

ARTICLE 10  
**DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS**

**Sec. 10.0. General.**

The planning board, in reviewing a site plan, shall take into consideration the prospective character of the development and require that improvements be designed to be consistent with reasonable protection of the public health, safety, or welfare. The code enforcement officer shall ensure compliance with this article and any other applicable laws, articles or sections.

**Sec. 10.1. Lots and blocks.**

10.1.1 Lot size and arrangement. The dimensions and arrangements of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing access to buildings on such lots or in securing building permits to build. In general, side lot lines shall be at right angles or radial to street lines, unless a variation from this can be shown to result in a better plan.

**Sec. 10.2. Streets, roads, and sidewalks.**

Street systems shall be designed with due regard to the needs for: Convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; patrolling by the police department; and stormwater drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable.

10.2.1 Streets and roads. All streets and roads shall be constructed in conformance with specifications set forth by the director of public works of the city.

10.2.2 Sidewalks. It is the policy of the city to encourage the building of sidewalks. Location of sidewalks generally shall be within the right-of-way of public streets and pedestrian access easements. Sidewalks shall conform to specifications set forth by the director of public works of the city.

**Sec. 10.3. Off-street parking requirements.**

10.3.1 General requirements.

1. Parking shall not be permitted in front yards except following site plan review as provided for in article 9 of this zoning law. Under any circumstances, a minimum four-foot wide planting strip shall be provided between the adjacent sidewalk or public right-of-way and any permitted parking area.
2. It shall be the responsibility of the owner of a property to provide the total number of off-street parking spaces required by this law for any uses which are enlarged, erected or structurally altered after the effective date of this law.
3. A parking space shall be a minimum of nine feet by 20 feet, exclusive of parking aisles and driveways appurtenant to and giving access thereto.
4. An area containing one or more parking spaces shall have direct access to a public street or alley.

5. No exit or entrance drive connecting a parking area and a street shall be permitted within 30 feet of the intersection of two public rights-of-way.
6. Where appropriate, the planning board may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the proposed uses be equitably treated.
7. In stadiums, theaters, churches, and other places of assembly, in which patrons or spectators occupy benches, pews, or other similar seating facilities; each 20 inches of such seating facilities shall be counted as one seat.
8. The outdoor lighting of off-street parking lots shall be designed to shield adjacent properties from glare.
9. If the uses, structures or parcels for which parking is provided are under separate ownership, the right to joint use of parking spaces shall be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use. Upon application by an owner or owners, the zoning board of appeals may, without requiring a variance, authorize the joint use of parking facilities upon a finding that up to 50% of the parking spaces required for a specified use which is primarily a daytime activity may be used to satisfy the parking requirements for a specified use which is primarily an evening activity. Applicants seeking such authorization shall submit written documentation justifying their requests.
10. Off-street parking lots in residential areas shall be restricted to passenger vehicles only. The use of off-street parking lots in residential areas for the parking or storage of trucks, house trailers, mobile homes, utility trailers or other motorized equipment not of a residential passenger carrying nature shall be prohibited.

10.3.2 Required off-street parking spaces. The minimum number of parking spaces required shall be determined by the number or amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings, uses or structures, or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures, as follows:

1. Single-family dwelling unit—Two spaces per unit.
2. Two-family dwelling—Two spaces per unit.
3. Townhouses or multi-family dwelling unit—One-and-one-half spaces per one-bedroom unit; two spaces per two-bedroom unit; and 2 1/2 spaces per three-bedroom unit. Any den or similar room capable of being used as a bedroom shall be deemed to be a bedroom.
4. Home occupation—One space for each person or employee engaged in any home occupation.
5. Hospitals, nursing homes—One space for each employee on major shift plus 0.25 spaces per bed.
6. Bed and breakfasts, inns—One space for each bedroom within the facility.

7. Motels/hotels—One space for each unit plus one space for every four employees plus one space per 150 square feet net area of restaurants and assembly rooms.
8. Offices—A minimum of one space is required, plus one space for each 300 square feet of gross floor area over 1,000 square feet.
9. Retail establishments, veterinary hospitals, banks, and related commercial establishments of a personal service nature—A minimum of one space is required, plus one space for each 200 square feet of gross floor area over 1,000 square feet, plus one space per employee.
10. Restaurants—One space for each 150 square feet of customer floor area.
11. Conference/convention centers, commercial recreation, private membership clubs—One space for every 150 square feet of public assembly space.
12. Roadside stands—One space for every 100 square feet area devoted to selling or display.
13. Nursery and elementary schools—One space per employee plus one additional space per classroom.
14. High schools and colleges—Five spaces for each classroom.
15. Churches or places of worship, auditoriums, theaters—One space for every four seats.
16. Industrial uses.
  - a. One space for each 800 square feet of floor area devoted to manufacture including printing, publishing, and laundry or dry cleaning plants.
  - b. One space for each 1,500 square feet of floor area devoted to storage or stationary operating equipment.
  - c. One space for each 3,000 square feet of area devoted to outside storage, including used car lots and equipment rental or sales yards.
  - d. For any industrial use, one space for each company vehicle.
17. Funeral homes a minimum of 10 spaces for each establishment, plus one space for each 150 square feet of gross floor area over 1,000 square feet.

10.3.3 Calculation of required parking spaces. In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit joint use of parking areas or other modifications. Whenever a major fraction of a space is required, a full space shall be provided.

10.3.4 Dimensions for off-street automobile parking spaces and lots. Every such space provided shall be at least nine feet wide and 20 feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:

1. Parallel parking: Five feet end to end with twelve-foot aisle width for one directional flow and twenty-four-foot aisle width for two directional flow.
2. Thirty-degree parking: Eleven-foot aisle width for one directional flow and twenty-four-foot aisle width for two directional flow.
3. Forty-five-degree parking: Thirteen-foot aisle width for one directional flow and twenty-four-foot aisle width for two directional flow.
4. Sixty-degree-parking: Eighteen-foot aisle width for one directional flow and twenty-four-foot aisle width for two directional flow.
5. Perpendicular parking: Twenty-four-foot aisle width for one directional and two directional flow.
6. For the purpose of computing the area necessary for required off-street parking, 350 square feet of unobstructed net area shall be considered one parking space, unless the code enforcement officer certifies that the layout and design of the parking area are adequate to permit safe and convenient access and maneuvering despite a lesser square footage of net area.

#### 10.3.5 Location of required parking spaces.

##### 1. Residential Districts (R1, R2, and R3) and Residential Transition (RT)

###### District:

- a. Required automobile parking spaces shall be provided on the same lot as the residence. This space shall be graded for parking use and readily accessible from the street.
- b. Open parking areas may encroach on any required side or rear yard to within three feet of a property line except that in existing lots with sixfoot side yards and in the Residential Transition District, required parking spaces may, upon approval of the planning board, extend to the side and/or rear lot lines.

##### 2. Commercial Districts (CC and GC), Waterfront Conservation (WC) and Industrial District (I) and General Industrial District (I2):

- a. Required parking spaces shall be provided on the same lot as the business, residential, institutional or industrial use, or not more than 400 feet distant from them.
- b. Where such parking is situated adjacent to a residential use it shall be set back a minimum of six feet from the residential lot line, and an adequate landscape buffer in conformance with section 10.17 shall be provided within such setback area.
- c. Notwithstanding the requirements of subsection 2a. above, required parking spaces to serve adult uses shall be provided on the same lot as the use said parking is proposed to serve.

10.3.6 Off-street parking waiver. Off-street parking requirements may be waived in whole or in part upon finding by the zoning board of appeals that:

1. Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use, or
2. Evidence of satisfactory off-site parking arrangements has been documented.

10.3.7 Construction of parking areas. All off-street parking areas, with the exception of those for single family residences, shall meet the following construction standards:

1. Be paved with a suitable all-weather, dustfree surface. The individual spaces shall be visibly marked with paint or other durable material.
2. Be provided with wheel stops to keep parked vehicles within proper boundaries.

10.3.8 Landscaping. At least 10% of the area of a lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened adequately, as set forth in section 28-243, from adjoining properties. All parking areas and landscaping shall be properly maintained thereafter in a sightly and well-kept condition.

#### **Sec. 10.4. Off-street loading and unloading requirements.**

In all districts, wherever a lot or structure which is to be occupied by manufacturing, commercial, business or other similar uses requires the receipt and distribution by vehicles of materials or merchandise, there shall be provided and maintained, on said lot, off-street loading berths shall be located in such a way as not to unreasonably interfere with the movement of people and vehicles on public ways. The planning board may allow use of a public alley to satisfy loading berth requirements.

10.4.4[1] Landscaping shall be as required in section 10.3.8.

#### **Sec. 10.5. Accessory building and uses. [L.L. No. 42-00, §§ 1, 2, 6-27-2000]**

10.5.1 Accessory buildings. Accessory buildings not attached to principal buildings shall comply with the following:

1. Accessory buildings 100 square feet or more in size shall require a building permit.
2. Accessory buildings shall only be located on the same lot as the principal use stated in the density control schedule.
3. Accessory buildings shall only be located in a rear or side yard in compliance with the following minimum requirements:

a. R1, R2, R3, RT, CC, GC, WC Districts:

(1) For buildings greater than 100 square feet

Side yard: Minimum six feet.

Rear yard: Minimum six feet.

(2) For buildings less than 100 square feet.

Side yard: Minimum three feet.

Rear yard: Minimum three feet.

(3) "I" Districts:

Side yard: No minimum.

Rear yard: No minimum.

b. Where any district abuts an existing residential use and/or a residential district, any accessory building shall be located a minimum of 1/2 the distance specified in the density control schedule for principal structures.

4. Accessory buildings shall not be located closer than five feet to the principal building.

10.5.2 Accessory uses. In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as the principal structures, shall not be located in front yard on such lots; and shall be located not less than six feet from any lot line and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.

10.5.3 Where 50% or more of the lots in a block are occupied by buildings which have yard, coverage or setback dimensions which are different than those required under this chapter, the average yard dimensions, coverage and setbacks shall determine the requirements for any new accessory building or use within the block. Or, where no standard block exists the word "block" as used above shall be interpreted to mean those structures within 250 feet of either side of the lot in question, on the same side of the street. The average set-back shall be based on no fewer than two similar uses.

#### **Sec. 10.6. Driveway standards.**

10.6.1 Portions of driveways which lie within public rights-of-way shall be constructed in conformance with specifications set forth by the director of public works of the city.

10.6.2 All work and materials shall be furnished as required to meet specifications set forth by the director of public works of the city and county and state highway departments.

10.6.3 No alteration or addition shall be made to any portion of a driveway lying within a public-right-of-way without first securing permission from the director of public works.

10.6.4 No more than two driveways to a single commercial establishment entering on one street shall be permitted.

#### **Sec. 10.7. Fences and walls.**

Fences and walls are permitted as follows:

10.7.1 Where a driveway meets a street, no hedge, wall or other planting shall be installed and maintained which exceeds 2 1/2 feet in height for a distance of eight feet from the public right-of-way.

10.7.2 The minimum clear vision distance at a street intersection shall be 30 feet measured from the intersection along the lot lines of the lot.

10.7.3 Fences, walls, hedges or screen plantings may be required, as specified elsewhere in this Law for multi-family, commercial or industrial uses, as is necessary to protect the residential quality of adjacent property.

10.7.4 Fence and wall regulations.

1. Residential districts—Maximum height of four feet shall be allowed for fences and/or walls located in a front yard at a street intersection; any fences or walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with subsection 10.7.5.

2. Business and industrial districts—There shall be no restrictions, except that any fence or wall located on a residential lot line or district boundary shall be limited to four feet in height at the property line or a maximum of six feet if located a minimum of six feet from the property line and that fences and walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with subsection 10.7.5.

10.7.5 The clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three feet in height measured from the top of the street pavement, unless such plantings have all branches and foliage removed to a height of eight feet above the finished grade.

#### **Sec. 10.8. Steep slopes, storm drainage, erosion and sediment control and environmental protection.**

The City of Olean includes areas of steep slopes which are herein defined as slopes equal to or greater than 10%. Development in areas of steep slopes shall conform to specifications developed by the director of public works of the city.

The provisions and requirements of this law shall not be a substitute for the applicable provisions and requirements of the State Environmental Quality Review Act of New York State.

#### **Sec. 10.9. Design.**

Every effort should be made to preserve unique physical features such as historic landmarks, stream banks, forested areas, natural lookouts, desirable views of the hills and mountains which surround the city as well as other major natural features, rock outcroppings and other unique

natural features of the city environment. Storm drainage, erosion and sediment control shall conform with specifications set forth by the director of public works of the city.

#### **Sec. 10.10. Open space, parks and playgrounds.**

The planning board may, as a condition of site plan approval, require that specific areas be designated for recreational purposes. Such designation shall depend upon the magnitude and character of the project, and accessibility to existing public recreational areas. All lands proposed for park or recreation purposes shall meet the following minimum standards.

10.10.1 Such lands shall either be deeded to the city or be held in corporate ownership and maintained by an established organization.

10.10.2 Such lands shall have locational and physical characteristics which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimizing hazards and vehicular traffic conflict for children walking between such facilities and their homes in the neighborhood.

10.10.3 Any such area shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.

10.10.4 A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least 2,000 square feet in size with appropriate play structures and activity areas.

10.10.5 The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

#### **Sec. 10.11. Utilities.**

10.11.1 Provision for water supply, sanitary sewer systems and electrical, telephone and other utilities shall conform to specifications set forth by the director of public works of the city.

10.11.2 Utility easements. An easement shall be provided for all utility lines wherever those utility lines do not fall within a dedicated right-of-way. All utility easements shall be plotted on the site plan submitted to the planning board. Utility easements shall have a minimum width of 10 feet. All utility lines which are primarily intended to provide service to the lots within a subdivision shall be installed underground at a depth and at such locations as will minimize risk of interruption of services.

10.11.3 Additional easements. The planning board shall have the right to require additional easements when the purposes of the easements are found to be in the public interest.

#### **Sec. 10.12. Industrial district regulations.**

10.12.1 Design standards.

1. General standards. The following general standards are hereby adopted for the control of any industrial use:



- a. Smoke shall not be emitted when the shade of such smoke is darker than No. 2 on the Ringelmann's Scale for Grading the Density of Smoke published by the U.S. Bureau of Mines.
- b. Noise levels shall not exceed 90 dba measured at the boundaries of the lot occupied by such use causing the same.
- c. Discharge of effluent into any sanitary sewer system shall not occur except in accordance with the provisions of the Code of the City of Olean.
- d. Open storage or stacking of any hazardous waste materials shall be in accordance with the standards of the New York State Department of Environmental Conservation.

2. Specific standards. The following specific standards are hereby adopted and must be complied with, for any use in any industrial district and before the same be permitted, established, maintained or conducted:

- a. Storage facilities. Materials, supplies, or semi-finished products shall be screened wherever possible in conformance with section 10.17.
- b. Wherever possible, provisions for handling of all freight shall either be on those sides of any building which do not face on any street or proposed streets or be suitably screened therefrom.
- c. \_\_\_\_\_
  - (1) Buffers from residential use districts. All principal buildings shall be set back from any lot lines abutting a residential use district a minimum distance equal to twice the required yard depth within the residential use district. Such buffer shall be landscaped in accordance with section 10.17.
  - (2) Landscaping. All areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises, and the nature and condition of the terrain, as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises, and shall be provided in conformance with section 10.17.
- d. Off-street parking and loading. Shall conform to sections 10.3 and 10.4.
- e. Signs. Shall conform to the requirements of article 11, Signage.
- f. Utilities. All water and sewer facilities shall be designed and installed according to city standards as per section 10.11.

10.12.2 Most stringent standards to govern. In the event that there is an inconsistency between subsections 10.12.1(1) and 10.12.1(2) and any other section of this law, the more stringent regulations shall be applicable.

10.12.3 Design standards for the Special Industrial District (13).

1. Building construction. In order to protect the investment that both public and private entities have made, the overall appearance of any proposed structure shall be reviewed and approved by the Urban Renewal Agency (URA). The design, materials and colors of any proposed buildings will be considered in this review. The standards located elsewhere in this zoning law will govern the overall size and lot coverage of any proposed development.
2. Utilities. All utility services shall be provided underground.
3. Driveways, loading and parking areas. All driveways, loading and parking areas shall be paved with asphalt or concrete. Parking for employees and for any commercial vehicles shall be placed to the side or rear of any proposed development. No on-street parking shall be permitted. Loading facilities shall be restricted to the sides or rear of buildings. Requirements for the sizes and number of parking spaces are located elsewhere in this zoning law.
4. Landscaping. All undeveloped areas, that is areas without buildings, parking or storage areas, shall be planted and maintained as green space. The undeveloped areas between any proposed building and the street frontage shall be graded and seeded to provide a uniform grass area. Existing trees on the site that are 12 inches in diameter measured 4 1/2 feet from the ground shall be retained, if feasible. At the time a building permit is applied for, landscaping plans shall be submitted to the URA.
5. Outdoor storage. Any outdoor storage area shall be restricted to the side or rear of proposed buildings, and must be approved by the URA. Any proposed outdoor storage area shall be screened by a fence and/or shrubbery to the satisfaction of the URA prior to any storage area being established.
6. Regulations on odor, smoke and noise. If the URA believes that any proposed development may have a detrimental effect due to any potential odor, smoke or noise emission, the applicant may be required to provide sufficient mitigating procedures prior to URA approval of such project.
7. Signs and lighting. Signs shall be limited to those identifying the occupants of the building and shall be of permanent weatherproof material.

If affixed to the facade of the building, signs shall be of a design and character in keeping with the architecture of the building and shall not exceed 10% of the area of the exposed facade or 120 square feet in total gross area, whichever is the smaller. If freestanding, signs shall be located a minimum of 30 feet from the front property line and 20 feet from the side property line. Signs shall not exceed five feet in height, measured from the ground, and shall have a minimum of two feet of clearance, measured from the ground. In no case shall a freestanding sign exceed 45 square feet in total gross area.

Illumination of all signs shall be of a nature that will provide continuous illumination of a non-flashing nature. Every effort shall be made to insure that the concentration of the illumination is focused on the sign and does not fall off-site.

8. Local, state and federal regulations. It shall be the expressed responsibility of any owner and/or tenant of land purchased or leased from the Urban Renewal Agency to be in compliance with all local, state and federal environmental regulations.

9. Maintenance. All buildings and property shall be maintained to present a neat and orderly appearance at all times. All waste, scrap, refuse, empty containers

and cartons shall be stored in suitable containers.

10. Earthmoving, cutting and filling. In an effort to minimize the costs of development and to improve certain properties for future development, any excess fill shall be deposited on URA property as approved by the URA. Any fill material brought into the site must receive prior approval from the URA.

### **Sec. 10.13. Home occupation.**

10.13.1 A home occupation shall conform to the following standards which shall be minimum requirements:

10.13.2 No more than 25% of the total floor area of a dwelling unit or 500 square feet, whichever is the lesser, may be used for such use.

10.13.3 The use shall be carried on wholly within the enclosed walls of the dwelling unit or an accessory building.

10.13.4 There shall be no external evidence of such use except for one sign not exceeding two square feet in area mounted flush with and on the front facade of the dwelling unit. No stock, merchandise, equipment or displays of any kind shall be visible outside the dwelling unit or accessory building.

10.13.5 No external structural alternations which are not customary to a residential building shall be allowed.

10.13.6 The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.

10.13.7 Use that involves primarily catalogue sales or order processing and which does not involve volumes of stock or merchandise being distributed at the site may be deemed a home occupation, subject to the provisions provided such use meets the intent of all standards set forth herein.

10.13.8 Any form of business, the primary function of which is the wholesale or retail sale of goods or articles at the premises, shall be deemed a commercial use.

10.13.9 The following uses and other uses similar in character shall not be considered to meet the intent of this section:

1. Vehicle engine repair.
2. Vehicle body work.
3. Veterinary hospital, kennel.

4. Bar and restaurant.
5. Any use that is not permitted in a Type 5 (wood frame) building construction under the New York State Uniform Fire Prevention and Building Code.

#### **Sec. 10.14. Satellite TV antennas.**

No satellite television antenna of any kind may be erected or established in the city except in conformance with the standards in this section and section 4.14, "Use regulation table".

##### **10.14.1 Satellite antenna size.**

1. In residential and commercial districts:
  - a. Satellite antennas shall not exceed 10 feet in diameter.
  - b. The total height of ground-mounted antennas shall not exceed 15 feet above the ground.
2. In all other districts:
  - a. Antennas shall not exceed 16 feet in diameter.
  - b. The total height of ground-mounted antennas shall not exceed 20 feet above the ground.
3. Roof-mounted installations shall not exceed the height restrictions as set for the zoning district within which the installation is placed.

##### **10.14.2 Satellite antenna location.**

1. For any use, subject to the provisions contained herein, such antenna shall be located only in the rear yard of any lot provided that such antenna is located a minimum of five feet from any principal building and lot line measured at the outermost diameter of the antenna. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property subject to site plan approval. For purposes of this law a usable satellite signal is a satellite signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or via cable television.
2. In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the structure, provided that site plan approval is obtained prior to such installation. Such permit may be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property.

##### **10.14.3 General provisions.**

1. For all uses, satellite television antennas shall be located and designed to reduce visual impacts from surrounding properties at street level and from public streets.
2. Not more than one satellite television antenna shall be allowed on any residential lot less than 10,000 square feet in size.

3. All antennas and the construction and installation thereof shall conform to applicable building and electrical code regulations and requirements.
4. Antennas shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, windresistant manner.
5. Every antenna must be adequately grounded for protection against a direct strike by lightning.

**Sec. 10.15. Townhouse and multi-family developments.**

All townhouse and multi-family development, as permitted in section 4.14 of this law and under the provisions of the city's subdivision regulations, shall, in addition to the requirements set forth in said section and articles, conform to the following standards. These standards shall be regarded as minimum requirements:

10.15.1 Townhouse and multi-family developments shall meet the following standards:

1. Front yard—Minimum 25 feet or 10 feet per [story].

Rear yard—Minimum 30 feet or 10 feet per story.

Side yard—Minimum 10 feet (at ends of [lot]).

2. Maximum building height shall be as specified in section 6.1, "Density control schedule".
3. Maximum site coverage by all buildings and structures shall not be more than 50% of the lot area, such percentage to be calculated on the basis of the total project area.
4. Accessory buildings, including unattached garages, shall be located a minimum distance of 10 feet from any lot line and shall only be permitted in the rear or side yard.
5. Parking. Shall be in conformance with section 10.3, "Off-street parking".

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**10.16. Gasoline stations, service and repair garages, automobile sales areas.**

Where permitted, a gasoline station, service and repair garage and automobile sales area shall conform to the following standards which shall be regarded as minimum requirements:

10.16.1 Minimum lot size shall be:

1. Seven thousand five hundred square feet for a gasoline station, service and repair garage.
2. Ten thousand square feet for a combination gas station, mini-mart convenience food store.
3. Additional lot area and setbacks shall be required as deemed to be adequate by the planning board to accommodate tractor trailer servicing.

10.16.2 At least one lot frontage and width shall be a minimum of 100 feet.

10.16.3 Fuel pumps and other service devices shall be located at least 35 feet from any front lot line and 50 feet from any side and rear lot lines. This distance shall be measured from the outside edge of the fuel island.

10.16.4 All automobile parts, including tires and dismantled vehicles are to be stored within a building. Tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind a eight-foot high fence, wall or natural screen in conformance with section 10.17.

10.16.5 Accessory goods for sale may be displayed on the pump island and the building island only, if provided for in a suitable stand or rack.

10.16.6 All repair work is to be performed within a building. Automobiles waiting to be serviced or stored on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjuster inspection may be stored for a period not to exceed 90 days and must be stored in the rear of the premises and screened to the greatest extent possible.

10.16.7           Parking.

1. No vehicle shall be parked, stored or left standing within 15 feet of the street line and/or fuel pump islands.

2. Parking requirements shall be in conformance with section 10.3. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the planning board to accommodate tractor trailer delivery.

3. Where parking areas abut a residential use, they shall be screened by a buffer area no less than 10 feet in depth composed of densely-planted plant material, solid fencing, or a combination of both which, in the opinion of the planning board, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery or fences becomes decayed and fails to provide an adequate screen, the code enforcement officer may direct the property owner to replace said shrubs or fences.

10.16.8 All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained and, if lighted, shall produce no glare on adjacent properties.

10.16.9 A maximum of two driveways and curb cuts shall be permitted per lot frontage. These shall be no less than 20 and no wider than 30 feet, and located a minimum of 30 feet from any street intersection and a minimum distance of 30 feet shall be maintained between such driveways and curb cuts.

10.16.10 Parking is prohibited in front yards except as approved by the planning board as part of site plan review.

**Sec. 10.17. Buffer and landscaping requirements.**

10.17.1 Intent. The objective of this section is to ensure consideration of the physical and visual elements of land use development in the city which require, or may be improved, by buffering, setbacks and landscaping in order to enhance the appearance, screen or effectively separate different land uses and minimize impacts on adjoining uses such as dirt, litter, noise, glare and incompatible buildings or uses (such as outdoor storage, loading and parking areas). The planning board may require that a professional licensed landscape architect prepare plans under this section.

10.17.2 Buffer and landscaping techniques. The particular type of buffer and landscaping treatment shall be as determined by the planning board to meet the intent of this section. The following types of treatment may be considered:

1. Landscaping and other screening including tree planting, use of berms, and planting of shrubs designed to separate, obscure or soften an incompatible view or use.
2. Visual setting, including ground-cover and plant materials designed to stabilize the landform and provide an appropriate foreground or setting.
3. Physical separation, including setbacks from public streets or adjacent uses in combination with plant materials or features designed to separate land use types or activities.

10.17.3 Planting standards.

1. Trees. All trees shall be plant species having an average crown spread of greater than 15 feet and having trunks which can be maintained in a clean condition, free of branches from grade to five feet above grade. Trees having an average mature spread of less than 15 feet may be substituted by grouping the same so as to create the equivalent of a fifteen-foot crown. Tree species shall be a minimum of seven feet of overall height immediately after planting.
2. Shrubs and hedges. Shrubs shall be a minimum of two feet in height when measured immediately after planting. Hedges, when measured, shall be planted and maintained so as to form a continuous visual screen within two year[s] after time of planting.
3. All disturbed soil areas within a the site shall be replaced or reseeded in an appropriate fashion.
4. No landscape feature shall be erected, placed or maintained in such a manner as to interfere with clear vision and/or the safe movement of vehicular traffic.

#### **Sec. 10.18. Fast food restaurants.**

Where permitted, fast food restaurants meeting the definition of this chapter shall conform to the following standards which shall be regarded as minimum requirements.

- 10.18.1 Minimum lot size shall be 10,000 square feet.
- 10.18.2 At least one lot frontage shall be a minimum of 100 feet.
- 10.18.3 Access.

1. A maximum of two driveways and curb cuts shall be permitted on each street frontage.
2. All drives shall be no less than 20 and no wider than 30 feet in width.
3. Drives shall be located a minimum of 30 feet from any street intersection and shall maintain a minimum of 30 feet between such driveways or curb cuts.
4. Driveways shall create minimal conflict with pedestrian access to the building from the parking lots and sidewalk abutting the property.

10.18.4          Parking.

1. The number of parking spaces shall be as specified in section 28-229.
2. Parking lots shall be designed to provide pedestrian safety.

10.18.5 Landscape requirements. A landscape area equal to that portion of land contiguous to the public right-of-way and extending a depth of five feet shall be provided. Landscaping shall also be used to screen or buffer to parking, dumpsters, freezers and other accessory uses as per section 10.17.

**Sec. 10.19. Drive-in use regulations.**

Where permitted either as accessory to other permitted uses or as principal use, these facilities as defined in this law shall conform to the following standards which shall be regarded as minimum requirements.

10.19.1 All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes.

10.19.2          To the extent possible, lanes shall not cross any principal pedestrian access to the building or site.

10.19.3          Stacking or queuing requirements.

1. Fast-food restaurants. A minimum of 140 feet between start of lane to service window.
  - a. Minimum 80 feet from start of lane to order station.
  - b. Minimum 60 feet from order station to service window.
2. \_\_\_\_\_
  - a. Minimum of 100 feet from start of lane to service window.
3. Multiple drive-through lanes. The planning board may allow reductions for businesses with multiple drive-through lanes based on review of proposed traffic circulation and usage.
4. All uses shall maintain a minimum distance of 20 feet from the service window to the public right-of-way or interior parking aisles.

**Sec. 10.20. Commercial parking lots and structures.**



All commercial parking lots and structures, as permitted in section 4.14, "Use regulation table", shall conform to the following standards which shall be regarded as minimum requirements.

10.20.1 Any parking garage facade fronting on a primary street shall achieve architectural unity/compatibility with the surrounding structures that it is intended to serve.

10.20.2 A minimum of 8% of the lot area shall be devoted to landscaping which shall be provided in conformance with section 10.17.

10.20.3 Adjacent sidewalks shall be rebuilt as necessary and shall be designed to promote pedestrian safety.

10.20.4 Ingress and egress shall be designed to promote the orderly flow of traffic to and from city streets. Directional signs shall be used as necessary to ensure this flow.

#### **Sec. 10.21. Swimming pool regulations.**

A swimming pool shall not be located, constructed or maintained on any lot, except in conformity with the following requirements:

10.21.1 Such pool shall be located in a rear yard only.

10.21.2 The entire portion of the premises upon which such pool is located shall be enclosed with an impassable fence of not less than four feet in height above grade.

10.21.3 Every gate or other opening in the fence enclosing such pool shall be capable of being closed and locked.

10.21.4 Such pool shall be not less than six feet from the side and rear lot lines.

10.21.5 Such pool and/shall not occupy more than 25% of the rear yard area, after excluding all private garages or other accessory buildings or structures.

10.21.6 Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.

10.21.7 No lighting or spot lighting shall be permitted which will project light rays beyond the lot lines of the lot on which said pool is located.

10.21.8 No permit shall be issued for such pool unless the applicant can show that the proposed drainage for such pool is adequate and will not interfere with the public water-supply system, existing sewage or stormwater drainage facilities, the property of others or public highways.

#### **Sec. 10.22. Adult bookstores, adult entertainment establishments, adult cabarets, adult theaters and adult motion picture theaters.**

Where permitted, adult bookstores, adult entertainment establishments, adult cabarets and adult theaters and adult motion picture theaters, meeting the definition of this law, shall conform to the following standards which shall be regarded as minimum standards.

10.22.1 All adult uses shall be operated in a manner that is consistent with the New York State Penal Law relating to exposure, obscenity or lewdness.

10.22.2 No adult use shall be operated within 1,000 feet of:

- a. A church, synagogue or place of worship;
- b. A public or private elementary or secondary school, day care, pre-school or other uses of a similar nature;
- c. A boundary of any residence or residential district; or
- d. A public park, municipal building or community center.

10.22.3 No adult use shall be operated within 1,000 feet of another adult use.

10.22.4 For the purpose of this law, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure as part of the premises where an adult use is conducted, to the nearest property line of the premises of any of the uses specified in subsections

10.22.2a. through d. identified above or to another adult use as defined by this law.

10.22.5 No more than one adult use shall be operated on any single parcel of land.

10.22.6 No adult use shall be operated in the same building, structure, or portion thereof, which contains another adult use.

10.22.7 All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by this section shall be able to hear any activities within the building.

10.22.8 All building openings, entries, windows, doors, etc. associated with an adult use shall be located, covered or screened in such a manner as to prevent a view into the interior of the building from any public right-of-way or adjacent property.

10.22.9 No exterior sign associated with an adult use or establishment shall contain any photographic or artistic representation of the human body.

10.22.10 No adult use shall be established in any building which is used, in part, for residential purposes.

10.22.11 No residential use shall be established in any building which contains an approved adult use.

10.22.12 Prior to the commencement of any adult use, or upon transfer of ownership or control of the building or property, the premises shall be inspected by

the code enforcement officer and determined to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for an adult use and in compliance with this section.

10.22.13 Adequate landscaping shall be provided to minimize the visual impact of any structure containing an adult use on adjacent sites.

### **Sec. 10.23. Mobile home park development standards.**

Where permitted, mobile home park developments meeting the definition of this chapter shall conform to the following standards, which shall be regarded as minimum requirements.

#### **10.23.1 General requirements.**

1. Special use permits issued for the development of a mobile home park shall be for a period of up to three years. If the park owner maintains the facility in accord with the conditions established by the planning board in the approval of the original permit, the permit shall be renewable for continuing periods of up to three years.
2. No development activities shall take place and no mobile homes may be transported to the site until the planning board has granted site plan approval in accordance with section 9.1 of this law.

#### **10.23.2 Tract requirements.**

1. All mobile home parks shall be planned as an integrated unit and shall be located on a tract of land of not less than 15 acres.
2. The density of development in a mobile home park shall not exceed five units per gross acre.
3. No mobile home shall be located closer than 100 feet to any property line or street line which abuts the mobile home park.
4. No mobile home shall be located closer than 35 feet to the pavement edge of any internal street within the mobile home park.
5. Vehicular entrances and exits shall be located so as to provide an unobstructed clear site distance of not less than 300 feet in both directions along on the adjacent public road from the interior road at the point of intersection.
6. All interior roads shall be improved in accordance with the construction standards of the city.
7. Sidewalks shall be installed in accordance with the construction standards of the city along at least one side of all interior streets.
8. Each mobile home park shall set aside not less than 20% of the total acreage of the site as open space and recreation area.
9. An area of not less than 500 square feet per mobile home unit shall be provided for developed recreation use. Areas designated for recreational use shall, in the opinion of the planning board, be of adequate size and shape as to be usable for active recreation purposes.
10. No occupant of a mobile home shall operate a home occupation within a mobile home park.
11. Appropriate street lighting shall be installed on interior streets with the minimum number of lights being: One at each intersection of two interior park streets; one at the

intersection of any park street with an abutting public street; and at least one light every 200 feet where such intersections are more than 200 feet apart.

12. A landscaped screen shall be planted and maintained within each setback area required by subsection 10.23.2.3. The landscaped screen shall consist of the planting of two staggered rows of evergreen trees not more than six feet apart on center and not less than four feet in height. Such plantings shall be located no closer than 10 feet to any side or rear property lines and no closer than 25 feet to any part of the property abutting a public street. Screen plantings shall be arranged around entrances and exits so as not to interfere with sight distance or vehicular safety.

13. The display of mobile homes for sale on a mobile home park may be permitted, provided that such sales area is:

- a) Located entirely within the mobile home park and is not visible from a public street.
- b) Not located at the park entrance.
- c) Accessed by an improved asphalt, or other hard, dust-free surface and contains a minimum of six off-street parking spaces for customers.
- d) Landscaped and buffered from adjacent mobile home units and other residential areas by a dense hedge or physical features acceptable to the planning board.

14. Exposed ground surfaces in all parts of any mobile home park shall be paved, surfaced with crushed stone or other solid material, or protected with grass or other ground cover capable of preventing erosion and of eliminating objectionable dust and mud.

15. The storage, collection and disposal of solid waste shall be conducted so as to eliminate any opportunity for the creation of health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

16. If group solid waste storage areas are provided for park occupants, they shall be located not more than 300 feet from any mobile home lot or site they are designated to serve. Such areas shall be enclosed or otherwise screened from public view and shall be rodent and animal proof. Containers shall be provided. A sufficient number of containers shall be provided to properly

store all solid waste produced.

17. Electrical distribution and telephone service lines shall be installed underground and shall comply with all requirements of the utility companies serving the area.

18. All mobile home parks shall be provided with facilities for the safe storage of necessary fuels. All systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

1. Each mobile home lot or site shall have an area of at least 6,000 square feet and a minimum width of 55 feet.
2. No mobile home shall be located closer than 25 feet to another mobile home or any other structure within the mobile home park.
3. Not more than one mobile home shall be placed on any lot or site and no detached accessory structures shall be permitted on a lot or site.
4. Each lot or site shall be provided with approved connections for public water and sewer services, electricity and telephone.
5. A surfaced parking pad shall be provided on each lot or site for one mobile home and not less than one automobile.
6. At least one shade tree of not less than two inches in diameter, measured one foot above ground level, shall be planted on each lot or site.
7. Each lot or site designated for the placement of a mobile home shall front on an approved interior street.
8. Two off-street parking spaces shall be provided for each mobile home lot or site. Such spaces may be located on the individual lot or site or grouped in a common off-street parking area to serve two or more mobile home lots or sites. Off-street parking areas to serve two or more mobile home lots or sites shall be improved in accordance with the city's construction specifications.
9. No travel trailer, camper, boat, snowmobile or similar auxiliary vehicle or conveyance shall be stored on any individual mobile home lot or site. Storage space, however, may be provided within the mobile home park for auxiliary vehicles. Parking areas for the storage of such vehicles shall be improved in accordance with the city's construction specifications.

10.23.4 Lot improvement requirements.

1. Each lot or site shall be provided with a stand that will provide a firm base and adequate support for the mobile home. Such stand shall have a dimension approximating the width and length of the home and any expansions or extensions thereto. Anchored tie-downs shall be provided at least on each corner of the stand.
2. The stand area shall be graded to ensure adequate drainage. The maximum grade variance from one end of the stand to the other shall not exceed six inches.
3. Each lot or site shall have a patio with an area of not less than 200 square feet. Patios shall not be less than 10 feet in width. Patios shall be installed in accordance with the city's construction standards and located so as to provide access to the front door of the mobile home.
4. All mobile homes shall be completely skirted within 90 days of occupancy. Materials used for skirting shall provide a finished exterior appearance and shall be similar in character to the material used in the mobile home.

5. Expandable rooms and other extensions to a mobile home unit shall be supported on a stand built in accordance with the construction standards for the mobile home stand. Skirting shall be installed around the base of all such expansions or extensions.

6. Steps shall be installed at all entrance and exit doors. Such steps shall be constructed of durable, weather resistant materials and equipped with handrails.

**Sec. 10.24. Telecommunications facilities.** [Added 6-24-2015 by L.L. No. 4-2015]

10.24.1 Intent. The City of Olean recognizes the increased demand for wireless communication transmitting facilities and the need for the services they provide. Often, these facilities require the construction of a communications tower and/or similar facilities. The intent of this section is to regulate telecommunications facilities in accordance with the guidelines of the Telecommunication Act of 1996 by:

1. Accommodating the need for telecommunication towers/antennas while regulating their location and number in the community.
2. Minimizing adverse visual impacts of these towers/antennas through proper design, siting and screening.
3. Preserving and enhancing the positive aesthetic qualities of the built and natural environment in the City of Olean.
4. Avoiding potential damage to adjacent properties from tower failure, falling ice, etc., through engineering and proper siting.
5. Requiring the joint use of towers when available, and encouraging the placement of antennas on existing structures, to reduce the number of such structures in the future. No new tower may be established without proof that reasonable efforts have been made to co-locate with an existing telecommunications facility or upon an existing structure.

This Section 10.24 shall be an addition to and not replace any other federal, state, or local requirement, approval and/or consent related to a covered telecommunication facility, including, without limitation, code enforcement compliance, overlay district requirements, and design district requirements.

In the event a facility is to be located in an Industrial 3 (I3) District, Section 10.12.3 of this chapter shall be applicable in addition to this Section 10.24 as well as any other local requirements, approvals and/or consents.

10.24.2 Non-co-located/new structure antennas. An antenna that will not be mounted on an existing structure or is more than 50 feet higher than the existing structure on which it is mounted is permitted as follows:

1. WC, I, I-2, I-3 Zoning Districts: site plan and special use permit applications required. GC, CC, RT, R1, R2 and R3 Zoning Districts: Telecommunications towers are not permitted.
2. The tower must be set back a minimum of the height of the tower from all property lines and existing building(s).

3. The maximum height of a tower is 175 feet. A variance for height will be required from the Zoning Board of Appeals to exceed this height following initial review by the Planning Board.

4. All applications for telecommunications facilities shall be treated as a Type 1 action under the State Environmental Quality Review Act (SEQRA).

5. The application shall include an adequate inventory report specifying existing telecommunication facility sites and structures of height exceeding 75% of the height of the proposed tower within a one-mile radius from the proposed site if the application is for cellular telephone or personal communications use, or a five-mile radius for all other services. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.

6. The applicant must demonstrate that the proposed telecommunication facility cannot be accommodated on all existing sites in the inventory due to one or more of the following reasons:

- a. The planned equipment would exceed the structural capacity of existing and approved telecommunication facilities or other structures, considering existing and planned use for those facilities;
- b. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- c. Existing or approved telecommunication facilities or other structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
- d. Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures;
- e. The property owner or owner of the existing tower, etc., or other structure refuses to allow such co-location.

10.24.3 Special use permit application materials. An application for a special use permit shall make written application to the Planning Board. This shall include:

1. Special use permit application.
2. Site plan application forms including long-form EAF.
3. Site plan, in form and content acceptable to the City, prepares to scale and in sufficient detail and accuracy showing at a minimum:
  - a. The exact location of the proposed tower, together with guy wires and guy anchors, if applicable.
  - b. The maximum height of the proposed tower.
  - c. A detail of tower type (monopole, guyed, freestanding, or other).
  - d. The color or colors of the tower.

- e. The location, type and intensity of any lighting on the tower.
- f. The property boundaries (a copy of a property survey must also be provided).
- g. Proof of the landowner's consent if the applicant will not own the property. (A copy of a lease agreement must also be provided if the applicant will not own the property.)
- h. The location of all structures on the property and all structures on any adjacent property within 50 feet of the property lines, together with the distance of these structures to the tower.
- i. The names of adjacent landowners.
- j. The location, nature and extent of any proposed fencing and landscape or screening.
- k. The location and nature of proposed utility easements and access road, if applicable.
- l. Building elevations of accessory structures or immediately adjacent buildings.
- m. "Before" and "after" propagation studies prepared by a qualified radio frequency engineer (signed and sealed by a professional engineer registered in the State of New York) demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed telecommunications facility.
- n. A "search ring" prepared by a qualified radio frequency engineer (signed and sealed documents by a professional engineer registered in the State of New York) and overlaid on an appropriate background map demonstrating the area within which the telecommunications facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Planning Board why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for a co-located antenna(s), and to what extent the applicant explored locating the proposed tower in a more intensive use district. Correspondence with other telecommunications companies concerning co-location is part of this requirement.
- o. Proof such as a letter of intent from a provider that the proposed tower will serve a wireless telecommunications provider with a valid FCC license to provide service to the area.
- p. Map showing the applicant's entire FCC license service area and a copy of the FCC-issued license.



q. Name of maintenance company, key points of contact, addresses and phone numbers if maintenance of the communication tower and associated facilities is to be contracted out or done by someone other than the applicant or service provider. Applicant shall notify the Code Enforcement Office of any change with its maintenance company and provide appropriate contact information.

q. Planning Board, upon reviewing the application, may request reasonable additional visual and aesthetic information as it deems appropriate on a case by case basis. Such additional information may include, among other things, enhanced landscaping plans, line-of-sight drawings, and/or visual simulations from viewpoints selected by the City Planning Board. Line-of-site drawings and visual simulations are mandatory for applications.

4. General description of the proposed project, including:

a. Type of services and facilities to be provided;

b. Size of the major trading area (overall network area) within the municipality and five miles beyond licensed by the Federal Communications Commission (FCC); and

c. Size of the area to be served by this project.

10.24.4 Special use permit standards. The following criteria will be considered by the City prior to the approval/denial of a request for a special use permit, the criteria listed may be used as a basis to impose reasonable conditions on the applicant.

1. Siting preferences: The City may express a preference that the proposed telecommunications facility be located in an alternate technologically feasible and available location. A guideline for the City's preference, from most favorable to least favorable districts/property, is as follows:

a. Property with an existing structure suitable for co-location;

b. Municipal or government-owned property;

c. WC, I, I-2 and I-3 Districts.

2. Aesthetics: Telecommunications facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the Planning Board may impose reasonable conditions on the applicant, including the following:

a. The Planning Board may require a monopole or guyed tower (if sufficient land is available to the applicant) instead of a freestanding tower. Monopoles are a preferred design.

b. The Planning Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and/or to screen the tower to the extent

possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.

c. The City can request additional site plan requirements such as specially designed towers, additional screening, greater setbacks, and improved landscaping to address aesthetic concerns.

d. The City will require the applicant to show that he has made good faith efforts to co-locate on existing towers or other available and appropriate structures and/or to construct new towers near existing towers in an effort to consolidate visual disturbances.

e. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Towers shall be of a nonreflective finish, the color of which shall be subject to approval. Any lights which may be required by FAA shall not consist of strobe lights, unless specifically mandated by FAA.

f. No tower shall contain any signs or advertising devices. A small sign on the fencing shall be placed to identify the ownership of the facility and a telephone number for emergencies.

g. The applicant must submit a copy of its policy regarding co-location on the proposed tower with other potential future applicants. Such policy should allow co-location under the following conditions: (1) the new antenna(s) and equipment do not exceed structural loading requirements, interfere with tower space used or to be used by the applicant nor pose any technical or radio frequency interference with existing equipment,

(2) the party desiring to co-locate pays the applicant an appropriate and reasonable sum to co-locate, and (3) the party desiring to co-locate has a similar policy of co-location for the applicant.

3. Radio-frequency effect: The Planning Board may impose a condition on the applicant that the communication antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPA) technical exposure limits, and that the applicant provide competent documentation to support that the maximum allowed frequencies, power levels and exposure limits for radiation will not be exceeded.

4. Traffic, access and safety:

a. A road turnaround and one parking space shall be provided to assure adequate emergency service access. Maximum use of existing roads, public or private, shall be made. The use of public roadways or road rights-of-way for the siting of a tower or antenna(s) accessory structures is prohibited.

b. All towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight feet in height or otherwise sufficiently protected from trespassing or vandalism.

c. The applicant must comply with all applicable state and federal regulations including but not limited to FAA and FCC regulations.

5. Removal of tower: The applicant shall agree to remove the tower if the telecommunications facility becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months and notify the City Code Enforcement Office of its discontinued use. The Planning Board shall require the applicant to provide a demolition bond (in an amount determined by the Planning Board based on the cost of removal) for purposes of removing the telecommunications facility in case the applicant fails to do so as required above.

#### 10.24.5 Exemptions.

1. Tower and antenna(s) may be repaired and maintained without restrictions.
2. Antennas used solely for residential household television and radio reception.
3. Satellite antennas measuring two meters or less in diameter and located in commercial and industrial districts and satellite antennas one meter or less in diameter regardless of location.
4. Private-residence-mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

10.24.6 Revocation of permit. Any facility receiving a special use permit, that subsequently does not meet the requirements of that permit, shall have its permit revoked, and the tower shall be removed within 90 days of notification by the City at the owner's expense.

### **Sec. 10.25. Solar energy production facilities.** [Added 6-9-2015 by L.L. No. 3-2015]

10.25.1 Intent; zones. Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this section is to facilitate the development and operation of renewable energy systems based on sunlight. A solar energy production facility (aka major solar collection system or solar farm) shall be permitted under a special use permit in the following districts: General Commercial (GC), Industrial (I), Industrial 2 (I2), Industrial 3 (I3) and Waterfront Conservation (WC), when measures are taken, as provided in this section, to minimize adverse impacts on neighboring properties and protect the public health, safety, and welfare. This section shall pertain only to major solar collection systems or solar farms. Where other sections of the Code conflict with this section, provisions of this section shall control.

10.25.2 Definitions. As used in this section, the following terms shall have the meanings indicated:

**MAJOR SOLAR COLLECTION SYSTEM OR SOLAR FARM** — An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of

one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. MINOR SOLAR COLLECTION SYSTEM — A solar voltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source or collection, inversion, storage and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

10.25.3 Design standards for major solar collection system or solar farm.

1. The design of a major collection system or solar farm shall adhere to existing structural height requirements of the underlying zoning district. If the solar farm requires a roof mounting on buildings on the property, the roof-mounted installation may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district.
2. The design of the solar farm shall adhere to existing setback requirements of the underlying zoning district. If the solar farm will be constructed by the utilization of ground mounting, then a ground-mounting plan and process must be submitted during the special use permit application process. The ground-mounting plan may consist of standard solar manufacturer installation plans and processes for ground mounting and/or may be addressed in the applicant's site plans.
3. Systems and solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
4. System shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, balloons, flags, banners, or similar materials, with the exception of the following:
  4. Necessary equipment information, warnings, or indication of ownership shall be allowed on any equipment of the system or where required by the New York State Building Code.
  5. No system or any of its components shall be illuminated, except to the degree minimally necessary for public safety and, or maintenance and only in compliance with the City of Olean Zoning Ordinance, Article 11, Signage.
  6. All mechanical equipment, including any structure for batteries or storage cells, shall be screened and fenced from adjacent properties to restrict unauthorized access.
  7. No system shall be used or constructed such that it becomes a private or public nuisance or hazard.
  8. Stormwater and snowmelt runoff and erosion control shall be managed in a manner consistent with all applicable federal, state, and local regulations and shall not impact neighboring properties.

9. Systems which have not been in active and continuous service for one year shall be removed at the owner's or operator's expense.

10. The site shall be restored to as natural conditions as possible within six months of the removal of the system.

11. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

10.25.4 Requirements for special use permit application (in addition to Article 9, Section 9.0):

1. A recorded plat or survey of the tract on which the solar farm is to be placed.
2. Any other relevant studies, reports, certificates and approvals as may be reasonably requested by the Planning Board, including but not limited to design review, maintenance plans, etc.

10.25.5 Abandonment.

1. All applications for a solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility, prior to issuance of a building permit.
2. If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
3. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
  - a. Removal of aboveground and below-ground equipment, structures and foundations.
  - b. Restoration of the surface grade and soil after removal of equipment.
  - c. Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
  - d. The plan shall include a timeframe for the completion of site restoration work.