stalls. Provision for safe and direct pedestrian movements from the parking areas to the buildings shall be required.
6. Parking shall be screened from highways and residential areas with evergreen landscaping, low berms, and/or opaque fences or walls.

§ 280.104 OFF-STREET LOADING

- A. **DIMENSIONS FOR OFF-STREET LOADING BERTHS.** Each required loading berth (open or enclosed) shall have the following minimum dimensions: 55 feet long, 12 feet wide, and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and 8 feet high.
- B. **LOCATION OF REQUIRED BERTHS.** All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking areas except in business districts. Off-street parking areas where they exist may be used for loading or unloading, provided that such spaces shall not be used for more than three (3) hours during the daily period that the establishment is open for business.
- C. **LANDSCAPING.** All loading berths that abut a residential lot line, shall be screened by a six-foot high solid masonry wall, or compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property. All loading areas and landscaping shall be properly maintained thereafter in a sightly and well-kept condition.
- D. **REQUIREMENTS.**

<u>Use</u>	<u>Gross Floor Area (Square feet)</u>	<u>Unloading Berths</u>
Retail Stores, Wholesale Establishments	3,000 to 15,000	1
	15,001 to 40,000	2