

TOWN OF WESTMORELAND
LOCAL LAW NO. 1 of the year 2021

Section I. Authority

Be it enacted by the Town of Westmoreland Town Board as follows: pursuant to sections 261-265 of the Town Law and section 20 of Municipal Home Rule Law of the State of New York, which authorize the Town Board to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

Section II. Purpose

The promulgation of these amendments to the Zoning Ordinance of the Town of Westmoreland was prompted by an ongoing effort of the Town Board in conjunction with the Joint Zoning Board of Appeals/Planning Board to make the zoning regulations more consistent with the current state and growth of the Town of Westmoreland while at the same time, protecting the integrity and fabric of the Town.

Section III.

Section 180-2 “Definitions” shall be amended to remove the words “and includes swimming pools” from the definition of Accessory Use or Building.

Section IV.

Section 180-5 “Application of regulations” shall be amended to add a new subsection (D) which shall read “There shall be no more than one primary residence on any one lot/parcel of land.”

Section V.

Section 180-14 “Accessory buildings and uses” shall be replaced in its entirety with the following:

- A. There shall not be more than two accessory buildings to the residential lot, except that agricultural operations shall not be subject to such provisions.
- B. Accessory buildings or uses shall require a permit to be issued prior to their initiation as elsewhere required in these Zoning ordinances with the following exceptions:
 - 1. 400 total square feet of accessory buildings shall be allowed on a lot that is one acre in size or less.

2. 1,200 total square feet of accessory buildings shall be allowed on a lot that is between one to two acres in size.
 3. 2,400 total square feet of accessory buildings shall be allowed on a lot that is between two and five acres in size.
 4. 4,000 total square feet of accessory buildings shall be allowed on a lot that is five acres or greater in size.
- C. Accessory buildings, including but not limited to garages, carports, storage sheds, pavilions, lean-tos, pole barns and greenhouses must be located behind the front building line of the principal structure on the lot. Accessory buildings may not contain living space for temporary or permanent human habitation.
- D. Maximum height of accessory buildings shall be one story or 25 feet, whatever is less.
- E. Accessory buildings in residential districts, which are not attached to a principal building, may be erected within the side or rear yard a minimum of 10 feet from the side or rear lot line.
- F. When an accessory building is attached to the principal building, it shall comply in all aspects with the requirements of these Zoning ordinances applicable to principal buildings.
- G. Accessory buildings in business or industrial districts shall comply with front, side and rear yard requirements for the principal building to which they are an accessory.
- H. No accessory building or structure shall be permitted on a parcel/lot without the presence of an approved dwelling structure.

Section VI.

Section 180-23 "Accessory buildings and uses" shall be replaced in its entirety with the following:

- A. There shall not be more than two accessory buildings to the residential lot, except that agricultural operations shall not be subject to such provisions.

B. Accessory buildings or uses shall require a permit to be issued prior to their initiation as elsewhere required in these Zoning ordinances with the following exceptions:

1. 400 total square feet of accessory buildings shall be allowed on a lot that is one acre in size or less.
2. 1,200 total square feet of accessory buildings shall be allowed on a lot that is between one to two acres in size.
2. 2,400 total square feet of accessory buildings shall be allowed on a lot that is between two and five acres in size.
3. 4,000 total square feet of accessory buildings shall be allowed on a lot that is five acres or greater in size.

C. Accessory buildings, including but not limited to garages, carports, storage sheds, pavilions, lean-tos, pole barns and greenhouses must be located behind the front building line of the principal structure on the lot. Accessory buildings may not contain living space for temporary or permanent human habitation.

D. Maximum height of accessory buildings shall be one story or 25 feet, whatever is less.

E. Accessory buildings in residential districts, which are not attached to a principal building, may be erected within the side or rear yard a minimum of 10 feet from the side or rear lot line with the exception of barn, stable, poultry houses, kennels or other animal or farm structures which must be 25 feet from the side or rear lot line.

F. When an accessory building is attached to the principal building, it shall comply in all aspects with the requirements of these Zoning ordinances applicable to principal buildings.

G. Accessory buildings in business or industrial districts shall comply with front, side and rear yard requirements for the principal building to which they are an accessory.

H. No accessory building or structure shall be permitted on a parcel/lot without the presence of an approved dwelling structure.

Section VII.

Section 180-32 "Accessory buildings and uses" shall be replaced in its entirety with the following:

- A. There shall not be more than two accessory buildings to the residential lot, except that agricultural operations shall not be subject to such provisions.
- B. Accessory buildings or uses shall require a permit to be issued prior to their initiation as elsewhere required in these Zoning ordinances with the following exceptions:
 - 1. 400 total square feet of accessory buildings shall be allowed on a lot that is one acre in size or less.
 - 2. 1,200 total square feet of accessory buildings shall be allowed on a lot that is between one to two acres in size.
 - 2. 2,400 total square feet of accessory buildings shall be allowed on a lot that is between two and five acres in size.
 - 3. 4,000 total square feet of accessory buildings shall be allowed on a lot that is five acres or greater in size.
- C. Accessory buildings, including but not limited to garages, carports, storage sheds, pavilions, lean-tos, pole barns and greenhouses must be located behind the front building line of the principal structure on the lot. Accessory buildings may not contain living space for temporary or permanent human habitation.
- D. Maximum height of accessory buildings shall be one story or 25 feet, whatever is less.
- E. Accessory buildings in residential districts, which are not attached to a principal building, may be erected within the side or rear yard a minimum of 10 feet from the side or rear lot line with the exception of barn, stable, poultry houses, kennels or other animal or farm structures which must be 25 feet from the side or rear lot line.

- F. When an accessory building is attached to the principal building, it shall comply in all aspects with the requirements of these Zoning ordinances applicable to principal buildings.
- G. Accessory buildings in business or industrial districts shall comply with front, side and rear yard requirements for the principal building to which they are an accessory.
- H. No accessory building or structure shall be permitted on a parcel/lot without the presence of an approved dwelling structure.

Section VIII.

Section 180-66 "Signage" B (1) shall be replaced as follows:

"Attached to the building wall signs shall not exceed one square foot of area for each one linear foot of wall space upon which surface the sign is to be erected, provided that no wall sign shall exceed 45 square feet in area and shall not extend closer than two feet from the ends of the building or roofline of the building.

When business has frontage on more than one street, there may be one conforming, wall sign on each street."

Section 180-66 "Signage" B (2) shall be replaced as follows:

"In the case of a sign or device attached to a building at a right angle and designed to be read from both sides, the one side area of sign shall not exceed 45 square feet (90 square feet in all including both sides)."

Section 180-66 "Signage" B (3) shall be replaced as follows:

"In the case of letters or devices painted on or applied to the building as to be utilized as or in place of a wall sign, the area shall not exceed one square foot of area for each one linear foot of wall space upon which surface the letters or devices painted on or applied to building, provided that area shall not exceed 45 square feet in area and shall not extend closer than two feet from the ends of the building or roofline of the building. When business has frontage on more than

one street, there may be one conforming group of lettering or device as signage attached to building facing each street.”

Section 180-66 “Signage”, Section II B (4) shall be replaced as follows:

“Free Standing Sign: In addition to signs attached to structures, there may be one freestanding sign or advertising device, upon first submitting a sign plan to and obtaining approval from the Joint Zoning Board of Appeals/Planning Board. All freestanding signs shall not exceed 90 square feet in area (45 square feet on each side) and shall not exceed 15 feet in height and may only refer to or advertise the activities of the property upon which it is located. When business has frontage on more than one street and is on a corner lot, there may be one additional confirming free standing sign or advertising device on the secondary street.”

Section 180-66 “Signage, Section II B (6) shall be replaced as follows:

“Flashing, blinking, scripting or noise emitting signs, without previous approval, are prohibited in all busines districts but for the following exception: 25% of each sign side (said side not to exceed 32 square feet in size) can be designated for single color scripting provided that the time for each screen/script change is set for fifteen seconds or longer. Signs with glaring spotlights or moving lights that create a hazard to motorists or impede the quality of life of neighboring residents are prohibited.”

Section 180-66 “Signage”, Section II B (7) shall be replaced as follows:

“An advertising display or sign upon any vehicle located on the property and visible to the public shall be regarded as a sign subject to the regulations of this Section unless the vehicle is licensed, registered, operable and regularly used in the normal course of business.

Section 180-66 “Signage”, Section II B (8) shall be replaced as follows:

“Signs must be regularly maintained, including replacement of worn parts and given regular painting and cleaning. The full number of illuminating elements

shall be kept in working condition or sign shall be turned off until it is returned to full working condition.”

Section 180-66 “Signage” Section II B shall have a new paragraph (9) to read as follows:

“All signs or advertising devices that have been identified nonconforming to this section will be required to conform when there is change in business usage, ownership or new/replacement sign. At that time, all signs will need to conform to this ordinance.”

Section 180-66 “Signage” Section II B shall have a new paragraph (10) to read as follows:

“Anyone aggrieved by -this section, seeking a sign contrary to these regulations, may seek a variance pursuant to Section 180-185.”

Section IX. Effective Date:

This local law will become effective when filed with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

A public hearing regarding this local law was held on June 14, 2021 at 6:15 pm, immediately followed by a regularly scheduled meeting of the Westmoreland Town Board, wherein it was motioned by Councilperson Seymour and seconded by Councilperson Hebbard to approve the legislation, after which it was a unanimous vote in favor of said motion, with all board members being present.

Sworn to and certified by the Town Clerk, this 24th day of June, 2021.


Jody Burdick, Town Clerk