

TOWN OF WESTMORELAND
LOCAL LAW NO. 1 of the year 2016

Section I. 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 Planning and Zoning Boards 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 II. Section 180-66 shall be replaced in its entirety with the following section entitled “Signage” and shall read as follows:

- A. In the residential districts R1, R2, R3 and R4, signage shall be permitted in connection with the permitted uses in these districts, referring only to the use of the premises or activities carried on within the confines of the premises and in accordance with the following restrictions/requirements:
1. With the exception of customary agricultural operations *, all free standing signs in any residential district shall not exceed 9 square feet in area and shall not be located closer than half of the front yard setback. All non-temporary signage requires a signage permit obtained from the Codes Office. All signs shall not exceed 6 feet in height and be kept in a safe and neat condition.
 - * Customary Agricultural operations located in residential districts may display free standing sign not to exceed 32 square feet.
 2. No permanent or temporary sign shall be placed in public highway right-of-way or public property without written authorization from the permitting agency or entity responsible for operation and maintenance of the public property or right-of-way.
 3. Flashing, blinking, scripting or noise-emitting signs are prohibited in R1, R2, R3, and R4 residential districts. Signs with glaring spotlights that create a hazard to motorists or impede the quality of life of neighboring residents are also prohibited in said districts. .

4. Permitted in all residential districts shall be one sign advertising the sale or rental of the property on which it is located.
- B. In the Business Districts B1, B2, ID and Planned Development District, one sign shall be permitted for each business conducted on the premises. Unless previously approved or required by a site plan review. If the sign or advertising device is attached to the building, it is subject to the following conditions:
1. The area of the sign shall not exceed 32 square feet. When the business has frontage on more than one street, there may be one sign of 32 square feet on each street.
 2. In the case of a sign or device attached to a building (not to exceed 32 square feet) at a right angle and designed to be read from both sides, the one side area of sign only be counted as square footage.
 3. In the case of letters or devices painted on or applied to the building, the area of the sign shall be defined as that required to circumscribe all such letters or devices and shall not exceed 32 square feet.
 4. 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 Westmoreland Planning Board. All freestanding signs shall not exceed 64 Square feet in area and not to exceed 15 feet in height.
 5. Portable or temporary signs on the exterior of the structure or on the premises are permitted up to a maximum of 14 days. All signs that exceed 14 days will be removed by the Codes Office. This includes banners, pennants and the like. The exception is signs placed on a premises or building during a construction period. These signs may not exceed 9 square feet and are allowed until the completion of the construction.
 6. Flashing, blinking, scripting or noise-emitting signs, without previous approval, are prohibited in all business districts. Signs with glaring spotlights that create a hazard to motorists or impede the quality of life of neighboring residents are also prohibited in said districts.

7. All signs or advertising devices that have been identified non-conforming to this ordinance 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.
8. Anyone aggrieved by this section, seeking a sign contrary to these regulations, may seek a variance pursuant to Section 180-185.

Section III. A new Section entitled 180-73 shall be added entitled “Fencing” and shall read as follows:

Universal Requirements:

Unless previously approved or required by a site plan review:

- A. All fences shall first require a permit from the Codes Office.
- B. All fences shall maintain a 3 feet minimum side and rear set back.
- C. No fence, wall, or landscape structure grading or drainage activity shall cause a diversion of drainage to adjoining public or private property.
- D. The decorative or finished side of a fence, wall or landscape structure shall face outward from lot.
- E. No fence, wall or landscape structure shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic.
- F. All fences, walls, or landscape structures that have been identified non-conforming to this ordinance will be required to conform when a major repair or replacement of fence, wall, or landscape structure is required. At that time all new fence, wall, or landscape structures will need to conform to this ordinance. A new permit from the Codes Office will be required.
- G. **Fences in R1,R2,R3 and R4 districts, where front yard is required:**
No fence, wall, or landscape structure more than 7 feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right of way lines and a straight line joining said lines at points 20 feet distance from point of intersection, measured along said right of way lines.

H. **Fences in Customary Agricultural Operations:** All barbed wire and other fences in customary agricultural operations for the purpose of fencing a field, pasture, enclose crops, livestock, other agricultural uses or woodlots are exempt from this ordinance. Such fence may be constructed and maintained on the property line as long as it does not encroach on an adjoining landowner's property.

I. **Fences, Walls, and Landscape Structures in R1, R2, R3, and R4**

General Lot: All universal requirements shall apply.

J. **Fences, Walls and Landscape Structures in B1, B2, ID, and Planned**

Development: All require a permit from the Codes Office. The yard requirements of this ordinance shall not prohibit any necessary retaining fence, wall or landscape structure provided that in B1, B2, ID, and Planned Development Districts, height, side and rear setbacks will be finalized during the Site Plan Review with the guide lines that no fence, walls or landscape structures exceed 20 feet in height. On a corner lot in B1, B2, ID, and Planned Development District where a front yard is required no fence, wall or landscape structure more than 7 feet in height shall be erected, placed or maintained so to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right of way lines and a straight line joining said lines at points 20 feet distance from point of intersection, measured along said right of way lines. The decorative or finished side of and fence, wall or landscape structure shall face outward from lot. All fences, walls or landscape structures that have been identified non-conforming to this ordinance will be required to conform when there is change in business usage, ownership or new/replacement fence, wall or landscape structure. At that time all new fence, walls or landscape structures will need to conform to this ordinance.

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

Section IV:

A new Section entitled 180-74 shall be added entitled "Trees/Hedges" and shall read as follows:

- A. **Hedges & Trees in R1, R2, R3, and R4 Districts:** Hedges and Trees located in the front of a home cannot encroach the right away and fence/hedge growth should be maintained and not to exceed a minimum of 3' from the property lines.
- B. **Hedges & Trees in B1, B2, ID, and Planned Development:** All require a permit from the Codes Office unless previously approved or required by a site plan review. The yard requirements of this ordinance shall not prohibit any necessary hedge or tree provided that in B1, B2, ID, and Planned Development District. Height, side, and rear setbacks will be finalized during the Site Plan Review with the guide lines that no hedges or trees exceed 20 feet in height and maintain a 3 feet minimum side and rear set back. On a corner lot in B1, B2, ID, and Planned Development District where a front yard is required no hedge or tree more than 7 feet in height shall be erected, placed or maintained so to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right of way lines and a straight line joining said lines at points 20 feet distance from point of intersection, measured along said right of way lines. All hedges or trees that have been identified non-conforming to this ordinance will be required to conform when there is change in business usage, ownership or new/replacement hedge or tree. At that time hedges or trees will need to conform to this ordinance.
- C. Anyone aggrieved by this section may seek a variance pursuant to Section 180-185.

Section V.

An additional definition shall be added to Article 1, 180-2, Definitions entitled "Landscaping/Landscaping Structures" with the following definition: The planning, laying out and changing/construction of gardens/lawns and addition of plants and related materials for the purpose

of enhancing the appearance of a property. ,

Section VI.

Section 180-69 69 (A)(5), having do with parking spaces for stores, is hereby omitted. In its place, as the new (A)(5) shall be:

Apartment Houses: There shall be one off-street parking space for each dwelling unit.

Section VII.

All references and regulations pertaining to signage not contained in the new section 180-66 entitled "Signage" including are hereby omitted.

Section VIII.

A new section entitled "Square Footage" 180-31(2) shall be added which reads as follows:

Each house hereafter erected in an R1, R2, and R3 District shall have a minimum floor area, exclusive of attached garage, on the ground level enclosed by the main walls of such house of 1040 square feet for a one story house and 780 square feet for a house having more than one story.

Section IX. Effective Date: This local law shall take effect immediately subject to this law being filed with the Secretary of State.