

ORDINANCE NO. 2014-07

ORDINANCE CREATING CHAPTER 525, ARTICLE XVIII OF THE CODE OF THE TOWN OF BUCHANAN BUILDING AND CONSTRUCTION DESIGN STANDARDS AND REQUIREMENTS

The Town Board of the Town of Buchanan does hereby ordain as follows:

Chapter 525, Article XVIII of the Code of the Town of Buchanan is created to read:

§ 525-105. Applicability.

This article shall be applicable to any new commercial and industrial buildings and additions to commercial and industrial buildings in which a site plan is required in accordance with §529-79. This article shall also be applicable to any commercial or industrial exterior remodeling when a building permit is required and more than 50 percent of the total surface area of the building exterior will be altered or the gross floor area of the building is increased by more than ten (10) percent. No part of this article shall be applicable to any property located within the General Agriculture District.

§ 525-106. Approval procedure.

All plans as required by this article shall be submitted to the Administrator/Clerk. Plans shall be submitted the same time as a site plan, if required, or at the time of a building permit. When a site plan is required, the Administrator/Clerk shall transmit plans along with all pertinent comment to the Plan Commission for its consideration. The Plan Commission shall make a recommendation to the Town Board and approval shall require formal action of the Town Board. When a site plan is not required, plans shall be submitted to the Administrator/Clerk for approval by the Zoning Administrator.

§ 525-107. Building and construction design standards and requirements fee.

Any building construction, additions or remodeling plans applicable to this article shall be accompanied by the payment of a fee as contained in the Town of Buchanan Fees and Licenses Schedule.

§ 525-108. Violations and penalties.

Any person who violates any provision of this article or any order, rule or regulation made hereunder shall, upon conviction, forfeit not less than \$10 nor more than \$100 for such offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

§ 525-109. Dumpster and dumpster enclosures.

A. Intent. The intent of this section is to establish rules for enclosed dumpster areas in order to:

- (1) Prevent accumulations of garbage and rubbish from spreading throughout the Town and endangering health of citizens.
- (2) Enhance the aesthetic appearance of the community.

B. Screening requirements for existing dumpsters. This section is intended to regulate existing dumpsters located on the property.

(1) Existing dumpsters which, in the judgment of the Town Zoning Administrator, meet the intent of this section shall be exempt from the specific requirements herein. Existing dumpsters located within the Industrial District shall be exempt from requirements, unless the dumpster is located within one hundred (100) feet of an existing residential land use.

(2) Existing dumpsters which, in the judgment of the Town Zoning Administrator, do not meet the intent of this section shall either remove the dumpster or cause the following improvements to be made.

(a) Installation of any screening needed to prevent the dumpster from being seen from:

- [1] Right-of-way of any public or private street; or
- [2] Any residential structure (regardless of zoning).

(b) Screening may be accomplished by:

- [1] Full dumpster enclosure;
- [2] Partial dumpster enclosure (1, 2 or 3 sides);
- [3] Six (6) foot opaque fencing located between dumpster and the viewer's location;
- [4] Year round landscaping (coniferous/evergreen) or berming
- [5] Any combination of the above.

(3) Any person aggrieved by a decision of the Town Zoning Administrator under this section may appeal the same to the Board of Adjustment in accordance with §525-92.

C. Screening requirements for new dumpsters. All new dumpsters placed on the property shall meet the following requirements.

- (1) All properties that utilize a dumpster shall utilize an enclosed dumpster area.

- (2) All dumpster enclosures shall be located behind the structure on the side designated as having the rear yard. If topography or other conditions will not allow the dumpster enclosure to meet this requirement, the Town Zoning Administrator shall approve an appropriate location for any parcels with existing structures and the Town Plan Commission shall approve an appropriate location for any other parcels.
- (3) Dumpster enclosures shall not be located any closer than five (5) feet to a lot line and any closer than five (5) feet from any structure on the parcel.
- (4) Dumpster enclosures shall not be located on any required parking spaces or within any required easements.
- (5) Dumpsters shall be surrounded by an opaque enclosure that is compatible with the design and color of the principle building. Chain link fencing shall not be permitted as an enclosure.
- (6) Dumpster enclosures shall have a minimum height of six (6) feet. If the dumpster is taller than four (4) feet, the enclosure shall be two (2) feet taller in height than the dumpster. Dumpster enclosure area shall have no overhead obstructions (wires, trees, roof overhangs, etc.).
- (7) Dumpster enclosures shall have a single or double access gate on one side only. Gates shall have a closing latch and must remain closed at all times except during service.
- (8) All dumpster enclosures shall be placed on a concrete pad with a concrete apron.

§ 525-110. Landscaping.

- A. Intent. The intent of this section is to enhance the appearance of the Town by improving the quality of landscaping. Criteria and standards are provided to ensure building sites and off-street parking areas are sufficiently landscaped to protect and preserve the appearance, character and value of surrounding properties and public right-of-way, thereby promoting the general welfare, safety and aesthetic quality of the Town of Buchanan.
- B. Additional Applicability. In addition to applicability as listed in Section 525-105, this section shall also apply to any commercial or industrial zoned property in which there is an increase in the number of parking spaces by more than ten (10) percent from existing development.
- C. Landscape plan submittal and requirements. A landscape plan shall be submitted for review and shall be drawn to an appropriate scale and shall include at a minimum the following information:
 - (1) The name and address of owner/developer, and name of the landscape architect/designer.

- (2) Date of plan preparation, date and description of all plan revisions, name of project or development, scale of plan and north marker.
- (3) The location of all lot lines, locations of all existing and proposed easements and rights-of-way, and elevation, topography, and cross-section details as determined necessary by the Plan Commission or Zoning Administrator.
- (4) The location of all existing and proposed structures, parking and loading areas, driveways, sidewalks, ground signs, dumpster enclosure areas, fences, free standing electrical and other utility equipment and other related site improvement features.
- (5) The location and contours at one (1) foot intervals, of all proposed berms.
- (6) The location, caliper size and species (common and/or botanical name) of all existing plant material on the site and designation of intended treatment (save, move, remove).
- (7) The location, caliper size at planting and species (common and/or botanical name) of all proposed plant materials, and location and description of all ground cover and turf grasses.
- (8) A schedule of all new plants proposed for planting, and those existing plants that will be saved, including planned installation date.
- (9) A schedule itemizing the total square foot area of all greenspace proposed on the lot, the total square foot area of off-street parking, the number of off-street parking spaces, the number and square foot area of each interior island and peninsula.

D. Landscape standards. Landscaping required under this section shall be of four (4) types as specified below: lot line landscaping, interior landscaping, bufferyard landscaping and screening requirements:

- (1) Lot line landscaping. A minimum five (5) foot wide area extending along the lot adjacent to all road right-of-way plus a minimum five (5) foot wide area along all other lot lines shall be landscaped as described below. (Requirements shall not apply for any development with an approved zero-lot line.)
 - (a) Lot line landscaping areas shall be planted with a minimum of one (1) shade tree and six (6) shrubs per 40 linear feet of frontage, excluding driveway openings.
 - (b) Where it is deemed appropriate or desirable to construct a berm in the lot line landscaping area, as may be required by the Plan Commission or Zoning Administrator, the slope of the berm shall be planted with a minimum of one (1) shade tree and three (3) shrubs per 40 lineal feet of frontage, excluding driveway openings.

(2) Interior landscaping. Curbed planting islands or peninsulas shall be provided in off-street parking areas as described below.

- (a) Parking spaces must be separated by a planting island or peninsula at the rate of one (1) island/peninsula for each row of twelve (12) consecutive parking spaces for single row configurations, or for each twenty-four (24) consecutive parking spaces in double row configurations.
- (b) Each island or peninsula shall be at least 162 square feet in area for single row configurations, and 324 square feet in area for double row configurations.
- (c) One (1) tree shall be planted in each island or peninsula, or within ten (10) feet of the periphery of the parking area.
- (d) Where practicable, islands and peninsulas shall be placed at the ends of parking rows or along designated pedestrian circulation areas. Planted boulevards within off-street parking areas may be considered as an alternative to islands and peninsulas.

(3) Landscaped buffer. Landscaped buffer regulations as required by the Zoning chapter, §525-38 shall continue to be met when required.

(4) Screening requirements. The intent of these requirements is to provide a visual screen around service equipment and vehicle storage areas. At the time of installation or planting, screening materials must be fifty (50) percent impervious at planting to sight, and be sufficiently high and long to accomplish the desired blockage of view year round.

- (a) All loading, service equipment and vehicle storage areas on commercial and industrial properties shall be screened from view to all adjacent properties. Screening materials may consist of the following:
 - [1] For commercial properties there shall be a minimum ten (10) foot wide strip and shall be planted with ten (10) evergreen trees, three (3) shade trees, five (5) ornamental trees and 25 shrubs per 100 linear feet.
 - [2] For industrial developments there shall be a minimum twenty-five (25) foot wide strip and shall be planted with fifteen (15) evergreen trees, three (3) shade trees and five (5) ornamental trees per 100 linear feet.
 - [3] As an alternative to these landscaping requirements, a six (6) foot high sight-tight fence may be constructed near the lot line, with the remainder of the required strip planted with a minimum of two (2) shade trees and five (5) evergreen trees per 100 linear feet.

[4] The required strip shall be a greenspace where no portion of a building, parking, driving, loading or storage area may be located.

E. Planting specifications. Plant materials provided in conformance with the requirements of this section shall be equal to or better in quality than the standards of the American Nursery & Landscape Association. The minimum sizes of plant materials that shall satisfy the requirements of this section are as follows:

- (1) Shade tree 2 ½ inch caliper
- (2) Ornamental tree 1 ½ inch caliper
- (3) Evergreen tree 5 feet height
- (4) Shrub 18-24 inch height or spread

F. Substitutions and modifications. To meet unique site design conditions or to overcome obstructions, conflicts or other factors, the Plan Commission or Zoning Administrator may approve planting substitutions as described below.

- (1) Two (2) ornamental trees may be substituted in place of one (1) shade tree.
- (2) Two (2) evergreen trees may be substituted in place of one (1) shade tree.
- (3) One (1) evergreen tree may be substituted in place of five (5) shrubs.
- (4) One (1) shade tree may be substituted in place of ten (10) shrubs.

While plant materials should generally be distributed proportionately on the lot in accordance with the standards of this section, the Plan Commission or Zoning Administrator can require alterations and variations in the planting pattern, on a case-by-case basis, to maximize the effectiveness of the installed landscaping.

G. Installation/Certification. All landscaping, buffering and screening improvements required under this section must be completed on a schedule approved by the Plan Commission or Zoning Administrator. Within thirty (30) days of the installation of plant materials, the owner/developer shall submit written certification to the Town that healthy plant materials were properly installed in accordance with the approved landscape plan.

H. Maintenance. The owner of the lot on which landscaping has been provided shall be responsible for protecting and maintaining all plant materials and landscape areas in a healthy and growing condition and shall be responsible for keeping them free from refuse, debris and weeds. Failure to maintain or replace dead or diseased plant materials during the next appropriate planting period shall constitute a violation of the provisions of this section.

§ 525.111. Outdoor lighting.

A. Intent. The intent of this section is to regulate outdoor lighting in order to reduce and prevent light pollution within the Town of Buchanan, promoting the public health, safety, prosperity, aesthetics and general welfare of the community. This means, to the extent reasonably possible, the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

B. Definitions.

- (1) Dark Sky Cutoff: Any light fixture that emits its light below 45 degrees when measured from 0 to 180 degrees vertical. Dark sky cutoff fixtures keep most of their light from reaching the night sky and also minimize ground reflection and reduce light scatter beyond the property line.
- (2) Dark Sky Fixture: A light fixture that emits its light below 90 degrees when measured from 0 to 180 degrees vertical. Dark sky fixtures keep most of their light from reaching the night sky.
- (3) Dark Sky Shade or Shield: Anything that is used to shade or shield a light fixture so that it behaves as a dark sky fixture. These include, but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves, or shaded by other structures, objects or devices.
- (4) Fixture or Luminaire: A complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- (5) Full Cut-off: A light fixture that prevents all transmissions of light above the horizontal.
- (6) Full Shield: A fixture with housing or attachment which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.
- (7) Light Pollution: A general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- (8) Light Trespass: Light emitted by a fixture that shines beyond the property on which the fixture is installed causing private nuisance to adjacent property owners.
- (9) Motion Sensor: Any device that turns a light fixture on when it detects motion and off when motion stops.

- (10) Shielding: Allows no light rays to be emitted by a fixture above the horizontal plane running through the lowest point of the fixture where light is emitted.
 - (11) Switch: Any device that can be manually controlled by a person to turn a light fixture on and off.
 - (12) Temporary: Refers to lighting as required to carry out legally approved activities for durations as specified in permits for those activities. These include, but are not limited to, for example, activities such as nighttime agricultural operations, construction work lighting and seasonal decorations.
- C. General prohibitions. Except as specifically permitted by this ordinance, all non-Dark Sky lights and fixtures are prohibited.
- D. Light fixtures permitted.
- (1) Existing light fixtures. All light fixtures existing as of the effective date of this ordinance are grandfathered, approved and permitted by this ordinance. However, at such time as such fixture is replaced, the provisions of this ordinance shall apply.
 - (2) Dark sky fixtures. All light fixtures that are Dark Sky fixtures and Dark Sky Cutoff fixtures are approved and permitted by this ordinance.
 - (3) Dark sky shade or shield: All light fixtures that have a Dark Sky Shade or Dark Sky Shield (fully shielded) are approved and permitted by this ordinance.
 - (4) Other light fixtures encouraged but not required:
 - [1] Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting.
 - [2] Light fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.
 - [3] Dark Sky Shades and Dark Sky Shields are encouraged for existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.
- E. Exemptions. The Plan Commission or Zoning Administrator may allow exemptions from this ordinance as needed to relieve any unusual circumstances or difficulties or costs that would be encountered in complying with this ordinance. The burden shall be on the applicant requesting the exemption to establish good cause.

§ 525-112. Building material and architectural requirements.

A. Intent. Achieve a cohesive, aesthetically pleasing and consistent architectural character in new construction, additions and redevelopment through the use of exterior building materials and details that are similar to or compatible with adjacent buildings.

B. Building material and façade requirements.

- (1) Materials must be selected to adequately suit the type of building and style in which it is intended to serve.
- (2) Buildings must have the same materials, or those which are architecturally harmonious, used for all building elevations. A primary façade material must be used consistently on all building elevations to limit the number of compatible secondary façade materials.
- (3) The sides and rear of buildings shall be as visually attractive as the front through the design of roof lines, use of similar architectural detailing and building materials.
- (4) Examples of appropriate façade materials: brick, non-reflective glass, wood, stucco, decorative architectural tile, integrally colored textured concrete, natural or cultured stone, architectural block, architectural metal panels.
- (5) Examples of prohibited façade materials: particle board, shingle siding (except for cedar shake siding), vinyl siding, wood siding (plywood paneling), highly reflective or glare producing glass, industrial metal panels with or without exposed fasteners, concrete masonry units, exposed aggregate pre cast concrete, metal.

C. Architectural requirements.

- (1) Building designs shall minimize the effects of size and scale by use of variable roof lines, door and window openings, façade protrusions or recesses, and use of porticos, overhangs, arcades, arches, patios and other similar features.
- (2) Building entrances must be designed to be clearly identifiable and easily recognizable from parking lots and pedestrian access points.
- (3) Colors shall be compatible, coherent and harmonious with existing materials in the immediate area. Color schemes shall be used consistently throughout the property. Fluorescent, day-glow and/or neon colors and light tubing shall not be permitted.
- (4) For all visible roofs, roofing materials and construction must be high quality, such as but not limited to, standing seam metal, slate, cedar or architectural shingles. Roofing materials and shape must be compatible with the architectural style of the building and with surrounding buildings and roofs.

§ 525.113. Severability.

This ordinance and its individual provisions are declared to be severable. If any section, clause, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the ordinance not declared invalid or unconstitutional shall remain in full force and effect.

Adopted this 22nd day of April, 2014.

TOWN OF BUCHANAN:

Mark McAndrews, Town Chairperson

ATTEST:

Joel Gregozeski, Town Administrator/Clerk

Ordinance Applicability

	Dumpster/ Dumpster Enclosures	Landscaping	Outdoor Lighting	Building material/ architectural requirements
New Commercial and Industrial Buildings (any size)	X (rules differ for existing and new)	X	Only for new or replaced fixtures	X
Additions to Commercial and Industrial Buildings (when site plan req.)	X (rules differ for existing and new)	X	Only for new or replaced fixtures	X
Commercial and Industrial Exterior Remodeling (when building permit required and more than 50% of building total exterior surface area altered <u>or</u> gross floor area increased by more than 10%)	X (rules differ for existing and new)	X	Only for new or replaced fixtures	X
Commercial or Industrial zoned property which increases parking spaces by more than 10%		X		

No part of the ordinance is applicable to any property located within General Agriculture Zoning District.