

**COLONIE LAND USE LAW**  
**ADOPTED 1-4-07 by LOCAL LAW #1 of 2007**

**ARTICLE V – Chapter 190-5** (as last amended 5/21/09 by LL#4-09)

**Use Regulations**

**A. Permitted Principal Uses.**

Each use listed in the Use Table below shall be permitted in each zoning district in which the use is listed as a permissible use. Multiple principal uses shall be permitted on a single lot provided each use is a permitted use and the dimensional requirements of this Chapter are met, except that only one single-family or two-family dwelling shall be permitted on a single lot. Permitted uses shall be subject to all other applicable requirements of this Chapter.

**B. Permitted Accessory Uses.**

An accessory use shall be permitted if:

- (1) The use is customarily incident and accessory to the principal use, and located on the same lot therewith.
- (2) The use to which it is accessory is a lawful use pursuant to the provisions of this Chapter.
- (3) The use does not result in or exacerbate any violation of the provisions of this Chapter.

Any use listed as a permitted use in a district shall be permitted as accessory use in that district, subject to the above provisions, and further provided that the combination of uses shall meet all other provisions of this Chapter.

**C. Prohibited Uses.**

- (1) Uses Not Permitted in a Given Zoning District. Any use which is not listed in the following Use Table as a permitted use in a given zoning district, or which is not an accessory use to such a permitted use, shall be deemed prohibited in that zoning district.
- (2) Uses Not Permitted in delineated Buffer Areas. No building, parking, loading, or storage area shall be permitted in any buffer area delineated on the zoning map. No removal of live vegetation or grading shall be permitted in such buffer areas except as related to utility installation, a perpendicular crossing for a street or access driveway, or landscaping enhancements, as approved by the Planning Board pursuant to a site plan or subdivision review.

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- (3) Uses prohibited adjacent to the zone boundary line of any Single Family Residence District or Multi-Family Residence District.
- (a) In areas where OR, CO, NCOR, COR, HCOR, Airport Business Area, and Industrial Districts are more than 300 feet in depth from the front lot line, no portion of any commercial use or mixed-use building shall be erected within 100 feet and no parking, loading, storage area shall be located within 50 feet of the zone boundary line of any Single Family Residence District or Multi-Family Residence District, except that:
- [1] In a NCOR, COR, HCOR or OR District, the building prohibition shall not apply where it would conflict with the Maximum Setback provisions of the Design Standards Article of this Chapter.
- [2] An accessory storage building no greater than 10,000 square feet in gross floor area and with a Maximum Building Height of 25 feet may be located no closer than 50 feet of the zone boundary line of any single Family Residence District or Multi-Family Residence District.
- (b) In any district, no portion of any building or structure occupied by a restaurant, bar, fast-food, nightclub, convenience food store, supermarket, mini-mart, motor vehicle service station, or motor vehicle repair shop use, nor any related waste, refuse, or recycling containers, motor vehicle fuel dispensers, motor vehicle fuel storage, or related accessory uses such as car washes, vacuum pumps, or air pumps, shall be located within 200 feet of the zone boundary line of any Single Family Residence District or Multi-Family Residence District.
- (4) Airport Business Area District. In the Airport Business Area District, any use shall be prohibited which will produce objectionable noise, dust, vibrations, odors, noxious fumes, or smoke, or which emits radioactive rays injurious to persons or animals, or which pollutes the air so as to make it injurious to the health of persons not engaged in the process involved or injurious to plants, animals and/or structures beyond the limits of the property on which such pollution originates. The production of any of the above-mentioned by-products shall be deemed to be objectionable if they can be distinguished beyond the limits of the property in which they are created in the following degree of intensity:
- (a) The noise violates the Town of Colonie Noise Law.
- (b) The vibration can be distinctly felt.
- (c) Dust settles from the air or floats through the air and can be distinctly seen.
- (d) Odors can be plainly smelled.
- (e) Noxious fumes can be plainly smelled or their presence detected by proper scientific apparatus.

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- (f) Smoke is carried so as to obstruct clear vision of the sky or carries along the ground where it may be breathed by persons or animals.
  - (g) Light flashes are of such brilliance that they are disagreeable to the naked eye beyond the limits of the property upon which they originate.
- (5) Industrial District. In the Industrial District, any use shall be permitted, except the following:
- (a) Manufacture or storage in bulk of explosives.
  - (b) Chemical plant emitting corrosive or toxic fumes carrying beyond the limits of the premises.
  - (c) Any use which produces radiation, light, smoke, fumes or odors of a noxious or harmful nature carrying beyond the limits of the premises.
  - (d) Circuses and carnivals.
  - (e) Single-family, two-family or multifamily dwelling units, except single-family farmhouse dwellings or single-family dwellings accessory to a place of worship or school.
  - (f) Mobile homes and mobile home parks.

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**D. Use Table**

KEY X - Permitted Use A - Permitted Accessory Use SP - Use permitted by Special Use Permit											
	SFR Single- Family Residential	MFR Multi- Family Residential	OR Office Residential	CO Commercial Office	NCOR Neighborhood Commercial Office Residential	COR Commercial Office Residential	HCOR Highway Commercial Office Residential	IND Industrial	ABA Airport Business Area	LC Land Conservation	CEM Cemetery
Airport								X			
Animal Shelter								X	X		
Amusement Use, Indoor (excluding specific amusement uses enumerated in this Table)				X	X	X	X	X	X		
Amusement Use, Large Outdoor (excluding specific amusement uses enumerated in this Table)								X	X		
Amusement Use, Small Outdoor (excluding specific amusement uses enumerated in this Table)						X	X	X	X		
Bakery, Commercial							X	X	X		
Bakery, Retail				X	X	X	X	X	X		
Bank			X	X	X	X	X	X	X		
Bar					X	X	X	X	X		
Bed & Breakfast		SP	X		X	X	X		X		
Billboard								X			
Boardinghouse			X		X	X	X				
Building Supplies						X	X	X	X		
Carwash						X	X	X	X		
Cemetery										X	
Christmas Tree Sales (see General Regulations Article)				X	X	X	X	X	X		
Commercial Parking								X	X		
Community Center		SP	X	X	X	X	X		X		
Construction Company							X	X	X		
Convenience Store				X	X	X	X	X	X		
Convention and Exhibit Center				X		X	X	X	X		
Correctional Facility								X	X		
Crematory										X	
Cultural Venue			X	X	X	X	X	X	X		
Dance Hall						X	X	X	X		
Daycare, Home	A	A	A	A	A	A	A	A	A		
Daycare Center		SP	X	X	X	X	X	X	X		
Drive-Thru Use			A	A	A	A	A	A	A		
Dwelling Unit Accessory	A	A	A		A	A	A				

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Dwelling Unit, Mixed-Use			A		A	A	A				
Dwelling, Multifamily (see Additional Use Standards, Restrictions, And Exceptions for Mixed Use Zones below)		X	X		X	X	X				
Dwelling, Single-Family (see Additional Use Standards, Restrictions, And Exceptions for Mixed Use Zones below)	X	X			SP						
Dwelling, Single-Family Farmhouse	A	A	A	A	A	A	A	A	A	A	
Dwelling, Townhouse		X	X		X	X	X				
Dwelling, Two-Family (see Additional Use Standards, Restrictions, And Exceptions for Mixed Use Zones below)		X			SP						
Elder Care Use		SP	X	X	X	X	X	X	X		
Entertainment or Retail, Adult (see General Regulations Article)											
Farm	X	X	X	X	X	X	X	X	X	X	X
Farm Stand	A	A	A	A	A	A	A	A	A	A	
Fast Food Establishment				A	X	X	X	X	X		
Fire Station	X	X	X	X	X	X	X	X	X	X	
Fraternity or Sorority House	A	A	A	A	A	A	A	A	A		
Funeral Home				X	SP	X	X	X	X		X
Garage Sale (see General Regulations Article)	A	A	A	A	A	A	A	A	A		
Garden Center			A			X	X	X	X		
Golf Course	X	X	X	X		X	X	X	X		
Golf Course, Miniature						X	X	X	X		
Health Club			X	X	SP	X	X	X	X		
Heavy Equipment Storage/Sales/Services							X	X	X		
Home Occupation Level One (see General Regulations Article)	A	A	A	A	A	A	A	A	A		
Home Occupation Level Two (see General Regulations Article)			A	A	A	A	A	A	A		
Hospital				X		X	X	X	X		
Hotel				X	X	X	X	X	X		
Industry, Light								X	X		
Industry, Heavy								X	X		
Junkyard								X			
Kennel						X	X	X	X		
Library			X	X	X	X	X	X	X		
Marina					X	X	X	X	X		

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Mini Mart					SP	X	X	X	X		
Mini Warehouse/Self Storage Facility						SP	SP	X	X		
Mining								X			
Manufactured Home Park		X									
Motor Vehicle Rental Agency				X		X	X	X	X		
Motor Vehicle Repair Shop (Major)								X	X		
Motor Vehicle Repair Shop (Minor)						X	X	X	X		
Motor Vehicle or Boat Sales and Service						X	X	X	X		
Motor Vehicle Service Station					X	X	X	X	X		
Motor Vehicle or Boat Storage Yard								X	X		
Movie Theater					X	X	X	X	X		
Municipal Uses	X	X	X	X	X	X	X	X	X	X	
Nightclub						X	X	X	X		
Nursery	X	X	X	X	X	X	X	X	X	X	X
Nursing Home		SP	X	X	X	X	X	X	X		
Office, Medical			X	X	X	X	X	X	X		
Office, Professional or Business			X	X	X	X	X	X	X		
Park	X	X	X	X	X	X	X	X	X	X	
Personal Service Business			X	X	X	X	X	X	X		
Place of Worship	X	X	X	X	X	X	X	X	X		
Pre-school			X	X	X	X	X	X	X		
Pre-school, Accessory	A	A	A	A	A	A	A	A	A		
Private Club				X	SP	X	X	X	X		
Recreation Field				X		X	X	X	X	SP	
Research and Development Laboratory			X	X		X	X	X	X		
Restaurant				X	X	X	X	X	X		
Retail Business (excluding specific retail sales uses enumerated in this Table)					X	X	X	X	X		
School	X	X	X	X	X	X	X	X	X		
Service Business			X	X	X	X	X	X	X		
Shipping Store, Retail				X	X	X	X	X	X		
Sign (see Signs and Billboards Article)											
Supermarket						X	X	X	X		
Telecommunications Tower (see General Regulations Article)				SP		SP	SP	X	X		
Transfer Station								X			

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Truck Garden	X	X	X	X	X	X	X	X	X	X	
Veterinarian				X	SP	X	X	X			
Warehouse Storage/Distribution								X	X		
Wholesale Business							X	X	X		

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**E. ADDITIONAL USE STANDARDS, RESTRICTIONS, AND EXCEPTIONS**

- (1) Single Family Dwelling or Preschool.  
In any district, a single family dwelling or a pre-school shall be permitted as an accessory use to a school or place of worship.
- (2) Dwelling Unit, Accessory.  
In any district, an accessory dwelling unit, if accessory to a single-family or two-family dwelling, shall be subject to the following provisions:
  - (a) General requirements.
    - [1] Accessory dwelling units shall be temporary and occupancy shall be restricted to individuals related to at least one owner occupant of the single family dwelling in which the unit is placed. For the purposes of this section, the relationship between the owner occupant and the occupant(s) of the accessory unit shall be lawful family relationship or the functional equivalent thereof.
    - [2] An accessory dwelling unit shall require a building and zoning permit issued by the Building Department of the Town of Colonie. The applicant for an accessory dwelling unit shall be the owner occupant of the principal dwelling unit. A permit issued for an accessory dwelling unit is temporary and shall cease when the applicant no longer meets the conditions for such use.
    - [3] A building and zoning permit for an accessory dwelling unit shall comply with the specific requirements enumerated in Subsections B, C and D of this section.
  - (b) Standards.
    - [1] Number - There shall only be one accessory dwelling unit per building lot
    - [2] Compliance with dimensional requirements - An accessory dwelling unit shall comply with the dimensional requirements that apply to the single family dwelling in the zoning district in which it is located.
    - [3] Parking - Each dwelling unit shall have two designated off street parking spaces meeting the standards of this chapter and conveniently located for access to the dwelling unit.
    - [4] Adequacy of services - Water supply and sewage disposal facilities must be sufficient to accommodate the additional demands of the additional unit where conversion is proposed. Installation of a second water meter shall not be permitted.
    - [5] Limits on use - A permit for an accessory dwelling unit is temporary and shall cease when the requirement of this section are no longer met. To meet the requirement of

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discontinuance of use, the applicant shall submit a restoration plan as part of ht application for the building and zoning permit. This plan shall detail the work and cost of the work for all reconstruction and removal of improvements associated with discontinuance of the accessory dwelling unit.

- [6] Discontinuance of use – The owner shall notify the Building Inspector in writing within 90 days once the accessory unit is no longer needed, the property is sold or for some other reason the applicant no longer meets the condition for such use. Upon notification the building and zoning permit for the accessory dwelling unit shall be terminated. The applicant shall then comply with the terms of the restoration plan within 90 days of the date of termination.
- (c) Application requirements.
- [1] Application. An written application shall be submitted, on forms provided therefore by the Building Department, signed by the applicant.
- [2] Evidence that the relationship to the owner-occupant is consistent with the requirements of this section.
- [3] Building plans – The applicant shall provide building construction plans for the accessory dwelling unit. Plans shall meet the requirements of the New York State Uniform Fire Prevention and Building Code and applicable codes of the Town of Colonie. At a minimum, the plans shall include a floor plan of the principal dwelling unit and the accessory dwelling unit.
- [4] Site plan – the site plan shall be drawn at a scale of one inch equal 30 feet, unless the Building Department determines otherwise, and show the following information:
- [a] The applicant’s name and address
  - [b] The applicant’s entire lot
  - [c] The location and size of all structures on the applicant’s lot, including the single family dwelling unit, all accessory buildings and structures, driveway and parking areas, easements, etc.
  - [d] The proposed location, point of entry and size of the accessory unit
  - [e] Building elevations of any proposed addition
- [5] Restoration plan – The restoration plan shall be a detailed plan for removal of the accessory dwelling unit and shall identify those structures, exterior and interior walls, electrical and plumbing improvements and the connections to public water and sewer services to be retained and those to be removed upon cessation of the accessory dwelling use. In particular, it shall include a removal plan for all kitchen related improvements facilitation the preparation of food, including but

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not limited to such items as sinks, stoves, counters and refrigerators. The plan shall include estimated restoration costs for all reconstruction and removal of improvements as associated with discontinuance of the accessory dwelling unit.

(d) Permit renewal and registration

[1] Permit renewal – Once issued, a building and zoning permit for an accessory dwelling unit shall be renewed by the applicant on an annual basis until such time as the use shall cease. There shall be a charge of \$25 for each renewal. Failure to renew the permit shall constitute a violation of this chapter.

[2] Registration – The applicant shall file the building and zoning permit for an accessory dwelling unit as a deed restriction with the Albany County Clerk’s office and shall furnish proof of filing to the town. A permit for an accessory dwelling unit shall not be renewed without proof of filing of the original permit.

(3) Common Space Parcels in Realty Subdivisions.

In any district, a parcel within a real property subdivision, owned and maintained by a homeowners' association as common space for the use and benefit of the owners of residential lots within that subdivision, shall be permitted as accessory to the subdivision. The common space may be required to be maintained as undeveloped open space as a condition of approval of the subdivision or by other local, state, or federal regulation, or may be improved with amenities for use by the lot owners or their tenants or guests, if such amenities are not otherwise prohibited or restricted. Such amenities may include a community building housing shared recreational, dining, and child care facilities, recreational playing fields, tennis courts, swimming pools, and structures housing congregate mailboxes. Parking facilities accessory to any such use, or for the common use of the lot owners or their tenants or guests as an accessory to the residential use of the lots, may also be provided. For purposes of determining front yard, side yard, and rear yard dimensions, community buildings and swimming pools shall be considered to be principal uses on the parcel. The area and dimensions of the parcel, and the type, location, design, and conditions of use of such amenities, shall be subject to approval by the Town Planning Board pursuant to their review under the Subdivision provisions of this Chapter.

(4) Oversized Vehicle Restrictions.

(a) In any district, no oversized vehicle shall be parked on any public street or in the street right-of-way, except vehicles actively assisting in an emergency such as a fire or traffic accident, or vehicles such as moving vans or delivery trucks in the process of being loaded or unloaded.

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- (b) In any district, no oversized vehicle shall be parked or stored in the front yard of any single-family or two-family residence unless the vehicle is registered and insured.
- (5) Commercial Vehicle Restrictions.  
In SFR and MFR districts, no vehicle or equipment used primarily for commercial or other non-residential purposes shall be parked or kept on any lot, or on any Street or in the Street right-of-way, except:
- (a) vehicles or equipment actively assisting in an emergency such as a fire or traffic accident;
  - (b) vehicles or equipment used in connection with active, permitted construction or maintenance activities on the lot or adjacent Street;
  - (c) vehicles such as moving vans or delivery trucks being loaded or unloaded; or
  - (d) vehicles with a maximum gross vehicle weight rating of 10,000 pounds, used by a business owner or employee for transportation between their home and their place of employment.
- (6) Golf Course Accessory Structures and Parking.  
In SFR and MFR districts, no structure accessory to a golf course shall be erected within 200 feet of the boundary of the property devoted to such use, and no accessory parking area shall be located within 100 feet of said boundary.
- (7) Mixed Use Zone (OR, NCOR, COR, and HCOR) Standards.
- (a) No exclusively residential use is allowed within a mixed-use district, except that in an NCOR district, a single-family dwelling or two-family dwelling is permitted by special use permit.
  - (b) An exclusively commercial use is allowed within a mixed-use district.
  - (c) The commercial use must be at least 20% of the total use, with one residential unit being equivalent to 3000 square feet of commercial use.
- (8) Restricted accessory uses in CO, COR, HCOR, NCOR, and OR Districts.  
In a CO, COR, HCOR, NCOR, or OR District, storage of construction materials, equipment, and/or vehicles shall not be permitted as an accessory use to an office.
- (9) Garden Center in OR Districts. In an OR District, a Garden Center shall be permitted as an accessory use to a Farm or Nursery only.
- (10) Fast Food Establishment in CO Districts. In a CO District, a Fast Food Establishment shall be permitted only as an accessory use within a building containing a permitted principal use.

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- (11) Motor Vehicle Repair Shop (major) in COR, HCOR and ABA Districts. In COR, HCOR, and ABA Districts, a Motor Vehicle Repair Shop (Major) shall be permitted as an accessory use only to retail sales of new motor vehicles or for maintenance of vehicles operated by and incidental to the primary use of the premises.
- (12) Adult Uses.  
In any district, any adult establishment shall be subject to the provisions of the General Regulations Article of this Chapter with respect thereto.
- (13) Specific Special Use Permit Standards (in addition to the provisions of the Detailed Site Plan Review and Special Permits Article of this Chapter.)
- (a) Bed & Breakfast
    - [1] Preparation of food. Meals shall only be served to guests taking lodging in the home.
    - [2] Interior design standards. The architectural integrity and arrangement of the existing interior spaces must be maintained.
    - [3] Exterior design standards. The exterior appearance of the structure shall not be altered from its single-family character.
  - (b) Community Center  
Exterior design standards. The exterior appearance of the structure shall conform to the design standards for the Commercial Office Residential (COR) District.
  - (c) Dwelling, Single-Family and Dwelling, Two-Family  
Although a single-family or two-family dwelling is allowed by special use permit in an NCOR District, it is intended that these uses be established in the context of a neighborhood-scaled, mixed-use setting. Therefore, no existing lot shall be subdivided with the intent of creating three or more building lots for single-family or two-family dwellings.
  - (d) Elder Care Uses  
All design standards shall be mandatory including those discretionary standards as signified by the word "should" in the Design Standards Article of this Chapter.
  - (e) Funeral Home  
In Neighborhood Commercial Office Residential (NCOR) District, a funeral homes shall not have a crematorium.

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- (f) Mini Mart
  - [1] All NCOR District design standards shall be mandatory including those discretionary standards as signified by the word "should" in the Design Standards Article of this Chapter.
  - [2] No fuel pump shall be located within 25 feet of any lot line or within the required side or front yard, whichever shall be more restrictive.
  - [3] The site layout shall eliminate the necessity of any vehicle backing into a public right-of-way.
  - [4] Mini-marts shall:
    - [a] Ensure that adequate parking is available on site for customers making purchases at the store but not buying gasoline. This parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline.
    - [b] Provide an enclosed trash dumpster for disposal of stock packings removed by store employees and trash receptacles for customer use on the premises.
    - [c] Maintain no outdoor displays of merchandise.
    - [d] Locate all vending machines inside the building.
    - [e] Direct all rooftop heating/ventilation/air-conditioning or refrigeration units away from adjacent residential properties.
- (g) Light Industry
  - [1] All Office Residential (OR) District design standards shall be mandatory including those discretionary standards as signified by the word "should" in the Design Standards Article of this Chapter.
  - [2] Manufacturing, processing and assembly activities, shall be designed, constructed and enclosed so that there will be no observable external evidence thereof other than loading and unloading functions, which shall be fully screened from all adjacent residential areas.
- (h) Mini Warehouse
  - All design standards shall be mandatory including those discretionary standards as signified by the word "should" in the Design Standards Article of this Chapter.
- (i) Private Club
  - [1] Any such club shall be incorporated pursuant to the provisions of the Not-for-Profit Corporation Law, and cater exclusively to members and their guests, or shall be an unincorporated association subject to review by the Planning Board, which caters exclusively to members and their guests.
  - [2] Any such use shall not be conducted as a business enterprise.

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- [3] Layout, architectural design and landscaping of the proposed facility must be compatible with the environmental character of the surrounding neighborhood.
- [4] Club activity shall be indoor only.
- (j) Recreation Field
  - [1] Outdoor facilities that may be expected to have intensive use shall be screened from public view and from adjacent properties by trees, hedges or other suitable shrubbery.
  - [2] Outdoor lighting shall be limited to that necessary for operational reasons and shall be so designed as to not be incompatible with surrounding land uses.
  - [3] Outdoor public address systems, entertainment or other sounds shall be controlled so that they shall not be heard beyond the facility's property lines.
  - [4] One announcement sign, not over 12 square feet in area, shall be permitted on each street frontage of the facility's property, provided that it is set back at least 24 feet from all property lines. Such sign may be lighted only by a shielded light source attached to the sign.
- (k) Veterinarian
  - [1] All animal hospital facilities shall be maintained in enclosed structures which shall be of soundproof construction and so maintained as to produce no dust or odors at the property line.
  - [2] Exercise pens and runways shall not be permitted within 200 feet of any lot line or within 300 feet of any residential district.
  - [3] Permitted operations shall not include the boarding of animals or the operation of a kennel, except that the boarding of animals related to a course of medical treatment shall be permitted during the period of such treatment.
  - [4] There shall be proper facilities and personnel to ensure that trash, animal waste, and other debris generated by the facility are properly disposed of.
  - [5] Outdoor storage of refuse, feed, or other material and on-site incineration of refuse are not permitted.
    - [a] An odor-absorbing air-filtration system must be used.
    - [b] Plans and specifications must be certified by an acoustical engineer that the proposed structure will provide adequate sound absorption.

**F. Administration and enforcement.**

The provisions of this article shall be primarily administered and enforced by the Building Department, which shall have the power to make necessary inspections.