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ARTICLE I
ENACTMENT AND INTENT

Section 100 **Title** - A local law regulating and restricting the location, construction, and use of buildings, structures, and the use of land in the Town of Rose, Wayne County, and for said purposes dividing the town into districts.

This local law shall be known and may be cited as the “Zoning Law of the Town of Rose.”

Section 101 **Purpose** - The zoning districts and regulations herein set forth and as outlined on the Zoning Map are made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and general welfare of the public. They have been designed to lessen congestions in the streets, to secure safety from fire, flood, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land.

They have been made pursuant to the authority and power granted by the laws of the state to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and open spaces, the density of population and the location and use of buildings, structures of land for trade, industry, residence or other purposes.

Section 102 **Interpretation** - In their interpretation and application, the provisions of this law shall be held to be the minimum standards for the protection of the public health, safety and general welfare.

Section 103 **Conflict With Other Laws** - Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or laws, the most restrictive or those imposing the higher standards shall govern.

Section 104 **Separability** - If any action, subsection, paragraph, sentence, clause or phrase of this law is declared by any court of competent jurisdiction to be

invalid or unconstitutional, it is hereby declared that no other provision of law shall be affected thereby.

Section 105 Amendments

A. Procedure

The Town Board may from time to time on its own motion, on petition or on recommendation of the Planning Board and in accordance with the laws of the State of New York, amend, supplement or repeal the regulations, provisions or district boundaries of this law.

B. Filing of Petition

A petition to amend, change or supplement the text of this law or any zoning district as designated on the Zoning Map established herein shall be filed with the Town Clerk and accompanied by the appropriate fees. The Clerk shall transmit the documentation to the Town Board. A petition for a change to the Zoning Map shall contain a map that clearly describes the affected property and its boundaries and shall indicate the existing zoning district and the requested zoning change. In addition, every petition for a change to the Official Zoning Map shall contain an environmental assessment form completed and signed by the petitioner, or agent, in accordance with the procedures set forth in State Environmental Quality Review (SEQR) regulations.

C. Referral to Planning Board

Each proposed amendment, except those initiated by the Planning Board, shall be referred to the Planning Board for an advisory report. In reporting, the Planning Board shall fully state its reasons for recommending or opposing the adoption of such proposed amendment. The Planning Board may condition its approval, as may be appropriate and shall state whether such amendment is in harmony with the Town's plan for land use. The Planning Board shall state its position relative to proposed zoning amendments in writing within forty-five (45) days of the receipt of all pertinent data from the Town Board. Absence of a reply from the Planning Board within the forty-five (45) day period shall indicate that the Board is in favor of the amendment.

D. Public Hearing; Notice; Recording of Actions

Unless otherwise provided, the provisions of the Town Law of the State of New York pertaining to public hearings, official notices and proper public hearings, official notices and proper recording of zoning actions taken by the Town Board shall apply to all amendments to this law.

E. Disposition Final; Rehearing on Petition

The disposition of a petition for amendment by the Town Board shall be final and disapproval or denial of the proposed amendment shall void the petition. No new petition for an amendment that has been previously denied by the Town Board shall be considered by it, except for a vote to table or to receive and file, and no public hearing shall be held on such amendment within a period of one (1) year from the date of such previous denial unless the Planning Board shall submit a recommendation, with reasons stated therefor, certifying that there have been substantial changes in the situation that would merit a rehearing by the Town Board. Such rehearing may be granted only upon a favorable vote of a majority of the Town Board plus one (1).

Section 106

Effective Date - This local law shall be in effect immediately upon adoption and the posting, publication, and filing as required by state enabling legislation.

ARTICLE II
DEFINITIONS

Section 200 **Word Usage**

BOARD OF APPEALS - The Zoning Board of Appeals of the Town of Rose.

BUILDING INSPECTOR - The official of officials designated by the Town Board of the Town of Rose to enforce the provisions of the New York State Uniform Fire Prevention and Building Code in the Town.

COUNTY PLANNING BOARD - The Planning Board of the County of Wayne.

DEPARTMENT OF HEALTH - The New York State Department of Health and any other health board or department established pursuant to the laws of the State of New York and having authority for the regulation of matters pertaining to the public health of the Town.

PLANNING BOARD - The Planning Board of The Town of Rose.

TOWN BOARD - The Town Board of the Town of Rose.

ZONING OFFICER - The official or officials designated by the Town Board of the Town of Rose to enforce the provisions of this law.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION - The New York State Department of Environmental Conservation.

HEALTH OFFICER - The official or officials appointed as such by the Town Board of the Town of Rose to protect the health and safety of Town residents.

Section 201 **Adult Care Facility** - A commercial facility providing intermittent care and support for adults.

Section 202 **Airport - Airstrip** - A designated area where aircraft may land to discharge cargo and passengers, make repairs, or take in fuel and which is approved by the Federal Aeronautics Association.

Section 203 **Amusement and Recreation Facility** - An indoor and outdoor land use that provides an opportunity for amusement or recreation for a fee, including, but not limited to, bowling, skating, tennis, electronic games, miniature golf, theater.

- Section 204** **Animal Husbandry** - The keeping of livestock for personal use. (The commercial keeping of livestock shall be construed to be a farm)
- Section 205** **Animal or Veterinary Clinic or Hospital** - An establishment for temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment, and shall exclude the treatment or other care of humans.
- Section 206** **Area, Building** - The geometric area of the principal and accessory buildings, exclusive of uncovered porches, terraces, and steps, measured on a horizontal plane dissecting such buildings at their largest horizontal area.
- Section 207** **Area, Land** - The term "land area," when referring to maximum required lot size, means the area exclusive of streets and right-of-way.
- Section 208** **Automobile Sales and/or Rental Area** - A premises, excluding right-of-way, including open areas and/or showrooms enclosed within a building used only for the display, or sale, or rental of new or used automobiles, trucks, cargo trailers, motorcycles, and recreational vehicles.
- Section 209** **Bar or Tavern** - An establishment licensed under the laws of New York State for the sale of alcoholic beverages and their consumption on the premises.
- Section 210** **Basement** - A habitable space, partly underground, but having at least one-half of its floor-to-ceiling height above the average outside ground level.
- Section 211** **Building** - An enclosed structure including, but not limited to, houses, office buildings, barns, garages, sheds, mobile homes, factories, and similar structures.
- Section 212** **Building, Accessory** - A building, the use of which is incidental to that of a principal building and which is located on the same lot as that occupied by the principal building.
- Section 213** **Building, Alteration of** - Any addition, change, rearrangement or relocation of the structural parts of a building.
- Section 214** **Building or Structure, Nonconforming** - A building or structure lawfully existing prior to the time of the adoption of this Chapter, which, because of its inherent nature or construction, does not conform to the provisions of the district in which it is located.
- Section 215** **Building or Structures, Temporary** - A building or structure or use incidental to housing and construction projects, including such structures and uses as storage of building materials and machinery the process of building materials and a real estate office located on the tract being offered for sale.

- Section 216** **Building, Principal** - A building, including covered porches, wherein the principal use is conducted.
- Section 217** **Building Line** - A line formed by the intersection of a horizontal plane at an average grade level and a vertical plane that coincides with the exterior surface of the building or a projected roof or porch, the vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two (2) feet in width. All yard and setback requirements are measured to the building lines.
- Section 218** **Building Line, Front** - The surface point of a permitted structure closest, and parallel to, a public highway. In the case of a corner lot, the building surface nearest to such public highways shall be considered front building lines.
- Section 219** **Business** – A commercial establishment.
- A. Business – Home Occupation (See Section 258)
- B. Business – Industrial – Commercial establishments including, but not limited to, fabrication or storage of metal, paper and wood products, food processing and associated industries, general processing, assembly or packaging of previously prepared or manufactured goods and materials, heavy equipment operations, manufacturing of light machinery, manufacturing and processing of pharmaceutical and cosmetic products, research design, prototype production and light industry, scientific or research laboratory, warehouse, and storage facility.
- C. Business – Limited –operated by the inhabitants of a dwelling plus no more than two other employees, operated within the confines of the dwelling and/or existing accessory buildings and is not the principal use of the property.
- D. Business – Outdoor – A commercial establishment which is the primary use of the property and uses yard areas for storage and sale purposes.
- E. Business – Retail / Wholesale – A commercial establishment which is the primary use of the property.
- Section 220** **Cabin/Camp, Recreation** - A structure with accommodations for living and sleeping designed for seasonal occupancy and having a total of less than 400 square feet. A bus or mobile home structure is not construed to be a hunting or fishing camp.
- Section 221** **Camp or Travel Trailer/Motor Home** - A vehicle equipped and/or used for sleeping that may or may not have sanitary facilities, and, is not used for permanent occupancy, including recreational vehicles.
- Section 222** **Camper Travel Trailer Park** - An area developed for tents, travel trailers, motor homes, etc. registered with the NYS Health Department.

- Section 223** **Cellar** - That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.
- Section 224** **Cemetery** - Land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including crematoriums and mausoleums when operated with and within the boundary of such cemetery.
- Section 225** **Center Line of Street or Road** - A line midway between and usually parallel to two street or road property lines and defined by the Town, County, or State.
- Section 226** **Church or Religious Building** - A building for religious purposes and qualifying for real property tax exemption as a church or religious establishment by the State of New York.
- Section 227** **Civic Service Center** - A building for public activities, services, and/or offices, such as a library, owned and operated by the Town, County, State, or Federal Government, and not including any other uses defined in this section.
- Section 228** **Clinic, Dental or Medical** - A structure used for the practice of dentistry or medicine on an out-patient basis.
- Section 229** **Clubhouse** - A building used primarily for meeting and recreational purposes by members of a non-profit club or social organization.
- Section 230** **Composting** - The mixing and/or deposit of decaying organic substances, such as dead leaves, manure, etc., for later use in fertilizing land.
- A.** **Composting - Agricultural Facility** - The intentional biological process of composting agricultural wastes and other compostable materials on an agricultural unit resulting in stabilized compost products for agricultural and horticultural uses. The operational processes must meet technical and regulatory requirements.
- B.** **Composting - Commercial Facility** - The intentional biological process of composting organic materials for profit from off-premises sale of the composted material. Commercial composting other than farm composting facilities are not allowed in the Town of Rose.
- C.** **Composting - Sheet** - The process of spreading organic manure, organic agricultural waste and/or organic agricultural processing waste on the land surface, followed by the working of the material into that land surface.
- Section 231** **Coverage** - That portion of the lot covered by the building area.
- Section 232** **Curb Level** - The officially established grade of the curb in front of the midpoint of the lot.

- Section 233** **Drive-In Business** - A drive-in business including drive-in outdoor theaters, refreshment stands, banks, and the like where patrons are served or entertained in vehicles.
- Section 234** **Driveway** - A way leading to the street and intended to be used by motor vehicles.
- Section 235** **Dump** - Land meant for the disposal by abandonment, dumping, burning, or any other means, and for whatever purpose of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
- Section 236** **Dwelling** - A structure, securely attached to a foundation, used primarily for human habitation with a potable water supply, and served by a permanent sewage disposal system which is in compliance with the New York State Building and Fire Prevention Code and Department of Health Regulations.
- Section 237** **Dwelling, Manufactured Housing** - A one-family dwelling which has been manufactured as a single, complete moveable dwelling unit for year-around occupancy, and not requiring further assembly other than location or foundation and hood-up of required utilities.
- Section 238** **Dwelling, Multi-Family** - A dwelling containing three or more dwelling units.
- Section 239** **Dwelling, One Family** - A dwelling containing one dwelling unit.
- Section 240** **Dwelling, Two Family** - A dwelling containing two dwelling units.
- Section 241** **Dwelling Unit** - Any dwelling or portion thereof used or intended to be used by one family, and providing complete housekeeping and sanitary facilities.
- Section 242** **Events, Exhibitions, Shows** - An occasional or periodic amusement show, exhibition, or competitive event.
- Section 243** **Excavation** - The process of the removal of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging, or other means.
- Section 244** **Family** - One or more persons occupying a premises and living as a single, non-profit housekeeping unit.
- Section 245** **Family Care Facility** - A residential facility as defined and certified as such by the State of New York.
- Section 246** **Farm, Fish and/or Bait Hatchery** - An area for growing aquatic life.
- Section 247** **Farm, General** - Any parcel of land consisting of at least ten acres that is used for the raising of agricultural products, domestic livestock, poultry and/or dairy products. It includes accessory farm structures within the prescribed limits and the storage of equipment used. A parcel of less than 10 acres must meet the New York State Agriculture and Markets Laws.

- Section 248** **Flight Path Hazard Area** - An area extending 300 feet from each side of the center line or any runway, and 1,500 feet from each end of any runway, or as established by the Federal Aviation Authority as in effect at the time of filing of an application for a Special Permit.
- Section 249** **Floor Area (of a Building)** - The sum of the gross horizontal areas of the several floors, including the basement, of a building.
- Section 250** **Funeral Home and/or Crematorium** - An established required to be licensed as such by the New York State Department of State.
- Section 251** **Game Farm** - An area set aside for shelter, protection, propagation and/or maintenance of game, but not for hunting or sport.
- Section 252** **Garage, Private** - A building used by persons residing on the premises for the storage and service of their vehicles.
- Section 253** **Garage / Yard Sale** – The sale of personal goods at a residence, limited to three days, twice a year.
- Section 254** **Golf Course** - A full size, commercially operated, nine hole or more golf course as defined as such by the United States Golf Association (USGA).
- Section 255** **Grade, Established** - The elevation of the center line of a street officially established by the governmental entity responsible for maintaining the same.
- Section 256** **Grade, Finished** - The completed surfaces of lawns, walks, and roads brought to grades as shown on approved site plans.
- Section 257** **Height** - The vertical distance from the mean ground level measured around the foundation to the highest point of the structure.
- Section 258** **Home Occupation** - An occupation, business, or profession, which is carried on wholly within a dwelling unit or in a business or other structure accessory to a dwelling unit and which is clearly secondary to the use of the dwelling.
- Section 259** **Hospital** - An establishment for the treatment of sick or injured people on an emergency or in-patient basis, including sanitararia.
- Section 260** **Hotel/Motel** - A building or group of buildings used primarily to provide sleeping accommodations of the transient public in which eight or more rooms are available for hire.
- Section 261** **Industry** - The term includes the entire range of economic activity and as applied to specific, i.e., manufacturing, wholesale, retail, services, etc. shall have the meaning set for the in the Standard Industrial Classification Manual, published by the Executive Office of the President, Bureau of the Budget.

- Section 262** **Junk Yard** – A lot, or part thereof, used primarily for the collection, storage, and/or sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvaging or machinery or vehicles unregistered and/or not in running condition and for the storage and/or sale of parts thereof, except as accessory to a principal industrial use. Junk yards are not allowed in the Town of Rose.
- Section 263** **Kennel, Commercial** - Any establishment, including cages, dog runs, and structures, wherein more than three dogs that are over three months old are boarded.
- Section 264** **Lot** - A parcel or land.
- Section 265** **Lot, Corner** - A lot fronting on two or more roads at their intersection or intersections.
- Section 266** **Lot, Depth** - The horizontal distance from the front line of the lot to its opposite rear line measured along the median between the two side lot
- Section 267** **Lot Line** - A perimeter edge of a parcel located at the boundary with an adjoining parcel, street or right of way.
- Section 268** **Lot Line, Front** - In the case of a lot abutting on only one street, the front lot line is the line separating such a lot from such street right-of-way. In the case of a lot that abuts more than one street, each street line shall be considered to be a front lot line.
- Section 269** **Lot Line, Rear** - The lot line opposite and most distant from the front lot line.
- Section 270** **Lot Line, Side** - Any lot line other than a front or rear lot line.
- Section 271** **Lot of Record** - Any lot that is lawfully established as such by plot, survey, or deed filed or recorded prior to the date of this enactment as shown in the records of the Wayne County Clerk's Office.
- Section 272** **Lot, Width** - The distance between the side lot lines measured along the front building lines.
- Section 273** **Manufactured Housing** - Any portable vehicle that is designed to be transported on its own wheels, or those of another vehicle, which is used, designed to be used, and capable of being used as a detached single-family residence; and which is intended to be occupied as a permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachments to outside systems. The definition of mobile home includes all additions made subsequent to installations. All manufactured housing units shall meet Housing Urban Development standards for this area.

- Section 274** **Manufactured Housing Park** - A contiguous parcel of property, privately owned, where two or more manufactured homes, occupied for year - around living, are placed. A manufactured home includes a mobile home.
- Section 275** **Mining** - A parcel used for the purpose of extracting minerals for commercial sale or off-site construction use. (Excavation or grading for on-site farming, construction, or landscaping is not considered mining.)
- Section 276** **Motor Freight Terminal** – Any premises used by a motor freight company regulated by the Public Service Commission as a carrier of goods for the purposes of storing, transferring, loading, and unloading, such goods.
- Section 277** **Motor Vehicle** – All vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.
- Section 278** **Motor Vehicle Collision, Paint and/or Body Shop** - Any area of land, including structures thereon, used for the service and repair of vehicles requiring body, frame, and/or engine work (not including auto wrecking or the storage of dismantled or junk vehicles).
- Section 279** **Motor Vehicle Filling Station** - Any area of land including structures thereon, used for the retail sale of gasoline or other motor vehicle fuel and lubricants for the propulsion of vehicles, which may be either self-service or attendant operated.
- Section 280** **Motor Vehicle Service Station** - A parcel of land including structures thereon used for the sale of motor vehicle fuel, lubricating substances, and/or motor vehicles accessories and which may include facilities for washing and operations not permitted at a filling station but excluding paint and body work.
- Section 281** **Nursery School and/or Child Care Facility** - A school or facility operated on a regular basis and designed to provide daytime care and/or instruction for children and is required by the laws of the State of New York to be licensed as a nursery school or a child care facility.
- Section 282** **Nursing, Convalescent Home** - Any establishment licensed by the State of New York as a Nursing Home of Convalescent Home.
- Section 283** **Occupancy** - The utilization of a building, structure or land.
- Section 284** **Occupancy, Seasonal** - Occupancy for a period not exceeding seven months during any one calendar year.
- Section 285** **Official Map, Town** - A map adopted by the Town Board pursuant to the provisions of section 270 of the Town Law, as may be, or may have been, revised according to provisions of the Town Law.
- Section 286** **Open Space** - That part of the lot area that is unoccupied and not used for buildings, structures, or parking.

- Section 287** **Park, Private** - An area of land for recreational use by selected persons or groups.
- Section 288** **Park, Public** - An area of land for recreational use by the general public.
- Section 289** **Parking Space** - An off-street paved or graveled space which, exclusive of access driveways and turning areas, is a least nine feet wide by nineteen feet long and which is accessible and available for the parking of vehicles. Handicapped parking space shall be provided where required by law and shall meet State and Federal Handicapped Accessibility laws and shall be clearly designated as a handicapped parking space.
- Section 290** **Personal Service Establishment** – A building where personal services are rendered for profit, including but not limited to, such services as coin-operated laundry and dry-cleaning establishments, barber shops, beauty parlors, or health and fitness facilities.
- Section 291** **Place of Assembly** - A structure or place used for amusement, athletic, dining, educational, entertainment, fraternal, patriotic, political, recreational, social, or similar purpose.
- Section 292** **Planned Unit Development** - A tract of land that is developed according to a plan which may combine residential, commercial, or industrial uses, with all needed roadways, parking and loading areas, accessory buildings, and open spaces.
- Section 293** **Plant Nursery** - An area used for the cultivation and harvesting of trees, shrubs, and/or plants for profit, and greenhouses, together with accessory buildings.
- Section 294** **Pond** - An established body of water, natural or manmade, which shall be considered a structure for purposes of the law.
- Section 295** **Restaurant Establishment** - A public place where food and drink is sold and served for consumption on the premises.
- Section 296** **Roadside Sales** – The selling of the property owner’s home occupation products or garden produce from an open structure. Off-street parking is required.
- Section 297** **Roadside Stand** – A structure which is used for the sale of agricultural or home produced products. Adequate provision for off-street parking is required.
- Section 298** **Room Rental** - A residence wherein no more than two transients are sheltered and/or fed for profit, which use is clearly incidental to and secondary to the residential use of the parcel.
- Section 299** **School** - A place of learning supervised by the Department of Education of the State of New York.
- Section 2100** **Seasonal Housing Dwelling** - A facility as defined as such in the State Sanitary Code.

- Section 2101 Seasonal Housing Facility** - A facility as defined as such in the State Sanitary Code, separate from an established, working farm.
- Section 2102 Sheds / Storage Structures** – Structures built for the purpose of storage. (Mobile homes are not construed to be storage structures.)
- Section 2103 Shooting Club** - A parcel set aside for activities such as target shooting and shooting competitions, including guns and bows.
- Section 2104 Shooting Preserve** - An area set aside for the purpose of hunting.
- Section 2105 Sign** - A graphic representation that attracts public attention and is visible from any highway, street, or other public place.
- Section 2106 Sludge** - Solids and waste products from septic tanks and sewage treatment systems. Disposal of sludge is not permitted in the Town of Rose.
- Section 2107 Special Permit** - A permit in compliance with, and imposing particular conditions as specified in this law, and granted by the Planning Board.
- Section 2108 Stable, One Horse** – An accessory use or building in which one horse is kept.
- Section 2109 Stable, Two Horses** - An accessory use or building in which two horses are kept.
- Section 2110 Stable, Three Plus Horses** – A parcel on which three or more horses are kept.
- Section 2111 Storage, Bulk Petroleum/Petroleum Products** - The storage of petroleum/petroleum products as regulated under the Federal Natural Gas Act by the New York State Department of Environmental Conservation.
- Section 2112 Storage, Open, Farm** - Open storage of farm machinery or farm vehicles customarily associated with the operations of a working farm.
- Section 2113 Storage, Open, General** - The keeping of tangible personal property on land outside of any building or structure, not including the activities of junkyards as defined herein.
- Section 2113(A) Storage Units, Temporary** – Any container used for the temporary Storage of household or outbuilding contents while repairs, remodeling or Outbuilding contents while repairs, remodeling or rebuilding of the Principal structure is occurring. This includes pods, tractor trailers Bodies or any other commercial storage units. Boats, campers, trailers And vehicles shall not be constructed as storage units.
- Section 2114 Storage, Open, Unlicensed Vehicle** - The keeping of unlicensed vehicles outside any building or structure including the activities of junkyards and defined herein. Minimum yard regulations for structures apply to open stored vehicles. More than one (1) open, unlicensed storage of vehicles require a Special Permit.

- Section 2115 Street** – Any public way greater than 20 feet in width dedicated to public travel.
- Section 2116 Street Line** – The right-of-way line of a street is indicated by dedication or by deed or use.
- Section 2117 Structure** – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- Section 2118 Structure, Alteration of** - Any addition, reduction, or modification of the structural components of any structure.
- Section 2119 Swimming Pool** - A structure containing water and used or intended to be used for swimming.
- Section 2120 Telecommunication Towers**
- A. ACCESSORY FACILITY** - An accessory facility serves the principal use, is subordinate in area, extent and purpose to the principal use, and is located on the same lot as the principal use. Examples of such facilities include transmission equipment and storage sheds.
 - B. ANTENNA** - A system of electrical conductors that transmit or receive radio frequency waves.
 - C. TELECOMMUNICATION SPECIAL USE** - A use which is deemed allowable within a given zoning district but which is potentially incompatible with other uses and, therefore, is subject to special standards and conditions set forth for such use subject to approval by the Planning Board.
 - D. TELECOMMUNICATION TOWER** - A structure on which transmitting and/or receiving antennae are located (including existing buildings and water tanks) and which transmits and receives personal wireless service communications transmissions under the 1996 United States Telecommunications Law. Examples of such wireless service communications, specialized mobile radios (SMR) and commercial paging.
- Section 2121 Tourist Home and/or Bed & Breakfast** -A dwelling in which more than two or less than seven sleeping rooms are provided for overnight transient, paying guests, such use being secondary to the occupancy of the dwelling by a family.
- Section 2122 Accessory Use or Structure**- A use or structure subordinate to the principal use of a building on the same lot and servicing a purpose customarily incidental to the use of the principal building, including a detached garage, greenhouse, or storage shed.
- Section 2123 Use, Nonconforming** - A use of land, building, or structure lawfully existing at the time of enactment of this law, or an amendment thereto,

which does not conform to the regulations of the district in which it is located. Any use that was lawfully nonconforming under the 1972 Rose Zoning Ordinance, as amended, shall be nonconforming under this law unless the express terms of this law define such use as conforming.

Section 2124 Use, Principal - The specific, primary purpose for which land, a structure, or a building is used, or is intended to be used, or for which it is or may be occupied or maintained.

Section 2125 Warehouse - A building expressly used for the purpose of storing goods, not including farm accessory buildings.

Section 2126 Wind Energy Conversion System - Any mechanism designed for the purpose of converting wind energy into mechanical or electrical power.

Section 2127 Yard – A minimum required area within no building or structure may be placed.

Section 2128 Yard, Front - An open area extending across the entire width of the lot between the road right-of-way and the front building line. A corner lot shall provide two front yards and one rear yard of minimum dimensions as required by law.

Section 2129 Yard Line (Minimum Setback) - A line parallel to a lot or yard.

Section 2130 Yard, Rear - An open area extending across the entire width of the lot between the rear building line and the rear lot line.

Section 2131 Yard, Side - An open area between the side building line and the side lot line and extending from the front building line to the rear building line.

ARTICLE III
ESTABLISHMENT AND DESIGNATION OF DISTRICT

Section 300 **Establishment of Districts** - The Town of Rose is hereby divided into zoning districts as hereinafter set forth and the following designations of districts may appear on the official zoning map, and as herein adopted as it may be from time to time amended:

| | |
|-------------------------|-----|
| Agriculture | A |
| Rural Residential | RR |
| Hamlet Residential | HR |
| General Business | GB |
| Land Conservation | LC |
| Hamlet General Business | HGB |
| Industrial | I |

Section 301 **Zoning Map**

- A.** There shall exist only one (1) official zoning map, which shall be kept in the office of the Town Clerk and it shall bear the seal of the Town of Rose, a certification that it is the official zoning map of the Town of Rose and its date of adoption. Said zoning map shall show the boundaries of the zoning districts herein established and which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B.** Said zoning map shall be on material suitable for reproduction. Copies of this map which may from time to time be published and distributed would be accurate only as of the date of their printing and shall bear words to that effect.
- C.** Changes made in zoning district boundaries or other matters portrayed on the zoning map under the provisions set for the herein shall be permanently affixed to the zoning map promptly after the amendment has been approved by the Zoning Board of Appeals and shall convey information as to the date and nature of the change. No amendment to this law that involves matters portrayed on the zoning map shall become effective until such change and entry has been made on said zoning map and has been attested by the Town Clerk.

- D.** Pre-existing parcels located within the boundaries of the Agriculture zoning district of this law that were also located within the boundaries of the R15000 zoning district of the 1972 Town of Rose Zoning Law, and are now non-conforming due to the change in district area/frontage requirements, shall be zoned Rural Residential. These parcels are listed by Lot Numbers (Real Property Tax Map, Town of Rose, 2005) in Appendix I of this law. Hereafter, no new Rural Residential parcels may be established or permitted within the Agriculture district. Parcels enlarged upon or joined to adjacent parcels and subsequently meeting Agricultural zone area requirements shall be removed from the Rural Residential status of Appendix I and thereafter shall be subject to Agriculture controls. See Appendix I.

Section 302

Interpretation of District Boundaries - Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the official zoning map, the following rules shall apply.

- A.** Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B.** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C.** Boundaries indicated as approximately following the municipal limits of the Town shall be construed as following such municipal limits.
- D.** Boundaries indicated as following the center lines of streams or other water bodies shall be construed to follow such center lines.
- E.** Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- F.** Where physical or cultural features on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E above, the Board of Appeals shall interpret the district boundaries.

ARTICLE IV
DISTRICT REGULATIONS

Section 400 Regulations

Specifications of permitted land uses or activities requiring a permit, special permit, or having special conditions applied thereto, are set forth in the Schedule of Land Use or Activity appended to this law and expressly made a part hereof.

Section 401 Applicability of Regulations

Except as hereinafter otherwise provided.

- A. The regulations set by this law shall be the minimum regulations within each district and shall apply uniformly to each class or kind of building, structure or use of land.
- B. No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, structure or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the use hereinafter listed as permitted in the district in which such building, structure or land is located.
- C. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building or structure is located.
- D. No building or structures shall be erected, no existing buildings or structures be altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building, structure or open space is located. Normal building or structure maintenances such as replacement of roofing shingles, replacements of doors and windows of the same size, painting and modification of siding materials are not considered structural alterations and are permitted.

Section 402 Prohibited Uses

Any land use activity not specifically allowed in section 400 or other provision of this law is prohibited.

Section 403 Wetlands

Notwithstanding any other provisions of this law, use of all wetlands in the Town of Rose, as delineated on any Wetlands Map that may be adopted and duly filed by the Town Board, or Wayne County, or the New York State Department of Environmental Conservation pursuant to article 24 of the Environmental Conservation Law, shall be subject to the provisions of this section.

A. Purpose

The purpose of these wetlands regulations is to preserve, protect, and conserve designated wetland areas in the Town of Rose in order to protect downstream water resources from siltation and pollution; ensure the continuation of the natural flow pattern of water courses; reduce the potential for flooding; to retain essential breeding, nesting and feeding grounds as well as predator escape cover for wildlife; and to protect the public health, safety, and general welfare by ensuring that wetland resources will be maintained in their naturally functioning state.

B. Permitted Use

Within a designated wetland the following uses are permitted subject to the provisions of state, federal, or county law.

1. Grazing and watering of livestock.
2. Growing agricultural products.
3. Harvesting natural products of the wetland.
4. Selectively cutting timber and draining the wetland for the purpose of enhancement growing agriculture products except that any structures that are not directly related to of agricultural productivity, or that involve filling the wetland, shall require a special use permit.
5. Activities related to public health and orders and compliance with regulations of the New York State Health Department.
6. Development in accordance with Planned Unit Development provisions where wetlands are to be maintained as open space and where the Town Planning Board determines that such development will not despoil said wetlands.

C Special Uses

Within a designated wetland the following uses are permitted by special use permit, subject to provisions of state, federal or county law.

1. Draining, dredging, or excavation of or in the wetlands.
2. Construction or reconstruction of any structures or roads that might otherwise be permitted in the zoning district in which the wetland is located.
3. The driving of piles or placement of any obstruction for any purpose.

D Procedure Construction or reconstruction of any structures or roads that might otherwise be permitted in the zoning district

Each landowner or user who intends to conduct a permitted use on wetland shall, if required, obtain a permit from the State Department of Environmental Conservation and shall notify the Zoning Officer of his intention, stating the location and approximate acreage to be affected, the intended use for such land, and the methods to be employed.

Section 404 Non-Conforming Lots, Buildings, Structures and Uses

A. Intent

1. Within the districts established by this law, or amendments which may be hereafter adopted, there may exist lots, buildings and structures; uses of land, buildings and structures; and characteristics of uses which were lawful before this law was passed or amended but which would be prohibited, regulated or restricted under the terms of this law and amendments hereto. It is the intent of this law to permit these non-conformities to continue until they are terminated or removed, but not to encourage their survival, and that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the same district.
2. To avoid undue hardship, nothing in this law shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction materials have been placed in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building

has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B Non-Conforming lots or record

1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendments of this law, notwithstanding limitations imposed by other provisions of this law. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals; otherwise a building permit may be issued by the Building Inspector without any review or action by the Board of Appeals.

2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this law, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this law, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this law, no shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this law.

C Non-conforming uses of land.

- Where at the time of passage of this chapter a lawful use of land exists which would not be permitted by regulations imposed by this law, the use may be continued so long as it remains otherwise lawful, provided that:
1. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this law.
 2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at this effective date of adoption or amendment of this law.

3. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months any subsequent use of such land shall conform to the regulations specified by this law for the district in which such land is located.
- 4 No additional building or structures shall be erected in connection with such non-conforming use of land to extend the non-conforming use.

D Non-conforming buildings and structures.

Where an otherwise lawful building or structure exists at the effective date of adoption or amendment of this law which would not be permitted under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the building or structure, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1 No such non-conforming building or structure may be enlarged or altered in a way which increases its non-conformity, but any building or structure or portion thereof may be altered to decrease its non-conformity or to become conforming.
- 2 Should such non-conforming building or structure or non-conforming portion of a building or structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this law.
- 3 Should any such building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E Non-conforming uses of building and structures or of buildings and structures and lands in combination.

If a lawful use involving buildings or structures or of buildings or structures and lands in combination exists at the effective date of adoption or amendment of this law, which uses would not be permitted in a district under the terms of this law, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing buildings or structure devoted to a use not permitted by this law in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changed the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at

3. If no structural alterations are made, any non-conforming use of structure, or structures and premises, may, as a special use, be changed to another non-conforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this law.
 4. Any building or structure and land in combination in or on which a non-conforming use is superceded by a permitted use shall therefore conform to the regulations of the district, and the non-conforming use may not thereafter be resumed.
 5. When a non-conforming use of a building or structure and premises in combination is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the building or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 6. Where non-conforming use status applies to a building or structure and premises in combination, removal or destruction of the building or structure shall eliminate the non-conforming status of the land.
"Destruction" for the purpose of this subsection is defined as damage to an extent more than fifty percent (50%) of the replacement cost at time of destruction.
- F. Repairs and maintenance**
1. On any non-conforming building or structure or a building or structure or portion of a building or structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty percent (20%) of the current replacement cost of the building or structure or non-conforming portion of the building or structure, as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.
 2. If a non-conforming building or structure or portion of a building or structure which is non-conforming becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of

physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

- 3 Nothing in this law shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Section 405 General Business District

Any business property adjacent a residential property must maintain the following provisions:

- A. The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this chapter as well as the provisions for landscaping, buffering, sign controls, and access way requirements, which limits each such use to only one access way from the highway.
- B. Lighting shall be provided in a manner so as to minimize potential disturbance to adjacent properties and roadways.
- C. No more than 50% of any required front yard area shall be used for parking and access. The remaining front yard area shall be landscaped. Access drives shall be clearly defined by curbs.
- D. Parking areas and access drives shall be located not less than 20 feet from any property line. A landscaped buffer strip consisting of evergreens or deciduous trees at least three feet in height at the time of planting, and screening such paring area and access drive, shall be provided along the property line adjacent to any existing residential lot. Such trees shall not be planted further than 15 feet apart. No vehicle parking shall occur in such buffer strip.
- E. Provisions for the outside storage of trash and any type of merchandise shall be approved as part of the site review process.
- F. No outdoor amplified sound system shall be permitted without approval of the Planning Board.
- G. The Planning Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety, and public welfare of the Town.
- H. The rear line of the General Business District shall extend 500 ft. from the established right-of-way or front line.

Section 406 Dumps and Junkyards

No dump or junkyard shall be permitted within the Town of Rose.

ARTICLE V
GENERAL REGULATIONS

Section 500 Application of General Regulations

The General Regulations found in this Article V are applicable in all districts unless otherwise indicated elsewhere in this law.

Section 501 Lot Regulations

- A.** A lot shall abut on an established public street or an established right-of-way.
- B.** Area Measurements. Measurements for minimum lot size and front yards shall be made from the edge of pavement and not from the center of the road.
- C.** Width Measurements. The minimum lot width of any lot shall be measured along the minimum front yard setback line as required for the district in which it is located.
- D.** Corner Visibility. At all street intersections no obstruction to vision shall be erected on any lot between 3 and 8 feet above the established grade of the street and within the triangle formed by the street lot lines of such lot and a line drawn between the points of such street lot lines 10 feet distant from their point of intersection.

Section 502 Yards and Regulations

- A.** Yards and Open Space. No part of a yard or other space required for any building or use shall be considered as a part of a yard or other open space required for any other building or any other lot.
- B.** Yards on Corner Lots. Any yard adjoining a road shall be considered front yard and shall meet the minimum front yard requirements of section 400.
- C.** Projections in Yards. Every part of a required yard shall be open and unobstructed, except for the ordinary projections of sills, belt cornices, pilasters, leaders, chimneys, eaves, and ornamental features, provided that no such projections extend more than three feet into any required yard. Open or enclosed fire escapes, outside stairways and balconies, and solar energy systems projecting into a required yard space may be permitted by the Zoning Officer where such projection are so placed as not to obstruct light and ventilation.
- D.** Open Porches, Attached Carports and Garages. In determining the percentage of building coverage of a lot or the size of yards for the purposes of this Local law, porches or carports open at the sides but roofed, and all attached garages shall be considered as a part of the principal building.

- E. Exceptions. The provisions of this chapter shall not apply to fences, hedges, or walls less than six feet in height above the natural grade, except as may be controlled by Section 502 (c) above, nor to terraces, unroofed porches or similar features which are less than three feet above the level of the floor of the ground story.
- F. Uses of Yards. No minimum required yard space as designated in Section 400 shall be used for the storage of merchandise, junk, vehicles, vehicle parts, or for signs unless otherwise specifically permitted in this chapter.

Section 502A Yard Maintenance

- A. Lawns: No person shall maintain, plant or permit to remain on any private property any lawns in excess of 10 inches in height. A lawn shall be defined as an open space planted with grass on a lot with a structure.
- B. Complaints. Complaints concerning any violation of this chapter shall be made to the Code Enforcement Officer for the Town of Rose, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Code Enforcement Office.
- C. Notice of violations. If, after such investigation, it appears that there is a reasonable basis to believe that any of the provisions of this chapter have been violated, the Code Enforcement Officer shall immediately cause a notice in writing to be served upon the owner or occupant of the property. The owner, occupant or any person having control over any lot, land or property found in violation of said code shall be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Town or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season. Such notice shall set forth the nature of the complaint and shall direct the owner or occupant to mow the grass. The notice required under this chapter shall be served upon the owner or his or her executor, legal representative, agent, lessee or any other person having a vested or contingent interest in such premises as shown by the records of the Town Assessor or the Wayne County Clerk. Service shall be made either personally or, if not by personal service, by registered or certified mail, and by first-class mail addressed to the last known address, if any of the owner or his or her executor, legal representative, agent, lessee other person having a vested or contingent interest in such premises as aforesaid identified. If services made by registered or certified mail, a copy of the notice shall be posted on the premises. The notice shall be in substantially the following form:

“To the owner, occupant or person have charge of the land known on the assessment role of the Town of Rose located on the _____ side of _____ Street or Road; or house and lot number _____ located on the _____ side of _____ Street or Road.

Notice is hereby given that you have failed to cut the grass pursuant to section 502-A of the Town of Rose Zoning Law. Said grass must be cut within seven days from the date of this notice, if his notices served upon you by registered or certified mail.

In case you fail or refuse to comply with this notice on or before the expiration of said seven days or 10 days from the date of this notice, as the case may be, the Town of Rose acting through it duly authorized agents, servants, contractors, officers and employees will enter upon your land and cut said grass. The expense incurred by the Town, including an administration fee of \$75, will be billed to you, and if not paid within 45 days, will be assessed against the above described land, and shall constitute a lien thereon and shall be added to the next real property tax levied against the property by the Town of Rose and collected as provided by law.

A second or subsequent violation for the same offense within the same calendar year will result in a civil penalty of \$100 being billed to you and levied upon your Town tax bill if not timely paid.

You will be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same year shall be corrected by the Town or its agent without notice to the owner, occupant or person having control of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season.

Dated: _____ Code Enforcement Officer

- D.** Inquiry by the Town Board. Any person feeling aggrieved by any such action or notice may, within three days after the receipt of such notice, demand the matter be inquired into by the Town Board. Such demand must be in writing, signed by the person seeking such inquiry and be filed with the Town Clerk. Within a reasonable time, the Town Board shall schedule a date, time and place for hearing before the Town Board in which the aggrieved person may address the Town Board. Such hearing shall be scheduled not less than five business days from the date of service of the notice

- E.** Failure to comply. In the event of a refusal or neglect of the person so notified to comply with said notice or order of the Town Board in the

event the aggrieved party requests a hearing pursuant to this chapter, the Town Board shall provide for the cutting of the grass by either Town employees or by contract, and the total cost thereof, including an administrative fee of \$75, shall be billed to the owner and, if not paid within 45 days will be assessed upon the real property on which it was levied until paid or otherwise satisfied or discharged, and shall be collected by the Town Clerk in the manner provided by law for the collection of real property taxes. A second violation for the same or subsequent offense within a calendar year will result in civil penalty of \$100 being billed to the property owner and levied upon the property owner's Town taxes and collected as provided by law if not timely paid.

Section 503 Dwelling Areas

No permit for the erection of a dwelling shall be granted unless the minimum ground floor space per dwelling unit shall be as follows:

| | |
|--------------------------|-----------------|
| One story dwelling | 864 square feet |
| 1 - 1 1/2 story dwelling | 720 square feet |
| 2 story dwelling | 576 square feet |

These area requirements do not include open or enclosed porches, basements, garages, or carports. All foundations shall be continuous and of masonry construction.

Section 504 Cellar/Basement Occupancy

- A. Cellar Occupancy Prohibited. It shall be unlawful to occupy all or any part of a cellar for sleeping purposes.
- B. Basement Occupancy. Any basement area used for sleeping purposes shall have not less than two means of egress, at least one of which shall be a door giving access to an open area whose service is at least eight inches below the level of the basement floor. Each basement room used for living purposes shall have a window area, opening to the outside, equal to not less than one-tenth of the floor area of such a room.

Section 505 Exceptions to Height Regulations

Chimneys, cooling towers, energy systems, agricultural buildings, flagpoles, elevators, bulkheads, fire towers, grain elevators, steeples, water towers, telecommunication towers, spires, and normal electric distribution poles may exceed the height regulations of this chapter, but for each foot a building or other structure exceeds thirty-five feet, such building or structure shall be offset from the property lines four feet in addition to the applicable yard requirement.

Section 506 Water, Sewage, and Fuel Storage Requirements

Each dwelling, restaurant, retail business, industry, or other structure designed for human occupation shall be provided with an adequate supply of potable water and a safe and adequate sewage disposal system as defined by the New York State Department of Health and the Department of Environmental Conservation. Safe installation of fuel storage facilities shall meet requirements of the New York State Uniform Fire Prevention and Building Code.

Septic disposal systems shall be designed according to the results of a satisfactory soil percolation test for any building or structure designed for human occupation whether for a residence, consumption of food and/or beverages, or for employment, whenever a municipal or private sewage system is not available. The granting of permits is conditional upon satisfactory design of systems. No sewage disposal facility shall be installed less than 100 feet from any stream or shoreline.

Section 507 Accessory Uses

- A.** General. An accessory use shall be located on the same lot to which it is necessary. No use that alters the character of the premises on which it is located, or impairs the surrounding neighborhood, shall be permitted as an accessory use.
- B.** Attached Accessory Structures. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this law applicable to the principal building.
- C.** Unattached Accessory Structures. Accessory structures or uses that are not attached to a principal structure shall not be located in any required front or side density control yard area.
- D.** Manufactured Housing Units. Shall not be permitted for storage in the Town of Rose.
- E.** Unregistered trailer bodies (consisting of enclosed utility trailers and trailers towed behind motor vehicles for the shipment of goods and merchandise) may be used for storage but only on established farms as defined in section 247. Trailer bodies may be used in industrial zones within the density controls of the zoning law and with the issuance of a Special Permit.
- F.** Storage containers (known by commercial names as “PODS” and “Averdi” may be allowed in any district by permit for a period of up to 30 days with a one-time renewal, within density controls of that zoning district.

Section 508 Off-Street Parking and Loading

A. General Provisions

1. Permanent off-street automobile storage, parking, or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area or before conversion from one zoning use or occupancy to another. Such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. Except in a driveway, no required front yard portion thereof in any residential district shall be utilized to provide parking space required in this local law. A five foot minimum buffer area shall be required between all parking areas and lot lines.
2. When totals calculated in Section 400 indicate that a partial space is required, a full space shall be provided.
3. Minimum parking requirements for uses allowed by special permit may be modified as appropriate.
4. The number of off-street parking spaces required shall be as set for the in Section 400. In the case of any building, structure, or premises, the use of which is not specifically mentioned in Section 400, the provisions for a use, to which said use is similar, in the opinion of the Zoning Officer, shall apply.
5. One unlicensed vehicle per lot of record is allowed within the density controls of the Principal Use Schedule I or in a conforming, preexisting driveway.
6. No required commercial or off-street public parking shall be used for storage, servicing, or dismantling of automobiles, other vehicles, or equipment.
7. If the vehicle storage space or standing space required by this law cannot be reasonably provided on the same lot as which the principal use is conducted, the Board of Appeals may permit such space to be provided on other off-street property. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
8. Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure, or land use on the effective date of this law shall be continued and may not be counted as serving a new building, structure, addition or land use, nor shall any required parking space be substituted for an off-street

- loading and unloading space, nor any required loading and unloading space be substituted for parking space.
9. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use shall not be assigned to another use at the same time except for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday, which may be assigned to a use which will be closed at night or on Sunday.
10. No off-street automobile parking or storage space shall be used or designed, arranged, or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley, or adjoining property.
11. The parking spaces provided along with their necessary driveways and passageways, shall be improved in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be presented to the Zoning Officer at the time the application for zoning permits are to be filed. Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks and street pavements must be made in an approved manner. Provisions must be made for the adequate drainage of parking areas.
12. No commercial motor vehicle of more than one ton capacity shall be parked or stored overnight on the street in any residential district.
- On the same premises, with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade, or industry, there shall be provided and maintained adequate space for the parking of commercial vehicles while loading and unloading off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended, or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley, or adjoining property. Off-street loading and unloading space shall be provided at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity.
13. Only one owner operated licensed commercial vehicle may be parked on the owner's property between runs. Engines and refrigeration units may not be left running while parked.

B. Parking Requirements

1. Amusement and Recreation Facilities. One parking space for every five customers computed on the basis of maximum servicing capacity at any one time plus an additional space for every two persons regularly employed on the premises.
2. Club Houses and permanent meeting places of veterans, business, civic, fraternal, labor and other similar organizations. One parking space for every fifty square feet of aggregate floor area in the auditorium, assembly hall, and dining room of such building plus one additional space for every two persons regularly employed on the premises.
3. Funeral Homes. Parking or storage space for all vehicles used directly in the conduct of the business plus one parking space for every two persons regularly employed on the premises and one space for every six seats in the auditorium or chapel at such establishment. If the establishment does not have an auditorium or chapel, the additional parking to be required for funeral visitors shall be determined by the Planning Board based on the number of funerals that can be handled at one time, the size of the facilities, and other relevant factors.
4. Hospitals. One parking space for every two beds intended for patients, excluding bassinets, plus one parking space for every three employees on the premises at the maximum employment on a single shift. If the hospital includes clinic facilities, the parking spaces required for such facilities shall apply in addition.
5. Hotel - Motel. Automobile parking space to accommodate not less than one car for each rental room or unit, plus one additional space for every two persons regularly employed on the premises. If a hotel-motel includes accessory uses, additional parking shall be provided as otherwise required in this law.
6. Industrial plants and facilities. One (1) parking space for each employee and one (1) for each one thousand (1,000) square foot of gross floor space in the building for use by guests or visitors. The employee ratio shall be applied to that shift of work activity that has the greatest number of employees.
7. Motor Vehicle Service Station. Parking or storage space for all vehicles used directly in the conduct of business plus one parking space for each gas pump, three spaces for each grease rack, and one

space for every two persons employed on the premises at maximum employment on a single shift.

8. Outdoor Business. One parking space for every two persons employed on the premises in maximum seasonal employment and such additional space as may be required by the Planning Board based on the nature of the business and other related factors.

Section 509 Fee Schedules

The Town Board is hereby authorized and empowered to make or amend by resolution any application or permit fees to be charged under this chapter and when such fee schedules have been adopted by Town Board at any meeting of said Board and after publication of the fee schedules in the official newspaper of the Town said fee schedules shall become effective.

ARTICLE VI
SPECIAL CONDITIONS

Section 600 Application of Special Conditions

The special conditions found in this article are applicable in all districts unless otherwise indicated.

Section 601 Automobile Sales and/or Rental Area

- A.** Areas used for parking or display of automobiles shall be located no less than 10 feet from any property line unless otherwise specified.
- B.** All exterior surfaces used for sales, display, and parking shall be adequately drained and provided with a hard, dust-free surface.
- C.** Access drives shall be well defined and shall be more than 30 feet in width. All area not used for structures, parking or access, shall be landscaped.

Section 602 Building or Structure, Temporary

A temporary permit may be issued by the Zoning Officer, for a period not exceeding 180 days.

Such permits may be renewed for one additional period not exceeding 180 days providing material progress (construction or repair) has commenced and requires additional time. Upon expiration of any such permit, the temporary structure shall be removed. The temporary permit shall not be issued for structures used as dwellings, except as permitted in Section 609.

Section 603 Business, Home Occupation

A home occupation shall be operated only by the inhabitants within the dwelling in which the home occupation is located. The parking area for a home occupation shall be off-street parking and shall be limited to the side or rear of the dwelling or structure in which such home occupation is operated.

Section 604 Business, Retail and/or Wholesale

- A.** An access drive is required and shall not be located within a clear sight zone.
- B.** No more than 50% of any required front yard area shall be used for parking, loading, or access. The remaining front yard shall be landscaped. Access drives shall be clearly defined.
- C.** Parking areas shall be off-street, located not less than 20 feet from any property line, including the street right-of-way line, and a landscaped

buffer strip screening such parking area shall be provided along the property line adjacent to any lot in residential use.

D. Permits requiring more than five acres to meet density controls shall require approval by the Planning Board.

E. In the Hanlet General Business District . The rear yard of such property may be used for parking but it shall have a five foot planted and landscaped buffer strip on all sides. .

Section 605 Dwelling, Manufactured Housing

Permitted only when such manufactured housing unit:

A. Is to be placed on a concrete foundation.

B. Is to be anchored or tied to such foundation, in a way that will provide for its stability.

C. Is to be completely skirted within 90 days of occupancy with brick or concrete blocks.

D. Is to have provisions for the indoor storage of personal property, including, but not limited to, machinery, tools, recreation equipment and lawn furniture. Such storage shall have an 8' x 10' area minimum and shall be made of similar material as required in subsection C above.

E. Was manufactured within ten years of the date of installation, and contains a seal as provided for in the State Code for Construction and Installation of Manufactured Housing.

F. Provides for a minimum floor area of 720 square feet.

Section 606 Dwelling, Temporary Manufactured Housing

Permitted only by Temporary Permit as follows:

A. When such manufactured housing unit is to be occupied for a period not longer than 12 months as a dwelling by the owner of a conventional dwelling that is being constructed, reconstructed, or repaired. A Temporary Permit may be issued for a period not exceeding 180 days and may be renewable for one additional period not exceeding 180 days and providing material progress (construction or repair) has commenced and requires additional time. However, if material progress with house construction is not made within 45 days from the date of issuance of a permit or if construction ceases for a consecutive period of 45 days, such permit shall become void.

B. Such manufactured housing unit shall be securely placed on piers and provided with a safe and adequate water supply and sewage disposal system.

- C. Any temporary manufactured housing unit that is so situated as not to conform to density or use provisions of this Chapter shall not be replaced on its site by any other manufactured housing unit.
- D. Any temporary manufactured housing unit permitted by Temporary Permit pursuant to this section shall be removed within 30 days from the date that such permit, or any extension thereof, expires.

Section 607 Motor Vehicle Filling Station

- A. No motor vehicle filling station shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground, or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street if the entrances are on opposite sides of the street, and along the street frontage if both are on the same side of the street or within the same block.
- B. No gasoline pump shall be placed closer to any side property line than 100 feet, or closer to any street line than 30 feet.
- C. No filling station shall have any above-ground tank.

Section 608 Motor Vehicle Service Station

- A. No motor vehicle service station shall have a vehicular entrance closer than 200 feet to an entrance to a church, school, theater, hospital, public park, playground, or fire station. Such measurement shall be taken as the shortest distance between such entrances across the street if the entrances are on opposite sides of the street, and along the street frontage if both entrances are on the same side of the street or within the same block.
- B. All motor vehicle service stations shall be so arranged as to require all servicing on the premises and outside the public way, and no gasoline pump shall be placed closer to any side property line than 100 feet, or closer to any street line than 30 feet.
- C. No inoperative motor vehicle shall be kept on the premises of a motor vehicle service station for longer than 30 days except as required by public authority.
- D. All waste material shall be stored within a structure or enclosed within fencing at least 8 feet high and not visible at any property line establishment.
- E. All repair facilities shall be at least 15 feet farther from the street line than the side of the gasoline pumps farthest from the street that provides access to the gasoline pumps.

Section 609 Signs

Signs are an accessory use only. Signs are not permitted as a principal use. Wherever located and whatever their nature, signs and billboards shall conform to the following.

A. General Provisions

1. Signs must be constructed of durable materials and be maintained in good condition. If allowed to become dilapidated, they shall be repaired or removed by the owner within 30 days of notice from the Zoning Officer. If not so repaired or removed, the Town Board may order such repair or removal at the owner's expense.
2. Maximum height of a sign shall be 20 feet from the average ground level as measured at the front edge of the building if free standing, or the height of the facade of the building to which it is attached unless otherwise specifically set forth elsewhere in this Local law.
3. No attached sign shall extend within a street or road line unless said line is the building line in which case a sign may extend over the street or road line for a distance not exceeding four feet.
4. No free-standing sign larger than eight square feet shall have less than three feet of open space at the bottom, extending its entire length.
5. In matters of setback from the street or road, required yards and other such respects, freestanding signs larger than eighty square feet shall be regarded as buildings within the meaning of this law.
6. Advertising display upon a building or other surface shall be regarded as coming within the dimensional restrictions of this section.
7. No freestanding sign larger than 32 square feet shall be less than 25 feet from the front property line unless otherwise specifically set forth in this law.
8. Temporary signs erected for 30 days or less shall not require a permit and shall be removed immediately on or before, the end of such 30 day period. Temporary signs, banners, pennants, moveable signs, erected for a period of time longer than 30 days, shall be by permit only and shall be removed immediately when circumstances leading to their erection no longer apply or after 180 days, whichever is the shorter period. Such permits may be granted by the Zoning Officer. Temporary signs shall comply with all dimensional restrictions of this section.
9. A permit shall be required for the erection, alteration, or maintenance of any sign not listed in section.
10. Lighted signs shall not be flashing nor produce objectionable glare on adjacent highways or residential property. It shall constitute a nuisance for any person, firm, or corporation to permit the edge of the beam of any artificial light source to cross the boundary line of the lot of which this light source is situated. For this purpose, the

edge of the beam is defined as the surface at which the intensity of light does not exceed 10 percent of the luminescence of the center of the beam.

11. Sign area shall be measured as follows:

When such sign is on a plaque or framed or outlined, all such area of such plaque or the area enclosed by and including such frame or outline shall be included. When such sign consists only of letters, designs, or fixtures which are engraved, painted projected, or in any manner affixed on wall or structure, the total area of such sign shall be deemed the area of the smallest triangle, rectangle, or circle within which all of the matter of which such sign consists may be inscribed.

12. Back-to-back signs, identical signs arranged back-to-back or diverging by less than 30 degrees from a common line or point, may be counted as one sign.

13. No signs shall be placed so as to impede the vision of approaching vehicles on a road or right-of-way.

B. Signs permitted in all districts without a permit when such signs are not illuminated and no more than one in number face each street.

1. Identification and permitted use signs of an appropriate nature, but not larger than 32 square feet, or business and identification signs not exceeding one square foot in area for every two linear feet of street frontage occupied by an establishment, but not exceeding 80 square feet for any sign parallel to and flat against the façade of a building.

2. Signs not exceeding 32 square feet in area for a church, school, or other institutional use.

3. Home occupation signs not exceeding four square feet in area.

4. Real estate signs not larger than 12 square feet in area.

5. Signs required by law or needed for public safety and welfare.

C. Non-conforming Signs to be removed:

1. Any non-conforming sign painted, pasted, or applied to a fence, wall, or façade of a building shall not be repainted, restored or replaced.

2. Any non-conforming sign that is a structure existing in a residential district a the time of adoption of this law shall be discontinued within three years from date of such adoption.

Section 610 Swimming Pool

- A.** Any pool must be so located so as not to provide a potential water hazard to adjoining properties.
- B.** Any pool shall be considered a structure for purpose of density controls.
- C.** All pools shall meet New York State Building Codes.

Section 611 Stable – One Horse, Two Horses, Three Horses

Storage of manure and/or refuse shall not be permitted within 200 feet of any property line.

ARTICLE VII
REGULATIONS GOVERNING SPECIAL PERMIT USE

Section 700 General Provisions

The uses specified in this Article are hereby declared to possess unique characteristics requiring that each proposal for any such use shall be considered by the Planning Board as an individual case. Upon application complying with the requirements of this law, special use permits may be approved by the Planning Board and issued by the Zoning Officer in accordance with the administrative procedures set for the in this article and only after it has found each and all of the following standards have been met:

- A.** The proposed special use is consistent with the general intent of the town's Master Plan and with each of the specific purposes set for the in this ordinance.
- B.** The location, size and use of the structures involved, nature and intensity of the operations involved and size and layout of the site in relation to the proposed special use are such that it will be compatible with the orderly development of the district.
- C.** Operation of the proposed special use is no more objectionable to the uses of nearby properties, by reason of dust or smoke emission, noise, odors, fumes, pollution of air or water, including subsurface waters, unsightliness or similar conditions, than would be the operation of any permitted use.
- D.** The land use or activity is so designed, located and proposed to be operated that the public health, safety, welfare and conveniences will be protected.
- E.** The land use activity will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- F.** Adequate landscaping and screening is provided as may be required herein.
- G.** Adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.
- H.** The use or activity provides proof of adequate sewage disposal and garbage and refuse disposal.
- I.** All exterior lighting shall be directed and/or shaded as not to produce glare on adjacent roads and properties.

J. The proposed special use satisfies each and all standards and conditions specified for such special use by the relevant provision of this article.

K. The Planning Board may impose additional conditions or restrictions as it may deem necessary prior to approving any special use permit application in order to protect public health and safety, the quality of the Town's natural resource base and the value of property. The Zoning Office shall make an on-site visit to each property authorized as a special use not less than one (1) time each year. The purpose of said site visit is to insure that the use is being operated in accord with the conditions specified by the Planning Board. If the Zoning Officer shall determine that a violation of this law or the conditions imposed by the Planning Board exist, the Zoning Officer shall take appropriate enforcement action and/or refer the matter to the Planning Board for action under section 702 of this law.

L. No site preparation or construction shall commence nor shall existing structures be occupied for any special permit use until final site development plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.

Section 701

Procedure

A. Findings and Decisions

Before any special use permit shall be issued, the Planning Board shall make written findings certifying compliance with the general and any specific requirements governing the special use permit requested. If the application was transmitted to the County Planning Board under section 239-m of the General Municipal Law, the Planning Board cannot act within the first thirty (30) days following the referral of the application of the County Planning Board unless said Board provides a written reply within the thirty (30) day period.

B. Public Hearing

The Planning Board shall hold a public hearing upon any application for a special permit. The Planning Board shall fix a reasonable time for any public hearing, notify all property owners within 200 feet, and give public notice thereof by the publication in a paper of general circulation in the Town of a notice of such hearing, at least five (5) days prior to the date thereof.

C. Environmental Review

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and regulations promulgated there under, codified in title 6, part 617 of the New York Code of Rules and Regulations

D. Filing of decision and notice.

The decision of the Planning Board on the special use permit application shall be filed within five days after the date such decision is rendered and a copy thereof mailed to the applicant.

E. Expiration of decision

Unless otherwise specified by the Planning Board, the granting of any special use permit shall expire if the applicant fails to obtain any necessary building permit or comply with the terms of the special use permit within six (6) months from the date of decision.

Section 702 Revocation and Modification

The Planning Board may reevaluate the circumstances and conditions of any special permit issued under this article, either on its own motion, at the request of the permittee or a third party, or at the request of the Zoning Officer. After a duly noticed public hearing, the Planning Board may modify, suspend for a definite duration, or revoke a permit as may be made necessary by consideration of the public interest. Among the factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the authorized activity have changed since issuance of the permit, and the continuing adequacy of the permit conditions; any significant objections to the authorized activity that were not earlier considered; revisions to applicable statutory or regulatory authorities; and the extent of which modification, suspension, or revocation would adversely affect plans, investments, and actions the permittee has reasonable made or taken in reliance on the permit.

Section 703 Duration

A special use permit shall be of indefinite duration, unless otherwise limited by the Planning Board. When a special permit use or activity has been abandoned or discontinued for a period of two (2) consecutive years, reestablishment of that use or activity shall be by issuance of a new special use permit.

Section 704 Specific Requirements

In addition to the general requirements set out in section 700, the specific requirements set forth in section 705 et seq. shall apply.

Section 705 Airport – Airstrip

The Planning Board may approve a special use permit for private airstrips provided the following provisions are maintained:

A. An application for the establishment, construction, enlargement, or alteration of an airstrip shall include the following statements and information:

1. Name and address of the proponent.

2. Classification of the proposed airport (commercial, non-commercial or restricted).
3. Type of aviation activities proposed (aircraft sales and service, flight instruction, crop dusting, air taxi, etc.).
4. Number of aircraft expected to utilize the airstrip initially and within five (5) years.
5. Type of aircraft expected to utilize the facility.
6. Statement as to the anticipated number of daily operations.
7. Copy of the airspace clearance granted by the Federal Aviation Administration for this airport, including USGS topographic map as required for an airport.
8. A copy of the New York State Commissioner of Transportation's determination concerning this airport in accordance with the provisions of 249 of the New York State General Business Law, as required for an airport
9. A site development plan that includes the following:
 - a. Scale no smaller than on inch equals one hundred feet (1" = 100').
 - b. Location of existing and proposed structures.
 - c. Alignment of existing and/or proposed runways shall be shown in exact location and magnetic bearing to the nearest 30 minutes.
 - d. Existing and proposed contours at five (5) foot intervals.
 - e. Location of aircraft parking and tie-down areas.
 - f. Provisions for access and off-street parking.
 - g. Provisions for sanitary waste disposal and water supply, if applicable.
 - h. Location and method of fuel storage.
10. An area map at a scale not less than one inch equals five hundred feet (1" = 500') showing:
 - a. Distance from buildings, roads, natural features, power lines or other possible obstructions within two thousand (2,000) feet of the ends of runways shall be accurately plotted.
 - b. Properties within one thousand (1,000) feet of the airport boundary shall be plotted, owners identified, and the location and height of each building demarcated.

11. Permits issued for the operation of an airstrip shall be valid for a period of three (3) years. Said permit may be extended by action of the Planning Board for successive periods of three (3) years if the operation conforms to the initial proposal and the conditions on which the initial permit was issued was unchanged.
12. The Planning Board, in considering a request for a special use permit or the extension of a permit to operate an airstrip, may impose any conditions it deems necessary to protect the health, safety, and public welfare of the Town.

Section 706 Business, Limited

- A. The Planning Board may approve a special use permit for a Limited Business provided the following standards and provisions are maintained. A Limited Business may be operated by the inhabitants of a dwelling plus no more than two other employees. Such Limited Business shall be operated within the confines of the dwelling and/or existing accessory buildings and is not the principal use of the property, shall not require or use any outside storage of goods and/or materials. Such business shall create no glare, smoke, dust, noise, or any other distraction to the detriment of the neighborhood. Parking space for customers or the general public shall be provided only on the side or rear of the premises. The business shall not be a principal use of the land use.

- B. The Special Permit issued for a Limited Business shall stipulate requirements and limitations regarding parking spaces to be provided, signs, and hours of operation.

Section 707 Business Outdoor-Retail and/or Wholesale

- A. The Planning Board may approve a special use permit for Business Outdoor-Retail and/or Wholesale, provided the following standard provisions are maintained.
The premises shall provide one parking space for every two persons on the premises in maximum seasonal employment and such additional space as may be required by the Planning Board based on the nature of the proposed business and other related factors.

Section 708 Camp or Travel Trailer/Motor Home

- A. The Planning board may approve a special use permit for Camp or Travel Trailer/Motor Home provided the following standard provisions are maintained:
 - A. Occupancy shall be limited to 60 days per year (non-consecutive).
 - B. An approved septic system shall be required.
 - C. The Camp or Travel Trailer/Motor Home Unit shall be located within natural plantings to block vision from front/side/rear boundaries.

- D.** Camp or Travel Trailer/Motor Home shall be limited to one per property.

Section 709 Camp or Travel Trailer Park

The Planning Board may approve a special use permit for camping grounds provided that the following standards and provision are maintained:

- A.** Camping grounds shall be occupied by travel trailers, pickup coaches, motor homes, camping trailers and recreational vehicles, and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. No permanent external appurtenances such as carports, cabanas or patios may be attached to any travel trailer or other vehicular accommodation parked in a camping ground, and the removal of wheels and placement of a unit on a foundation in a camping ground is prohibited.
- B.** Minimum site area: twenty-five (25) acres.
- C.** Minimum lot sizes: twenty-five (25) feet by eighty (80) feet to accommodate areas with travel trailers and campers; and twenty-five (25) feet by fifty (50) feet for areas to be occupied exclusively with tents.
- D.** Not more than a total of ten (10) travel trailers, campers, tents, recreational vehicles or motor homes shall be permitted per acre of gross site area.
- E.** Location and access. A camping ground shall be so located that no entrance or exit from a site shall discharge traffic into a RR Rural Residential District nor require movement of traffic from the camping ground through an RR Residential District. A camping ground shall have minimum of two hundred (200) feet of frontage on a public street.
- F.** Site conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. Natural vegetation shall be retained wherever possible. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion of the camping grounds subject to flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- G.** Accessory uses. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundries and other uses and structures customarily incidental to the operation of camping grounds are permitted to the operation of camping grounds are permitted as accessory uses to the camping grounds. In addition, retail stores and other convenience establishments shall be permitted as accessory uses in camping grounds in such districts where such uses are not allowed as principal uses, subject to the following restrictions.
1. Such establishments and the parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the camping ground.

2. Such establishments shall be restricted in their use to occupants of the camping ground.
3. Such establishments shall present no visible evidence from any street outside the camping ground of their commercial character which would attract customers other than occupants of the camping ground.

H. Plans for sewage disposal and water supply shall be designed in accordance with standards promulgated by the New York State Departments of Health and Environmental Conservation and shall receive approval from said agencies.

I. Streets in camping grounds shall be private, but shall be constructed with a stabilized travelway and shall meet the following minimum stabilized travelway width requirement:

1. One way, no parking – 12 feet.
2. One way with parking on one side, or two way with no parking – 18 feet.
3. Two way with parking on one side – 27 feet.
4. Two way with parking on both sides – 34 feet.

Plans and specifications for streets shall be reviewed and approved by the Planning Board. All roadways and public parking areas shall either be paved or dust treated.

J. Recreation facilities. A minimum of ten (10) percent of the gross site area for the camping ground shall be set aside and developed as common use areas for open or enclosed recreation facilities. No travel trailer site, required buffer strip, street right-of-way, storage area or utility site shall be counted as meeting recreational purposes.

K. Entrances and exists to camping grounds shall be designed for safe and convenient movement of traffic into and out of the camping ground and to minimize friction with movement of traffic on adjacent streets. All traffic into or out of the camping ground shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Road curbs shall have a minimum radius of fifty (50) feet and shall be designed for “drive-thru” campsite parking.

L. Off-street parking and loading. In connection with use of any camping ground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, or required buffer or right-of-way, or any public grounds, or on any private grounds not part of the camping ground, unless the owner has given written permission for such use. Each camping ground shall provide off-street parking, loading and maneuvering space, located and scaled so that the

- prohibitions above may be observed, and camping ground owners shall be responsible for violations of these requirements.
- M.** An adequate lighting system shall be provided for the camping ground. Pedestrian walkways shall be provided to lead to all parking areas, restrooms or other service buildings. All walkways shall have adequate lighting.
 - N.** All utilities shall be underground.
 - O.** Not less than one (1) covered twenty (20) gallon garbage receptacle shall be provided for each camp site. No camp site shall be situated further than one hundred (100) feet from a garbage receptacle. Garbage and rubbish shall be collected and disposed of as often as may be necessary to insure sanitary conditions.
 - P.** All applicable sanitation standards promulgated by the State of New York shall be met.
 - Q.** No camp structure, except fences, gates and permitted signs shall be located within one hundred fifty (150) feet of any street or property line.
 - R.** Campsites and buildings shall be set back not less than one hundred (100) feet from major waterways and fifty (50) feet from minor creeks.

Section 710 Composting – Agricultural Facility

- The Planning Board may approve a special use permit for a Composting – Agricultural Facility providing that the following standards and provisions have been met.
- A.** The facility location is not in the Town Wellhead Protection.
 - B.** The applicant shall submit a site plan that indicates the location of property lines, the location of existing and proposed soil borings, monitoring wells, buildings, storage facilities, loading areas, fences, roads, parking areas, drainage patterns, existing and proposed elevation contours, the direction of the prevailing winds, neighboring residences and potable wells, and surface water bodies and drainage swales located on the proposed site and within 1,000 feet of the facility.
 - C.** The applicant shall submit in writing all materials expected to be accepted on the premises, sources of such materials and expected volumes.
 - D.** The applicant shall submit a written facility operation plan which includes:
 1. A schedule of operation, including the days and hours that the facility will be open;
 2. Identification and source, quality and quantity of waste materials to be accepted as well as any additives;
 3. A plan of operation which includes the procedures, time frames and equipment used for the process as a whole from the receiving

- of waste to the resulting end product, including monitoring and integration of incoming material, contaminate removal, windrow size, height and length, windrow turn over times, and product readiness and distribution;
4. Plans for drainage control, odor control, drift control, noise control, traffic flow and control, weather related conditions (wind, heavy rain, snow and freezing), and fire/explosion prevention.
 5. If contaminants from the wind drift of adjacent properties causes a problem, a buffered area along the property line(s) shall be the responsibility of the applicant.

E. A facility must operate in compliance with the following:

1. The facility must be secure from illegal dumping of waste materials.
2. Composting operations shall comply with all state, federal and local regulations.
3. Physical contaminants must be removed from the raw material prior to composting and must be appropriately disposed.
4. Finished product must be integrated one (1) year from inception.
5. The facility will be available for inspection to the Zoning Enforcement Officer at any time.

Section 711 Composting – Sheet (Off Site Materials)

The Planning Board may approve a Special Use Permit for Composting – Sheet, provided that the following standards and provisions are maintained:

- A.** The applicant shall submit a site plan that indicates the locations of the intended sheet composting.
- B.** The applicant shall submit in writing all materials and amounts expected to be brought on to the site.
- C.** Compost materials brought to the site may only include organic manure, organic agricultural waste, canning and processing materials. Animal parts are prohibited. (Agricultural products and manure produced on site are excluded from special permit regulations).
- D.** Compost materials brought to the site must be worked into the ground within 10 days. (Processed waste brought on premises for animal consumption must be stored in silos or storage bunkers as it is brought in and may not use the 10 day wait period as granted for Composting – Sheet).
- E.** The site will be available for inspection to the Zoning Officer at any time.

- F. The Planning Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

Section 712 Dwellings, Multi-Family

The Planning Board may approve a special use permit for multiple family developments, provided that the following standards and provisions are maintained.

- A. The minimum land area required for such use shall be five (5) acres.
- B. The maximum gross density shall not exceed eight (8) units per acre, if public water and sewer is available, and if not, a maximum of two (2) units per acre.
- C. Apartment buildings shall contain no more than twelve (12) dwelling units.
- D. Townhouse buildings shall contain no more than eight (8) dwelling units.
- E. Minimum habitable floor area requirements:
 - 1. Townhouse unit, two (2) bedrooms or less: eight hundred fifty (850) square feet.
 - 2. Townhouse unit, three (3) bedrooms or more: one thousand (1,000) square feet.
 - 3. Apartment unit, efficiency: four hundred fifty (450) square feet.
 - 4. Apartment unit, one (1) bedroom: five hundred fifty (550) square feet.
 - 5. Apartment unit, two (2) bedroom: seven hundred (700) square feet.
 - 6. Apartment unit, three (3) bedroom: eight hundred (800) square feet.
 - 7. Apartment unit, four (4) bedroom: nine hundred (900) square feet.
- F. Unit Distribution
 - 1. No more than thirty (30) percent of the total units within a multiple family dwelling development shall be efficiency units.
 - 2. No more than thirty (30) percent of the total units within a multiple family dwelling development shall have three (3) or more bedroom units.
- G. Setback Requirements

Minimum area and yard requirements for each multiple family structure within a multiple family development shall be as follows:

 - 1. Setback: front seventy-five (75) feet; rear, eighty (80) feet; and, side, fifty (50) feet.

2. Minimum distance between buildings: sixty (60) feet.
 3. Direct line of sight visibility from one building to another shall not be less than one hundred (100) feet.
 4. Every building shall have a minimum setback of twenty-five (25) feet from all interior roads, driveways, and parking areas.
 5. A strip of land at least six (6) feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six (6) feet in height.
 6. Court yards bounded on three sides by the wings of a single building or by the walls of separate buildings shall have a minimum court width of two (2) feet for each one (1) foot in height of the tallest adjacent building.
- H.** No exterior wall shall exceed one hundred (100) feet in length unless there is a lateral offset of at least eight (8) feet in its alignment not less frequently than along each one hundred (100) feet of length of such exterior wall.
- I.** All stairways to the second floor or higher shall be located inside the building.
- J.** Access to public road:
1. All multiple family dwelling developments shall have direct access to a public road.
 2. If there are more than twelve (12) dwelling units in a multiple family dwelling development, direct access must be provided to a public road by a private driveway or a road dedicated to the Town by the developer.
 3. If there are more than fifty (50) dwelling units in a multiple family development, or if in the opinion of the Planning Board the location or topography of the site indicate the need for additional access, the Planning Board may require such additional access as a condition of site plan approval.
- K.** Requirements for off-street parking as provided in this chapter shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that such lots shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be provided from off-street parking areas to all living units each parking is intended to serve.
- L.** The aggregate lot coverage of multiple family dwelling developments shall not exceed thirty (30) percent of the total area.
- M.** Services:

1. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing, and sleeping facilities.
2. There shall be minimum common storage area in each building for bicycles, baby strollers, and similar type of equipment of forty (40) square feet in area, a minimum of five (5) feet in height and not less than four (4) feet in width per dwelling unit.
3. Sufficient laundry, drying, garbage pick-up, and other utility areas shall be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building (s) and shall be enclosed and shielded from view by fencing, walls, or shrubbery of at least six (6) feet in height around the perimeter. Fencing and walls shall be not more than fifty (50) percent open on the vertical surface.

N. Recreation, open space, maintenance:

1. Multiple family dwelling complexes shall be designed to create usable private open space. A minimum of ten (10) percent of the total tract area, exclusive of the required setback areas, buffer strip, and parking areas shall be designated for common recreational purposes. At a minimum, there shall be provided a multi-use recreation area of one-half acre per five dwelling units.
 2. No recreational area shall be less than ten thousand (10,000) square feet in area nor less than one hundred (100) feet in width. Areas designated for recreation purposes shall be approved by the Planning Board.
 3. Multiple family dwelling complexes shall be attractively shrubbed and properly maintained. Open space adjacent to, around, or between driveways, parking areas, structures or other required improvements shall be graded and seeded to provide a thick stand of grass or other plant material.
- O. Utilities**
1. All public utility, electric, gas, cable television, and telephone lines shall be installed underground.
 2. Multiple family developments shall be connected to and served by public water supply and sanitary sewer systems if available.

Section 713 Dwellings, Two Family

The Planning Board may approve a special use permit for a dwelling, two family, provided that the following standards and provisions are maintained.

- A. Building Codes standards are met.
- B. The septic system shall meet Health Department minimums.

- C. Off-street parking minimum is met.
- D. Open space areas are designated for recreational use.

Section 714 Events, Exhibitions and Shows

- A. The Planning Board may approve a special use permit for a special event, exhibition or show with a projected attendance of not more than 5,000 participants.
- B. With recommendation from the Planning Board, approval of the Rose and North Rose Fire Departments and Wayne County Sheriff Department (State Labor Law #475), approval from the Wayne County Board of Supervisors (if within 500 feet of a County road or State Highway – County Law #239), the Town Board may approve a special permit for a special event, exhibition or show with a projected attendance of over 5,000 participants.
- C. The applicant shall submit detailed plans including population of appeal, projected minimum and maximum attendance, parking, traffic control, emergency and medical facilities and plans, site security, to-scale mapping of the area, water, sanitary and trash facilities, and any other information the Planning Board or Town Board may require.
- D. No event, exhibition or show not otherwise permitted shall exceed five days in a calendar year.
- E. The Planning Board and/or the Town Board (depending on approval required), in considering the request for a special use permit, may require the applicant to post a surety bond and impose conditions it deems necessary to protect the health, safety, and public welfare of the Town.
- F. Local charities officially recognized by the Town Board and organizations owning tax exempt properties in the town of Rose shall be exempt from the Town fee when obtaining a special permit for an event, exhibition or show.

Section 715 Golf Courses

- The Planning Board may approve a special use permit for a golf course, provided that the following standards and conditions are met:
- A. In a Land Conservation District, the existence of wildlife habitat (s) shall be disclosed on the site plan, and such plan shall show the impact of the proposed activity upon such habitat (s).
 - B. Adequate provision shall be made to protect the ground water supply from contaminants.
 - C. Off-street parking requirements shall be based on projected usage considering course capacity and the capacity of any restaurant located on site.

Section 716 Mining

The Planning Board may approve a special use permit for mining activity, provided that the following standards and conditions are met:

- A.** No permit shall be issued for an excavation in a parcel of less than 50 acres.
- B.** No permit shall be issued for a period of more than three years. The operator may apply for renewal at any time within six months prior to the expiration date of the permit.
- C.** Site plan approval by the Planning Board is required and is contingent upon issuance of any required permits by the New York State Department of Environmental Conservation.
- D.** No power activated sorting or crushing machinery shall be located within 600 feet of any public road, right-of-way, or property line for more than 30 consecutive calendar days per calendar year. Any such machinery shall be equipped with OSHA approved dust elimination devices.
- E.** Any quarry, sand, or gravel pit existing at the time of enactment of this chapter shall be discontinued within three years from the date of its adoption, unless a special permit herein is granted.
- F.** All excavation slopes in excess of 50% shall be closed by fencing of not less than five feet in height. Such fence shall have no opening greater than three inches in any dimension.
- G.** Section 23-2711 of the New York State Environmental Conservation Law requires that any person who mines or proposes to mine gravel, topsoil, sand, etc. for sale shall secure a permit for such mining operation. Pursuant to subsection 3 of such law, the Planning Board shall not grant a special permit until adequate safeguards have been met addressing the following: (1) appropriate setbacks from property boundaries or public thoroughfare rights-of-ways, (2) manmade or natural barriers designed to restrict access if needed and, if affirmative, the type, length, height and location thereof, (3) the control of dust, and (4) hours of operation.
- H.** The Planning Board, in granting a special use permit, shall impose appropriate conditions relating to the following:
 - 1. Ingress and egress to public thoroughfares controlled by the Town of Rose.
 - 2. Routing of mineral transport vehicles on roads controlled by the Town of Rose.
 - 3. Disruption of the potable water supply of the surrounding area.
 - 4. Local enforcement of requirements and conditions as specified in the permit issued by the State Department of Environmental Conservation or successor agency concerning setback from

property boundaries and public thoroughfare or rights-of-way, natural or manmade barriers to restrict access, dust control or hours of operation.

5. If the parcel does not need a DEC Permit, the applicant shall post an adequate bond for reclamation to the Town of Rose as established by the DEC.

Section 717 Manufactured Housing Parks

The Planning Board may approve a special use permit for a manufactured housing park, provided that the following standards and provisions are maintained:

- A.** Application for a permit shall be made on forms prescribed by the Town and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person(s) other than the applicant, a duly verified statement by that person(s) that the applicant is authorized by him or her to construct or maintain the mobile home park shall accompany the application.
- B.** Site plan approval by the Town Board is required.
- C.** A Manufactured Housing Park shall be located on a well-drained site.
- D.** Plans and specifications for any roadways shall be submitted to the Town Board for approval and the Town Board shall consult with the town Highway Superintendent prior to the approval.
- E.** Park roads shall be named on the submitted site plan, and shall not duplicate existing street or road names within the Town or any neighboring towns.
- F.** Individual manufactured housing lots shall have an area of not less than 7,500 square feet with a minimum width of 70 feet.
- G.** No manufactured housing unit or portion thereof shall be placed closer to any other manufactured housing unit or portion thereof than 50 feet.
- H.** The setback from the park road line shall be a minimum of 25 feet.
- I.** The total number of manufactured housing lots shall not exceed five per acre.
- J.** Margins along the side and rear property line of the manufactured housing park shall be planted with at least one row of evergreen trees spaced not more than 20 feet apart and being at least two feet high when planted.
- K.** No manufactured housing park shall be served by more than one entrance and one exit from any public highway. The Town Board may modify or waive this requirement. All entrance and exit drive locations shall be approved by the town of Rose Highway Superintendent prior to approval of the site plan.

- L.** Road installation, maintenance, and snow removal shall be the responsibility of the owner and agent.
- M.** A storm drainage system shall be provided which will not be detrimental to the surrounding area or highway/road system and shall be approved by the Town of Rose Highway Superintendent prior to approval of the site plan.
- N.** A sufficient supply of potable drinking water approved by the New York State Health Department and the Department of Environmental Conservation shall be provided each manufactured housing unit.
- O.** Waste from each manufactured housing unit shall at all times be directed into a sewage system in compliance with and approved by the New York State Department of Health and such sewage system shall be properly maintained so as to at all times be in compliance with the regulations of the NYS Department of Health.
- P.** The outdoor electrical lighting of a manufactured housing park shall form a lighting district of the town, subject to the design, installation, and taxation required of a Town Lighting District, in conjunction with the local power company.
- Q.** All electrical, telephone, and cable lines shall be buried underground.
- R.** The site plan shall set forth a plan for the regular collection and disposal of refuse.
- S.** The site plan shall set forth a plan meeting the requirements of this chapter.
- T.** The manufactured housing park shall be operated subject to the following requirements:
 - 1. Prior to occupancy of the park, the Zoning Officer shall make an inspection to determine that all applicable requirements have been complied with. No occupancy shall be permitted until a Certificate of Occupancy has been issued. Prior to occupancy of any mobile home unit the Zoning Officer shall determine that such unit is in compliance with this article and applicable codes.
 - 2. The owner and agent shall maintain a record of all occupants of the manufactured housing park, noting name and any other mailing address of each occupant, license numbers of all units, if licensed, and state issuing such license. The owner and agent shall make a copy of the register available for inspection at any time by the Zoning Officer and shall maintain registers for the preceding 36 months.
 - 3. The manufactured housing park shall comply with the provisions of Chapter 1, Part 15, of the New York State Sanitary Code and

shall provide a Certificate of Compliance from the Health Department to the Zoning officer upon request.

4. Permits under this section shall be issued for a period of one (1) year and shall be subject to periodic site inspection and review by the Zoning Officer. If all operations undertaken pursuant to any permit issued hereunder have been conducted in full compliance with the term of such permit, and all provisions of this chapter, such permit may be renewed by the Planning Board for a period of one (1) year. At least ten (10) days before taking any such renewal action, the Planning Board shall cause a notice to be published in the official Town newspaper and posted on the Official Sign Board a notice of the proposed renewal and a statement indicating clearly both the property affected and the nature of the operation. All ordinances and regulations in effect at the time a renewal is granted shall apply to the renewal permit in the same manner as when a new or original permit is issued.

Section 718 Motor Freight Terminal

The Planning Board may approve a special use permit for a motor freight terminal, provided that the following standards and provisions are maintained:

- A. Such operation must be located on a State Highway or County Road.
- B. Truck and trailer parking facilities shall not be located in any required front yard.
- C. Such use shall provide a 30 foot landscaped buffer strip along the entire length of any lot line which is adjacent to, or across a road from, a dwelling existing or under construction at the time the application for a special permit is made. No vehicle parking space shall occur in such buffer strip which shall consist of evergreen or deciduous trees at least two feet in height at the time of planting, and which shall be placed no farther than 15 feet apart.

Section 719 Motor Vehicle Collision/Paint/Body Shop

The Planning Board may approve a special use permit for a motor vehicle collision/paint/body shop.

- A. Storage of vehicles shall be limited to vehicle repair and vehicles waiting for repair.
- B. Automobiles waiting for repair shall be stored within a buffer area. The buffer area shall be visually obstructed by an evergreen strip at least eight feet in height. The buffer area shall be 2,400 square feet per 600 square feet of building floor area, and shall be located in the rear yard.
- C. No work shall be performed on vehicles outdoors.

Section 720 Park

- The Planning Board may approve a special use permit for a park, provided that the following standards and provisions are maintained:
- A. When parks are to accommodate groups of 100 or more persons, site plan approval by the Town Board is required.
 - B. The applicant must demonstrate that sufficient land for off-street parking is available as part of the park.
 - C. The applicant shall demonstrate that adequate provisions have been made for potable drinking water, sanitary conveniences, lighting, and sewage and waste disposal.

Section 721 Place of Assembly

- The Planning Board may approve a special use permit for a Place of Assembly provided the following standards and provisions are met:
- A. The applicant shall submit a written statement setting forth the purpose or the use, projected patrons and numbers.
 - B. The applicant shall submit in writing details of the operation, including hours of operations, projected activities and uses, supervision if warranted, and any other details deemed necessary by the Planning Board.
 - C. The applicant shall provide evidence of approval, license or other similar documents required to initiate or expand such use from any and all appropriate regulating agencies.
 - D. The applicant shall provide certified architect and/or engineer floor plans and maps indicating building and structure locations, driveway, parking and access areas, water and sewage facilities, landscaping, buffering, sign and lighting specifications, storage and trash provisions and any other information deemed necessary by the Planning Board.
 - E. No outdoor amplified sound system shall be permitted unless such system is inaudible at the property line.
 - F. The Planning Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety and public welfare of the Town.

Section 722 Planned Unit Development

- The Planning Board may approve a special use permit for a planned unit development, provided the following standards and provisions are maintained:
- A. The Planning Board shall determine that the physical character of the site proposed for planned business use is adequate to accommodate the proposed use and that plans for storm drainage are capable of serving the planned business area.

- B.** The site shall be served by public water and sanitary sewer services, if available.
- C.** The Planning Board shall determine that the street system serving the site is adequate to carry the anticipated traffic flows and that the proposal will not create a burden or nuisance for adjoining property owners.
- D.** Proposed planned business centers shall be located on a site of not less than four acres with not less than three hundred (300) feet of frontage on each highway which fronts the site.
- E.** Planned business centers shall be constructed in accordance with an overall plan for the entire area and shall be designed with a single architectural scheme with appropriate common off-street parking, service road access and landscaping. The development shall provide initially for the construction of either a minimum of eight thousand (8,000) square feet of ground floor area or a minimum of four (4) of the permitted uses.
- F.** Planned business centers shall not have more than one entrance to the site on each highway frontage. The location and width of said entranceways shall be subject to approval by the Town Board.
- G.** Uses permitted are shopping centers, stores, and shops where retail goods are sold or personal services rendered which are similar, but not limited to the following:
1. Retail business establishments which are clearly of a neighborhood service character such as grocery stores, drugstores, stationery, variety, and clothing stores and restaurants.
 2. Personal service establishments such as barber and beauty shops, shoe repair shops, business and professional offices, self-service laundries and dry cleaning stores.
 3. Other uses approved by the Planning Board.
- H.** Off-street parking shall be provided at a ration of not less than one (1) parking space per one hundred and fifty (150) square feet of floor area. Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use shall also be permitted.
- I.** Truck loading and unloading areas shall be provided in sufficient amount to permit the transfer of goods and materials on the premises rather than on a public street or customer off-street parking area on the premises. A dense landscaping screen of not less than six (6) feet in height shall be required where off-street loading and unloading areas about residential uses, so that such operations shall be shielded from view from such residences.
- J.** The regulations of this chapter shall govern the location, size, number, and characteristics of signs in a planned unit development.

- K.** The Planning Board may prescribe more restrictive conditions deemed reasonable or appropriate with respect to improving the design quality of a planned unit development.
- L.** A letter of credit shall be established and provided prior to final approval of the planned business center to assure that all parking, entrances, exits, facilities, and services are installed as required and proposed.
- M.** Where a planned unit development abuts a residential use or district, there shall be a landscaped buffer strip not less than thirty (3) feet in depth at the periphery of the planned business center. This landscaped buffer shall be provided within the minimum setback requirements. The buffer strip shall include materials and be perpetually maintained by the developer or owner to provide a visual screen between the planned business center and the adjoining residential lot (s) and shall be used for no other purpose.
- N.** Lighting within the development shall be provided in a manner so as to minimize potential disturbance to adjacent properties.

Section 723 Restaurant Establishments

- A.** The applicant shall submit a written statement setting forth the details of the operation of the proposed use.
- B.** The proposal shall meet the minimum yard requirements for such uses.
- C.** The proposed use shall meet the minimum off-street parking and loading and unloading requirements of this chapter as well as the provisions for landscaping, buffering, sign controls, and access way requirements, which limits each such use to only one access way from the highway.
- D.** Lighting shall be provided in a manner so as to minimize potential disturbance to adjacent properties and roadways.
- E.** No more than 50% of any required front yard area shall be used for parking and access. The remaining front yard area shall be landscaped. Access drives shall be clearly defined by curbs.
- F.** Parking areas and access drives shall be located not less than 20 feet from any property line. A landscaped buffer strip consisting of evergreens or deciduous trees at least three feet in height at the time of planting, and screening such parking area and access drive, shall be provided along the property line adjacent to any existing residential lot. Such trees shall not be planted further than 15 feet apart. No vehicle parking shall occur in such buffer strip.
- G.** Provisions for the outside storage of trash and any type of merchandise shall be approved as part of the site review process.

H. No outdoor amplified sound system shall be permitted without approval of the Planning Board.

I. The Planning Board, in considering the request for a special use permit, may impose conditions it deems necessary to protect the health, safety, and public welfare of the Town.

Section 724 Seasonal Housing Facility

The Planning Board may approve a special use permit for a seasonal housing facility, provided the following standards and provisions are met:

- A.** Such facility shall comply with the Provisions of Chapter I, Part 15, of the New York State Sanitary Code, and shall provide a certificate of compliance from the Health Department to the Zoning Officer upon request.
- B.** Such facility may be used only for seasonal occupancy.

Section 725 Shooting Club

The Planning Board may approve a special use permit for a shooting club, providing the following standards and provisions are maintained:

- A.** Hours of outside operation are limited to those between 9:00 a.m. and 9:00 p.m.

Section 726 Shooting Preserve

The Planning Board may approve a special use permit for a shooting preserve, providing the following standards and provisions are maintained:

- A.** Site plan shall include a buffer zone within which firearms or other hunting projectiles may not be discharged so as to protect the safety of neighboring properties.
- B.** In deliberating the approval of a Special Permit, the Planning Board shall consider the following:
 - 1. Location and uses of adjacent buildings
 - 2. Topography of the land
 - 3. Caliber of guns permitted
 - 4. Projectile trajectory
 - 5. Demarcation lines of buffer zones
 - 6. Days and hours of operation
 - 7. Game sought, and
 - 8. Parking availability

Section 727 Telecommunication Towers

A. Purpose. The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the town, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations and to protect the natural features and aesthetic character of the town.

B. Application of telecommunication special use regulations.

1. No telecommunication tower shall hereafter be used, erected, moved, constructed, reconstructed, changed or altered except after approval of a telecommunication special use permit in conformity with these regulations. No structure shall be modified to serve as a telecommunication tower or to serve a telecommunication tower unless in conformity with these regulations. No antenna shall be contracted in an existing telecommunication tower wherein the carrier intends to share the use of the tower with another carrier unless the carrier desiring to share the use of the existing tower applies for and obtains a telecommunication special use permit from the town in conformity with this section.
 2. The regulations set forth in this section shall apply to all property within all zoning districts in the town and all telecommunication towers and accessory facilities or structures shall be sited to have the least practical adverse effect on the environment.
 3. Where the provisions of this section conflict with other laws and regulations of the town, the more restrictive shall apply, except when the application of other laws and regulations of the town are preempted by the 1996 United States Telecommunications Law or other telecommunications acts or regulations.
 4. The standards set forth in section 700 shall not apply to telecommunication special use permits to the extent that they are inconsistent with the 1996 United States Telecommunications Law and the standards that shall be applied to a telecommunication special use permit shall be those as set forth in this section.
- C.** Application and site plan. An application shall be required to submit a site plan and special use application, accompanied by the following information, details, and documents.
1. The location of the communication tower, together with guy wires and guy anchors, if applicable, and approximate location, size, and height of all poles and existing antennae and all pertinent structures.
 2. A side elevation or other sketch of the tower, showing the proposed antennas.

3. The location of all structures on the property and all structures on any adjacent property within two hundred (200) feet of the property lines, together with the distance of these structures to the communications tower.
4. The identification of property owners and existing land uses for all properties within 1500 feet of the property proposed by the applicant at the site of its installation.
5. Documentation showing justification for any land or vegetation clearing required.
6. A certification from a professional engineer licensed by the State of New York certifying that the proposed tower structure, at a minimum, meets all applicable federal and state safety codes and all accepted industry standards for tower design and in connection therewith, the facility meets or exceeds structural requirements for loads, winds, ice and, if appropriate, is designed to accommodate share use (co-location) and/or co-sitings.
7. A description of all proposed auxiliary fixtures, equipment and structures including information on grade, material, color and lighting.
8. The specifics with regard to technology and the technical characteristics of the proposed equipment, including information concerning frequency, transmission and maximum effective radiated power and direction of lobes. The application shall also provide a report and certification from a professional engineer licensed by the State of New York showing that the proposed telecommunications tower when operational, will comply with the standards for radio frequency exposure, including NIER levels as adopted by the Federal Communications Commission.
9. A description of the basis for calculating capacity and design elements together with the applicant's proposed tower maintenance and inspection procedures and records system.
10. A propagation study showing the particular site subject to the application and justifying the proposed height of the telecommunication tower to be constructed on the site, and said propagation study shall show alternative sites utilizing towers of lesser height.
11. A completed environment assessment form (form to be provided by the town), which shall include a visual environmental assessment.
12. A detailed visual analysis based upon the results of the Visual Environmental Assessment from viewpoints within and outside of

- the municipality as requested by the Building Inspector or Planning Board, a zone of visibility map from viewpoints suggested by the Building Inspector, a pictorial representation of “before and after” view from key viewpoints both inside and outside the town selected by the Building Inspector or Planning Board and an assessment of the visual impact of the tower base, guy wires and accessory buildings from abutting properties and streets.
13. A landscaping plan that includes screening of the tower base and structures in compliance with the standards set forth herein.
 14. Certification by a professional engineer licensed by the State of New York certifying the adequacy of grounding facilities.
 15. A grid or map of all of the applicant’s existing telecommunication tower sits within the town and within four miles of the town’s corporate boundaries outside the town with a designation of site areas proposed or projected by the applicant and the height of the towers proposed or projected for installation within two years of the date of the application and, if available, any plan of installations beyond two years.
 16. Certification from a professional engineer licensed by the State of New York that the proposed antenna (e) will not cause interference with existing telecommunication devices.
 17. A copy of the applicant’s Federal Communication Commission license.

D. Permitted Use.

1. Telecommunication towers and accessory facilities shall be, in order to comply with the 1996 United States Telecommunications Law, a permitted use in all zoning districts; however, it is the town’s preference that the telecommunication towers and accessory facilities be without preference to any zoning district:
 - a. Co-located on existing telecommunication towers.
 - b. Co-sited with existing telecommunication towers.
 - c. Sited on compatible municipal or public properties.
 - d. Sited on other quasi-public property owned by public benefit corporations or public utilities.
2. If site locations are not technologically feasible or available at sites set forth in Subsection E 1. a. through d. above, then it is the town’s preference that telecommunication towers and accessory facilities be located in the zoning districts in the following descending order (first preference being a. below, second preference being b. below, third preference being c. below, etc.). It

is intended that the word “preference” as used herein shall mean that the applicant applying for a telecommunication special use permit shall be required to site its telecommunication tower and/or accessory buildings at or in the preferred location or zoning district unless the applicant can show it is not technologically feasible to do so or, in the case of a specific site, the site is not available.

- a. GB – General Business
 - b. HGB – Hamlet General Business
 - c. A – Agriculture
 - d. LC – Land Conservation
 - e. RR – Rural Residential
 - f. HR – Hamlet Residential
3. Shared use (co-location) and co-siting.
- a. At all times, shared use (co-location) of existing telecommunication towers or co-siting an additional telecommunication tower at an existing telecommunication site shall be preferred to construction of new telecommunication towers at different sites. Additionally, where such shared use (co-location) or co-siting is unavailable, location of antenna on pre-existing structures shall be considered. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use (co-location) or co-siting at existing facilities and use of other pre-existing structures as an alternative to a new construction or the creation of a new facility.
 - b. An applicant intending to share use (co-locate) on an existing structure shall be required to document intent from an existing tower owner to share use (co-locate). The applicant or owner of the tower shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening and other charges, including real property acquisition or lease required to accommodate shared use (co-location). The town shall not be responsible to incur any costs whatsoever of adapting an existing tower or structure to a new shared use.

- c. An applicant intending to co-site a telecommunications tower on the property occupied by an existing telecommunication tower shall comply with all the telecommunication special use permit standards in the same manner as if the applicant were constructing a telecommunication tower at a new location.

4. In the case of new telecommunication towers, the applicant shall be required to submit documentation demonstrating good faith efforts to secure shared use (collocation) from existing towers in locations technically feasible as well as documenting capacity for future shared use (co-location) of the proposed tower. Written requests and responses, if received, for shared use (collocation) shall be provided. All new telecommunication towers shall be engineered to accommodate shared use (collocation) with one or two other carriers as may be determined by the Planning Board.

- E.** Setbacks. Towers and antennae as a minimum shall comply with existing setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain on site substantially all ice-fall or debris from tower failure and/or to preserve privacy and/or aesthetics of adjoining properties or property within the neighborhood, and such setbacks shall be otherwise keyed to design of towers and engineering information available. Setbacks shall apply to all tower parts, including guy wire anchors and to any accessory facilities.

F. Visual Impacts.

1. All towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment. The applicant shall submit plans for adequate visibility of any guy wires from ground level to a height not less than eight feet, if the tower requires guy wires.
2. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA) or as provided by this section or as may be required by the Planning Board. Towers shall be galvanized finish or painted gray above the surrounding treeline and painted gray, green or black below the surrounding treeline unless other standards are required by the FAA. In all cases, freestanding structures shall be preferable to guyed towers. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.
3. Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

- G.** Tower height. The tower height shall be determined by the Planning Board upon the applicant's submittal of a propagation study as required in this section or other proof justifying the height of any telecommunication tower and/or antennae. The town generally prefers telecommunication towers of a height that will not require strobe lighting and/or specific painting as required by FAA rules and regulations; however, in instances where additional but shorter towers (those that will not require strobe lighting and/or specific painting) are not in the best interest of the town as determined by the Planning Board or where a taller tower (that will require strobe lighting and/or specific painting) is the only feasible tower that can be constructed as part of the applicant's telecommunication system, then, in that event, the Planning Board shall approve a taller tower (that will require strobe lighting and/or specific painting).
- H.** Tower base. Open tower bases shall be fitted with a twelve-foot-high solid plate to mitigate potential safety concerns.
- I.** Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to submission of a detailed plan to the Planning Board showing the extent of tree removal and approval of said plan and the special permit by the Planning Board. Clear-cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited.
- J.** Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm. The Planning Board may require property on which a telecommunication tower and/or accessory facility is located to be fenced in so that the telecommunication tower and guy wire poles and anchors (if any) are within the fence, at a height of eight feet.
- K.** Access and parking. A road and parking will be provided to assure adequate emergency and service access. Maximum use of existing roads, public or private, shall be made. Road construction shall be consistent with standards for private roads and shall at all times minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten feet beyond the edge of any pavement. Road grades

shall closely follow natural contours to assure minimal visual disturbance and reduce potential soil erosion potential.

L. Removal of equipment. If the telecommunication tower, antenna, accessory facility, fences or other appurtenances (all hereinafter referred to as equipment) constructed by the applicant are no longer used for the purpose of transmitting or receiving telecommunications, the applicant shall notify the Town Clerk of the town within 30 days of such termination that it is no longer using the equipment for telecommunication purposes, and within six months of the termination of the use of said equipment, the applicant shall remove the equipment from its site. The applicant shall post performance security in the form of a letter of credit with the Town Board in an amount equivalent to 150% of the estimated cost of removal of the equipment as determined by the Town Engineer, and said letter of credit shall be on terms and conditions satisfactory to the Town Attorney. The letter of credit shall be reviewed every five years from the date of the issuance of a special use permit by the Planning Board for the purpose of determining whether or not the letter of credit is at least 150% of the estimated cost of the removal of the equipment. The applicant shall increase the letter of credit to 150% of the estimated cost of removal of the equipment as determined by the Town Engineer in the event that the letter of credit is deemed by the town Engineer to be less than 150% of the estimated cost of removal. If the applicant assigns its interest in the equipment or by operation of law no longer owns the equipment, the applicant's successors and/or assigns shall be obligated to post performance security with the Town Board as provided in this subsection as if it was the applicant at the time the special use permit was granted pursuant to this chapter. In the event that the applicant leases the site on which the equipment is constructed, the applicant shall obtain an irrevocable consent, to be binding upon the landowner's heirs, distributees, successors and/or assigns permitting the applicant to remove the equipment within six months of the date it ceases to be used for telecommunication purposes and permitting the town to enter onto the landowner's land for the purpose of removing the equipment in the event that the equipment is not removed by the applicant within said six-month period. The consent shall be in a form satisfactory to the Town Attorney and shall, upon approval of the Town Attorney, be recorded in the Wayne County Clerk's office. Upon removal of the equipment, the applicant is to restore the site by planting sufficient vegetation to cause the site to blend in with the surrounding area.

M. All communication cable leading to and away from the public utility tower shall be installed underground and in compliance with all the laws, rules and regulations of the town. Upon a finding by the Planning Board that, due to special conditions particular to the site, underground installation may cause extraordinary and unnecessary hardship, the Planning Board

may waive or vary the requirements of underground installation whenever, in the opinion of the Planning Board, such variance or waiver shall not be detrimental to the public health, safety or general welfare. The site plan applicant desiring such a waiver shall file a written request, at the time the application is added to the Planning Board's agenda, setting forth why the waiver should be granted.

- N.** Authority to impose conditions. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication special use or site plan.
- O.** Procedure. Procedure for approval of a telecommunication tower and accessory facilities, as a telecommunication special use permit along with an approval of a site plan shall be in accordance with that established in Article VII of this law. The applicant shall be responsible for notifying by first class mail all property owners of record within 1,500 feet of the outside perimeter or boundary line of the property involved of the time, date and place of any hearing and said notice shall be mailed at least 10 days prior to the hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address as listed on the property records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the board his/her affidavit of mailing such notice. Failure to receive such notice shall not be deemed a jurisdictional defect.
- P.** Signage. Telecommunication towers shall be signed with a sign no larger than two square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmit capabilities. The sign shall also contain the name(s) of the owner (s) and operator (s) of the antenna (e) as well as emergency telephone number (s). No other signage, including advertising, shall be permitted on any antenna (e), antenna (e) supporting structure, monopole or antenna tower unless required by federal or state law or regulation.
- Q.** Maintenance and inspection. The applicant, its successors and/or assigns, shall file annually with the town, on the anniversary date of the granting of the special use permit by the Planning Board, a written report certifying that the applicant, its successors and/or assigns are complying with maintenance and inspection procedures and records system, and that the telecommunication tower facility is not a hazard or a threat of a hazard to the health and safety of the public.
- R.** Certificate of occupancy. The applicant shall obtain from the Building Inspector of the town a certificate of occupancy prior to placing the telecommunication tower in service or its antennae, if it is sharing use (co-locating) of an existing tower or structure.

- S.** Expiration and violation of telecommunication special use permits. A telecommunication special use permit shall be deemed to authorize only the particular use applied for and shall expire if:
1. The telecommunication special use shall cease for more than six months for any reason.
 2. All the improvements required by the Planning Board prior to the issuance of the telecommunication special use permit are not completed within 12 months of the Planning Board granting a telecommunication special use permit subject to its issuance upon completion of various improvements, unless prior to that time, an extension has been granted by the Planning Board.
 3. A violation of any terms and conditions of a telecommunication special use permit granted by the Planning Board shall be construed as a violation of this law and town shall have the right of enforcement as set forth in article 9.
- T.**

Technical consultants. Upon the submittal by the applicant of the site plan and site plan and special use permit application, the Planning Board shall have the right, if it so chooses, to hire experienced mobile communication engineers, New York State licensed structural engineers or other technical consultants to help analyze the applicant's application and to make suggestions to the Planning Board, and the applicant shall reimburse the town for the cost of the technical consultant.

Section 728

Wind Conversion System

The Planning Board may approve a special use permit for a wind conversion system providing that the following standards and provisions are maintained:

- A.** Application and Site Plan. An application shall be required to submit a site plan accompanied by the following information, details and documents.
1. The location of the wind conversion system together with guy wires and guy anchors, if applicable, and approximate location, size, and height of the structure.
 2. The location of all structures on the property.
 3. The specifics with regard to technology and the technical characteristics of the proposed equipment.
 4. A side elevation or other sketch of the wind conversion system.
- B.** Setbacks. The wind conversion system shall comply with existing setbacks within the affected zone. Additional setbacks may be required by the Planning Board to contain onsite substantially all ice-fall or debris from structure failure and/or to preserve esthetics of adjoining properties

or property within the neighborhood. Such setbacks shall be keyed to the design of the structure and engineering information available. Setbacks shall apply to all structure parts, including guy wire anchors and any accessory facilities.

C. Visual Impacts.

1. All structures and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.
2. Structures shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration or as required by the Planning Board.

D. Wind Conversion Base. The Planning Board shall approve the base with regard to substantial support, anchoring capabilities and potential safety concerns.

E. Location on Existing Structure. The Planning Board shall approve the location with regard to substantial support, anchoring capabilities and potential safety concerns.

F. Removal of Equipment. If the wind conversion system constructed by the applicant is no longer used for the purpose of converting wind power, the applicant shall notify the town clerk of the town within 30 days of such termination. Within six months within termination of the use of said equipment, the applicant shall remove the equipment from its site.

G. Authority to impose conditions. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed wind conversion system special use or site plan.

H. Expiration and Violation of Wind Energy System Special Use Permits. A wind conversion system special use permit shall be deemed to authorize only the particular use applied for and shall expire if:

1. The wind conversion system special use shall cease for more than six months for any reason.
2. A violation of any terms and conditions of a wind conversion system use permit granted by the Planning Board shall be construed as a violation of this law and the town shall have the right of enforcement as set forth in article 9.

I. Technical Consultants. Upon the submittal by the applicant of the site plan for special use permit application, the Planning Board shall have the right, if it so chooses, to hire experienced wind conversion system engineers or other technical consultants to help analyze the applicant's application and to make suggestions. The applicant shall reimburse the town for the cost of technical consultation.

**ARTICLE VIII
ADMINISTRATION**

Section 800 General Procedure

All persons desiring to undertake any new construction, or changes in the use of a building or lot, shall apply to the Zoning Officer for a building permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will then either issue or refuse the building permit or refer the application to the Planning Board if required.

After the building permit has been received by the applicant, he may proceed to undertake the action permitted in the building permit and upon completion of such action, shall apply to the Zoning Officer for a certificate of occupancy. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the building permit, he will then issue a certificate of occupancy allowing the premises to be occupied.

Section 801 Building Permit Types (Building and Zoning)

Under the terms of this law, the following classes of building permits may be issued:

- A. Permitted Use. A building permit for a permitted use may be issued by the Codes Officer on his own authority.
- B. Special Use Permit. A building permit for a special permit may be issued by the Codes Officer after approval by the Planning Board.
- C. Building Permit After an Appeal or a Request of a Variance. A building permit may be issued by the Codes Officer upon the order of the Zoning Board of Appeals, and after a public hearing held by the Zoning Board of Appeals for the purpose of deciding upon the appeal or a request for a variance.

Zoning Permits Types

- a. Permitted Use. A zoning permit for permitted use may be issued by the Codes Officer on his own authority.
- b. Special Use Permit. A zoning permit for special permit may be issued by the Codes Officer after approval by the Planning Board.
- c. Zoning Permit After an Appeal or Request for a Variance. A zoning permit may be issued by the Code Officer upon the order of the Zoning Board of Appeals for the purpose of deciding upon the appeal or a request for a variance

Section 802 Zoning / Code Officer

This law shall be enforced by the Zoning Officer who shall be appointed by the Town Board. No building permits or certificates of occupancy shall be issued by him unless all the provisions of this law have been complied with.

Section 803 Building Permits

- A. General. No building or structure shall be erected or added to, until a permit has been issued by the Codes Officer. Except upon a written order of the Zoning Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any provisions of this chapter.
- B. Information Necessary for Application. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this chapter.
- C. Public Record. One copy of such layout or plot plan shall be returned when approved by the Codes Officer together with such permit to the applicant upon the payment of the scheduled fee. The second copy with a copy of each application with accompanying plan shall become a public record after a permit is issued or denied.

Section 804 Issuance of Permits

It shall be the duty of the Codes Officer to issue a building permit, provided that the structure, building, sign, parking area of premises, and the proposed use thereof, conform with all requirements of this chapter, and that all other reviews and actions, if any, called for in this chapter have been complied with and all necessary approvals secured therefore.

All building permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected and protected from the weather whenever construction work is being performed thereon. No owner, contractor, workman or other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by this chapter, no shall they perform building operations of any kind after notification of the revocation of said building permit.

Section 805 Denial of Permits

When the Codes Officer finds that the applicant's proposed development will not meet the requirements of this chapter, he shall refuse to issue a

building permit, which refusal may be appealed the Zoning Board of Appeals.

Section 806 Expiration of Building Permit

A permit issued under this chapter shall be void twelve months from the date of issuance unless substantial construction has been made since that date on the project described therein. Such permit, however, may be renewed for an additional twelve (12) month period upon proper application therefore.

Section 807 Revocation of Building Permit

If it shall appear at any time that the submitted documents are materially false or misleading, or that the work being done differs materially from that authorized under the building permit, the Codes Officer may forthwith revoke such permit, whereupon it shall be the duty of the person holding same to surrender it and all copies thereof to the said Codes Officer. After the building permit has been revoked, the Codes Officer may, in his discretion before issuing the new building permit, require the applicant to file an indemnity bond in the favor of the Town of Rose with sufficient surety condition for compliance with this law and all building laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building if it does not so comply.

Section 808 Certificate of Occupancy

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Codes Officer, stating that the buildings or proposed use thereof complies with the provisions of this chapter. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this chapter.

ARTICLE IX
BOARD OF APPEALS AND PLANNING BOARD

Section 900 Zoning Board of Appeals

- A.** Establishment. The Board of Appeals, heretofore created pursuant to the provisions of the Town Law, is hereby continued as not constituted. Each member of the Board of Appeals shall continue to hold office to the expiration of his present term, at which time the Town Board shall appoint a successor as provided by law.
- B.** Appointment of members. The Town Board shall appoint a Board of Appeals consisting of five members and shall designate the Chairperson thereof. In the absence of a Chairperson, the Board of Appeals may designate a member to serve as Acting Chairperson. The Town Board may provide for compensation to be paid to experts, clerks, and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purposes.
- C.** Term of office. Members of the Board of Appeals shall be appointed for a five year term, with each term to expire at the end of a calendar year. The Chairperson shall be appointed annually.
- D.** Vacancy in office. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.
- E.** General grant of power. The Board of Appeals shall perform all the duties and have all the powers prescribed by laws of the State of New York.
- F.** Meeting, minutes, and records. Meetings of the Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its proceedings and other official actions.
- G.** Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board of Appeals shall be filed in the Town Clerk's Office and shall be a public record.
- H.** Assistance to Board of Appeals. The Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.

Section 901 Powers and Duties of the Board of Appeals

- A.** Jurisdiction of Board of Appeals. Except as otherwise provided in this Chapter, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the Zoning Officer.
- B.** Votes necessary for decision. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer or to grant a use or area variance. In cases where the Wayne County Planning Board has found the appeal unfavorable, a vote of the majority plus one more is necessary to grant a use or area variance.

Section 902 Appeal to the Board of Appeals from Zoning Officer

- A.** Standing to appeal. An appeal to the Board of Appeals from any person aggrieved, or by an officer, board, or bureau of the Town of Rose effected thereby.
- B.** Time for Appeal. Such an appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation, or determination of the Zoning Officer by filing with the Zoning Officer a notice of appeal, specifying the grounds thereof and the relief sought.
- C.** Contents of Appeal. All appeals made to the Board of Appeals shall be in writing on forms supplied by the Zoning Officer. Every appeal shall refer to the specific provision of this chapter, and shall exactly set forth the interpretation that is claimed, the plans for special use or the details of the variance that is applied for, in addition to the following information:
1. The name and address of the applicant.
 2. The name and address of the owner of the district lot to be affected by such proposed variance or appeal.
 3. A brief description and location of the district lot to be affected by such proposed variance or appeal.
 4. A statement of the present zoning classification of the district lot in question, the improvements thereon and the present use thereof.
 5. A reasonably accurate description of the present improvements and the additions or changes intended to be made under the application, indicating the size of such proposed improvements material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location

and size of the lot and size of improvements thereon and proposed to be erected thereon.

- D.** Procedure for Zoning Officer. Upon receipt of an appeal complying with the provisions of this section, the Zoning Officer, or designee of the Town Board, shall transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. All fees due from the appealing party shall be paid prior to such transmittal.
- E.** Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board of Appeals, after the notice of appeal shall have been filed with the Zoning Officer that, by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Officer and on due cause shown.

Section 903 Procedure for Board of Appeals

- A.** Hearing of Appeals. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in the paper of general circulation in the town of a notice of such hearing, at least five days prior to the date thereof. In addition, written notice of the hearing shall be given to all persons, firms, or corporations owning property within 200 feet of the property subject to the appeal. Such notice shall be given personally or by ordinary mail deposited with the United States Post Office not less than five (5) days prior to the hearing addressed to the property owner ascertained by inspection of the last tax assessment roll of the applicable municipality. In case of an appeal, alleging error or misinterpretation in any order or other action by the Zoning Officer, the following persons shall be notified: the applicant and the person or persons, if any, who benefit from the order, requirement, regulation, or determination.
- B.** Town Planning Board referral. The Board of Appeals, or designee of the Town Board, shall refer to the Town Planning Board all appeals, including variance applications, and any other pertinent matters for review and recommendations. The Zoning Officer shall transmit to the Planning Board a copy of the notice of appeal and all papers constituting the record upon which the action appealed from was taken. Such transmittal shall be made at least thirty (30) days before the date of the hearing on the appeal, and the Board of Appeals shall defer any decision thereon for a period of not more than thirty (30) days, pending a report from the Planning Board. This report shall be entered into the Zoning Board of Appeals record. A Planning Board designee shall be present at each Zoning Board of Appeal for report clarification.

C. County Planning Board referral. At least five days before a hearing, the Board of Appeals or designee of the Town Board, shall mail notice of the appeal to the Wayne County Planning Board, if required by section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as set out in section 239-m (1) of the General Municipal Law. This Board of Appeals shall defer any decision until 30 days after the referral or receipt of the report of the County Planning Board, whichever is earlier.

D. Compliance with SEQRA. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and regulations promulgated thereunder, codified in title 6, part 617 of the New York Code of Rules and Regulations.

E. Time of decision. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of the hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the board.

F. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the Office of the Town Clerk within five business days after the date such decision is rendered, and a copy thereof mailed to the applicant.

G. Expiration of appeal decision. Unless otherwise specified by the Board of Appeals, a decision on any appeal for a variance or special use permit shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorization permit within six (6) months from the date of authorization.

Section 904 Permitted Action by Board of Appeals

A. Interpretations, requirements, decisions, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Zoning Officer and to that end shall have all the powers of the Zoning Officer from whose order, requirement, or decision the appeal is taken.

B. Use variances. The Board of Appeals, on appeal from the decision or determination of the Zoning Officer shall have the power to grant use variances, authorizing a use of that otherwise would not be allowed or would be prohibited by the terms of this Chapter. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such necessary hardship, the applicant shall demonstrate to the Board of Appeals that (1) under the

applicable zoning regulations, the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

C. Area Variances. The Board of Appeals shall have the power, upon an appeal from a decision or determination of law, to grant area variances from the area or dimensional requirements of this Chapter. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

D. Imposition of conditions. The Board of Appeals shall, in the granting of variances have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Section 905 Planning Board

A. Establishment. The Planning Board, heretofore created pursuant to the provisions of the Town Law, is hereby continued as not constituted, and shall consist of five (5) members, each serving a five (5) year term. Each

member of the Planning Board shall continue to hold office to the expiration of his present term, at which time the Town Board shall appoint a successor as provided by law.

- B.** Appointment of members. The Town Board shall appoint a Planning Board consisting of five members and shall designate a chairperson thereof. In the absence of a Chairperson, the Planning Board may designate a member to serve as Acting Chairperson. The Town Board may provide for compensation to be paid to experts, clerks, and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the Town Board for such purpose.
- C.** Terms of Office. Members of the Planning Board shall be appointed for a five year term, with each term to expire at the end of a calendar year. The Chairperson shall be appointed annually.
- D.** Vacancy in office. Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.
- E.** General grant of Powers. The Planning Board shall perform all the duties and have all the powers prescribed by the laws of the State of New York.
- F.** Meetings, minutes and records. Meetings of the Planning Board shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its proceedings and other official actions.
- G.** Filing requirements. Every rule, regulation, order, requirement, decision or determination by the Planning Board shall be filed in the Town Clerk's Office and shall be public record.
- H.** Assistance to Planning Board. The Planning Board shall have the authority to call upon any department, agency, or employee of the Town of Rose for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.

Section 906 Powers and Duties of the Planning Board

- 1. To prepare and from time to time change the master or comprehensive plan for the development of the Town.
- 2. To review proposals to approve or disapprove the laying out, closing off, abandonment or changes in lines of streets, highways and public areas and to make recommendations to the Town Board.
- 3. To issue special permits as provided for in this chapter.

4. To determine the minimums in Schedule I when Proof of Sufficiency cannot be determined by the Zoning Officer.
5. To make investigations, maps, reports and recommendations relating to the planning and development of the Town as it seems desirable. This shall include but not be limited to changes in boundaries of districts, recommended changes in the provision of this ordinance, other land use and development matters of importance to the Planning Board, and to act on any matter lawfully referred to it by the Town Board.
6. To review all applications for variance submitted to the Zoning Board of Appeal and recommend approval, disapproval or approval with conditions for each. Such actions shall be in accordance with Section 904 or this law and the Town of Rose Comprehensive Plan. A written report of each review shall be forwarded to the Zoning Board of Appeals within 30 days of receipt and a designee of the Planning Board shall be present at the Zoning Board of Appeal hearing for clarification of said report.
7. To review, act on or provide advisory reports as specified by this chapter.
8. To make referrals to other Town Departments, Boards and/or officials to request advisory opinions to assist the Planning Board in making decisions which affect the development of the Town.
9. All such powers as are conferred upon Town Planning Boards by the provisions of the Town Law as not or hereafter in effect.
10. Meetings, minutes, and records. Meetings of the Planning Board shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its proceedings and other official actions.
11. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Planning Board shall be filed in the Town Clerk's Office and shall be a public record.
12. Assistance to the Planning Board. The Planning Board shall have the authority to call upon any department, agency, or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board.

Section 907 Alternate Members of Board of Appeals and Planning Board

- A. The positions of alternate members of the Zoning Board of Appeals and Planning Board are hereby established. There shall be two (2) such

alternate members for the Board of Appeals and two (2) such alternate members for the Planning Board.

B. The alternate members of the Board of Appeals and Planning Board shall serve in the absence, unavailability, or inability of a regular member of such boards to serve. Copies of notices sent to regular members of the Board of Appeals and the Planning Board shall be sent to the respective alternate members. When a meeting of the Board of Appeal or Planning Board shall be duly noticed and called for discussion, if it shall become apparent that a regular member (s) of the board will be unable to hear and deliberate upon an application, then the alternate member (s) of the board, at the call of the Chairman or Clerk of the board, shall be duly authorized to hear any application, to deliberate and to vote with full force and effect as if duly appointed a regular member of the board.

C. The alternate members of the Board of Appeals and the Planning Board shall be appointed for the same term and in the same manner as regularly appointed members.

Section 908

Fees

Fees to cover the processing of applications for building permits, certificates of occupancy, variances, and special permits shall be payable to the Town of Rose according to a schedule of fees as adopted by the Town Board.

Section 909

Complaints; violations and penalties; abatement

A. Complaints of violations. Whenever a violation of this law occurs, any person may file a complaint in regard thereto. Complaints may be either verbal or in writing and signed and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate and proceed with appropriate action in accordance with this law.

B. Violations penalties. Any person violating any provision of any section of this law and the owner of record of any premises whereon such violation of the foregoing ordinance is committed; or any such person who shall violate or fail to comply with any order or regulation made hereunder; or any person who shall build in violation of any statement, specification or plan submitted thereunder; or any person who shall violate any certificate or permit issued hereunder; or any person who shall continue to work upon any structure or continue any use of property and premises after service of a notice in writing from the Zoning Officer of the Town of Rose, which notice shall specify the violation and order said person to desist therefrom, shall be guilty of an offense punishable by a fine not exceeding two hundred and fifty dollars (\$250) or by imprisonment for a period not exceeding sixty (60) days or both, for each such offense. Each day that such violation is permitted to exist shall constitute a separate offense. Service of the notice hereinbefore mentioned shall be sufficient if directed

to the owner, and agent of the owner or the contractor and personally served or left at his last-known place of residence or place of business if within the Town of Rose; or, if no place of residence or business be so found, the notice shall be served by posting in a conspicuous place on the premises which are subject or certified of the violation, or said notice may be served by mailing it by certified mail, return receipt requested, to such last-known place of residence or place of business.

- C. Procedure for abatement of violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance or of any ordinance or regulation made under authority conferred hereby, the Town Board or, with its approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structures of land, or to prevent any illegal act, conduct, business or use in or about such premises.

Schedule 1

Schedule of Land Use or Activity – Zones and Controls

| | | | |
|-----|-------------------------------|------|--|
| A | =Agriculture Zone | P | =Permitted Use |
| RR | =Rural Residential Zone | SC | =Permit with Special Conditions Required |
| HR | =Hamlet Residential Zone | SP | =Special Permit Required |
| HGB | =Hamlet General Business Zone | N/A | =Not Applicable |
| GB | =General Business Zone | P/S | =Proof of Sufficiency |
| LC | =Land Conservation Zone | SAPU | =Same As Principals Use |
| I | =Industrial Zone | | |

Distances shall be calculated from the established edge of street or roadway.

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | |
|-----|----|-------------------|----|---|----|----|----|---|-------|----------|----------|-----------------|------|---------------------|------------|--|
| A | RR | RR | HR | H | GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | |
| SP | | | | | | | | | 5 | 5% | 400 | 75 | 80 | 80 | | |
| | | | | | | | | | 1 | 7% | 200 | 50 | 30 | 25 | | |
| | | Maximum Height 35 | | | | | | | | | | Minimum Parking | | | References | |
| | | S/P | | | | | | | | | | | | | | |

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | |
|-----|----|-------------------|----|---|----|----|----|---|-------|----------|----------|-----------------|------|---------------------|------------|--|
| A | RR | RR | HR | H | GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | |
| SP | | | | | | | | | 35 | 5% | 500 | 200 | 200 | 200 | | |
| | | | | | | | | | | | | | | | | |
| | | Maximum Height 35 | | | | | | | | | | Minimum Parking | | | References | |
| | | P/S | | | | | | | | | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | |
|-----|----|-------------------|----|---|----|----|----|---|-------|----------|----------|-----------------|------|---------------------|------------|--|
| A | RR | RR | HR | H | GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | |
| P | | | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 | | |
| | | | | | | | | | 1 | 7% | 200 | 50 | 30 | 25 | | |
| | | | | | | | | | 1 | 25% | 200 | 25* | 10 | 10 | | |
| | | | | | | | | | .5 | 25% | 100 | 25* | 10 | 10 | | |
| | | Maximum Height 35 | | | | | | | | | | Minimum Parking | | | References | |
| | | P/S | | | | | | | | | | | | | | |

1. Adult Care Facility

3. Amusement and Recreation Facility

2. Airport - Airstrip

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 4. Animal Husbandry | P | | | P | P | P | | 3 | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | References | | | |
| | SAPU | | | | | | | SAPU | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 5. Animal or Veterinary Clinic or Hospital | P | | | | P | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | References | | | |
| | 35 | | | | | | | 4/Vet. | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 6. Automobile Sales and/or Rental Area | | | | SC | SC | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | References | | | |
| | 35 | | | | | | | P/S | | | | | |

| ZONING DISTRICTS | | | | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|------------------------------|----|----|---------|----|----|---|-------|----------|----------|-------|------|------|-----------------|--|---------------------|------------|--|--|
| A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | | |
| p | p | p | p | p | p | p | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU | | | | | | |
| 9. Business, Home Occupation | | | | | | | | | | | | | | | | | | |
| Maximum Height | | | | | | | | | | | | | Minimum Parking | | | References | | |
| SAPU | | | | | | | | | | | | | P/S | | | | | |

| ZONING DISTRICTS | | | | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|------------------------------------|----|----|---------|----|----|----|-------|----------|----------|-------|------|------|-----------------|--|---------------------|------------|--|--|
| A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | | |
| SC | SC | SC | SC | SC | SC | SC | N/A | N/A | N/A | N/A | N/A | N/A | | | | | | |
| 8. Building or Structure Temporary | | | | | | | | | | | | | | | | | | |
| Maximum Height | | | | | | | | | | | | | Minimum Parking | | | References | | |
| N/A | | | | | | | | | | | | | N/A | | | | | |

| ZONING DISTRICTS | | | | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|------------------------|----|----|---------|----|----|---|-------|----------|----------|-------|------|------|-----------------|--|---------------------|------------|--|--|
| A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | | |
| p | p | p | p | p | p | p | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU | | | | | | |
| 7. Building, Accessory | | | | | | | | | | | | | | | | | | |
| Maximum Height | | | | | | | | | | | | | Minimum Parking | | | References | | |
| SAPU | | | | | | | | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------|------------------|----------------|----|---------|----|----|----|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 10. Business, Industrial | | | | SC | | | | 1 | 40% | 200 | 50 | 30 | 25 |
| | | | | | | | SP | P/S | P/S | P/S | P/S | P/S | P/S |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | | Minimum Parking | | References | | | |
| | | 40 | | | | | | P/S | | | | | |
| | | P/S | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------------------|------------------|----------------|----|---------|----|----|----|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 11. Business, Limited | SP | SP | SP | SP | SP | SP | SP | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | | Minimum Parking | | References | | | |
| | | SAPU | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--|------------------|----------------|----|---------|----|----|----|-------------------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 12. Business, Outdoor –Retail and/or Wholesale` | SP | | | | | | | 3 | 50% | 400 | 75 | 80 | 80 |
| | | | | SP | SP | | | 1 | 50% | 200 | 50 | 35 | 25 |
| | | | | | | | SP | P/S | P/S | P/S | P/S | P/S | P/S |
| | | Maximum Height | | | | | | Minimum Parking | | References | | | |
| | | 35 | | | | | | 1 for every 2 employees | | | | | |
| | | 35 | | | | | | 1 for every 2 employees | | | | | |
| | | P/S | | | | | | 1 for every 2 employees | | | | | |

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | | |
|---------------------------------|----|------------------|---|----|----|---|-------|----------|----------|-------|------|-----------------|--|---------------------|--|--|--|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | | |
| SP | | | | | | | 10 | 5% | 500 | 100 | 200 | 200 | | | | | | |
| 15. Camp or Travel Trailer Park | | Maximum Height | | | | | | | | | | Minimum Parking | | References | | | | |
| | | 35 | | | | | | | | | | 2/Site | | | | | | |

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | | |
|----------------------------|----|------------------|---|----|----|---|-------|----------|----------|-------|------|-----------------|--|---------------------|--|--|--|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | | |
| SP | SP | | | | SP | | 20 | 1% | 400 | 200 | 100 | 100 | | | | | | |
| 14. Cabin/Camp, Recreation | | Maximum Height | | | | | | | | | | Minimum Parking | | References | | | | |
| | | 35 | | | | | | | | | | P/S | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | | |
|---------------------------------------|----|------------------|---|----|----|---|-------|----------|----------|-------|------|-----------------|--|---------------------|--|--|--|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | | |
| SC | | | | SP | | | 3 | 40% | 400 | 80 | 80 | 80 | | | | | | |
| 13. Business, Retail and/or Wholesale | | Maximum Height | | | | | | | | | | Minimum Parking | | References | | | | |
| | | 40 | | | | | | | | | | P/S | | | | | | |
| | | 40 | | | | | | | | | | P/S | | | | | | |
| | | 35 | | | | | | | | | | P/S | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 16. Cemetery | SP | | | | | | | 20 | 5% | 500 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|----------------------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 17. Church or Religious Building | SP | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | | | SP | SP | | | 1 | 7% | 200 | 500 | 30 | 25 |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | 1/every 3 seats | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 18. Civic Service Center | P | | | | | | | 3 | 25% | 400 | 75 | 80 | 80 |
| | | | | | P | | | 1 | 40% | 200 | 50 | 30 | 25 |
| | | | | P | | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | P/S | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--|----|------------------|------|----|----|---|-------|----------|----------|-------|------|-----------------|------------|---------------------|-----|--|--|
| A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | |
| | | | | | | | 10 | P/S | 400 | P/S | P/S | P/S | References | | | | |
| | | Maximum Height | | | | | | | | | | Minimum Parking | | | P/S | | |
| | | 35 | | | | | | | | | | | | | | | |
| 21. Composting – Agricultural Facility | | | | | | | | | | | | | | | | | |
| SP | | | | | | | | | | | | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---------------|----|------------------|------|----|----|---|-------|----------|----------|-------|------|-----------------|------------|---------------------|-----|--|--|
| A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | |
| | SP | | | | | | 3 | 5% | 400 | 75 | 80 | 80 | References | | | | |
| | | | | P | | | 1 | 7% | 200 | 50 | 30 | 25 | References | | | | |
| | | | P | | | | .5 | 25% | 100 | 25* | 10 | 10 | References | | | | |
| | | Maximum Height | | | | | | | | | | Minimum Parking | | | P/S | | |
| | | 35 | | | | | | | | | | | | | | | |
| 20. Clubhouse | | | | | | | | | | | | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-------------------------------|----|------------------|------|----|----|---|-------|----------|----------|-------|------|-----------------|------------|---------------------|---------------------|--|--|
| A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | | |
| | P | | | | | | 3 | 5% | 400 | 75 | 80 | 80 | References | | | | |
| | | SP | | | | | 1 | 7% | 200 | 50 | 30 | 25 | References | | | | |
| | | | | P | | | 1 | 7% | 200 | 50 | 30 | 25 | References | | | | |
| | | | | P | | | .5 | 25% | 200 | 25* | 10 | 10 | References | | | | |
| | | Maximum Height | | | | | | | | | | Minimum Parking | | | 4/dentist or doctor | | |
| | | 35 | | | | | | | | | | | | | | | |
| 19. Clinic, Dental or Medical | | | | | | | | | | | | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--|------------------|----------------|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 22. Composting – Sheet (Off Site Materials) | SP | | | | | | | 10 | 5% | 400 | 75 | 50 | 80 |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | | Minimum Parking | | References | | | |
| | | N/A | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------|------------------|----------------|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 23. Dwelling, One Family | P | | | | | | | 3 | 7% | 400 | 75 | 80 | 80 |
| | | P | | | P | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | | | P | P | | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | | Maximum Height | | | | | | Minimum Parking | | References | | | |
| | | 35 | | | | | | 2 | | | | | |

*Or average of adjacent property front yards

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------|------------------|----------------|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 24. Dwelling, Two Family | SP | | | | | | | 3 | 7% | 400 | 75 | 80 | 80 |
| | | SP | | | SP | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | | | SP | SP | | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | | Maximum Height | | | | | | Minimum Parking | | References | | | |
| | | 35 | | | | | | 5 | | | | | |

*Or average of adjacent property front yards

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------------|------------------|----|----|---------|----|----|----|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 28. Events, Exhibitions, Shows | SP | SP | SP | SP | SP | SP | SP | N/A | N/A | N/A | N/A | N/A | N/A |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | References | | | |
| | N/A | | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-------------------------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 29. Farm, Fish and/or Bait Hatchery | P | | | | | P | | 5 | 50% | 400 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | References | | | |
| | 35 | | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|----------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 30. Farm, Game | P | | | | | P | | 5 | 5% | 400 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | References | | | |
| | 35 | | | | | | | P/S | | | | | |

| | | | | | | | | | | | | | | |
|------------------------------|--|------------------|----|----|------|----|----|---|---------------------|----------|----------|-------|------|------|
| USE | | A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| | | | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | P | | | | | | | | | | | | |
| 33. Funeral Home/Crematorium | | | | | | | | | | | | | | |
| Maximum Height 35 | | | | | | | | | | | | | | |
| Minimum Parking P/S | | | | | | | | | | | | | | |
| References | | | | | | | | | | | | | | |
| MINIMUM YARD (feet) | | ZONING DISTRICTS | | | AREA | | | | MINIMUM YARD (feet) | | | | | |

| | | | | | | | | | | | | | | |
|---------------------|--|------------------|----|----|------|----|----|---|---------------------|----------|----------|-------|------|------|
| USE | | A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| | | | | | | | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | | | | | | | | | | | | | | |
| 32. Funeral Home | | | | | | | | | | | | | | |
| Maximum Height 35 | | | | | | | | | | | | | | |
| Minimum Parking P/S | | | | | | | | | | | | | | |
| References | | | | | | | | | | | | | | |
| MINIMUM YARD (feet) | | ZONING DISTRICTS | | | AREA | | | | MINIMUM YARD (feet) | | | | | |

| | | | | | | | | | | | | | | |
|---------------------|--|------------------|----|----|------|----|----|---|---------------------|----------|----------|-------|------|------|
| USE | | A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| | | | | | | | | | 10 | 5% | 400 | 75 | 80 | 80 |
| | | | | | | | | | | | | | | |
| 31. Farm, General | | | | | | | | | | | | | | |
| Maximum Height 35 | | | | | | | | | | | | | | |
| Minimum Parking P/S | | | | | | | | | | | | | | |
| References | | | | | | | | | | | | | | |
| MINIMUM YARD (feet) | | ZONING DISTRICTS | | | AREA | | | | MINIMUM YARD (feet) | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------------------|------------------|----------------|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 34. Garage/Yard Sales | P | P | P | P | P | P | P | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | Minimum Parking | | | References | | | |
| | | SAPU | | | | | Off Street Only | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------------|------------------|----------------|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 35. Golf Course | SP | | | | | SP | | 100 | 5% | 500 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | Minimum Parking | | | References | | | |
| | | 35 | | | | | P/S | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------------|------------------|----------------|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 36. Hotel/Motel | | | | SP | SP | | | 5 | 25% | 400 | 75 | 50 | 80 |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | Minimum Parking | | | References | | | |
| | | 40 | | | | | P/S | | | | | | |

| | | | | | | | | | | | | | | | |
|------------------|---|----|----|---------|----|----|---|-------|----------|-----------------|-------|------|---------------------|--|--|
| ZONING DISTRICTS | | | | | | | | | | AREA | | | MINIMUM YARD (feet) | | |
| USE | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | |
| | | | | | | | | 50 | 50% | 500 | 75 | 80 | 80 | | |
| SP | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Maximum Height | | | | | | | | | | Minimum Parking | | | References | | |
| 35 | | | | | | | | | | P/S | | | | | |

| | | | | | | | | | | | | | | | |
|------------------|---|----|----|---------|----|----|---|-------|----------|-----------------|-------|------|---------------------|--|--|
| ZONING DISTRICTS | | | | | | | | | | AREA | | | MINIMUM YARD (feet) | | |
| USE | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | |
| | | | | | | | | 20 | 15% | 500 | 100 | 200 | 200 | | |
| SP | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Maximum Height | | | | | | | | | | Minimum Parking | | | References | | |
| 35 | | | | | | | | | | 2/Unit | | | | | |

| | | | | | | | | | | | | | | | |
|------------------|---|----|----|---------|----|----|---|-------|----------|-----------------|-------|------|---------------------|--|--|
| ZONING DISTRICTS | | | | | | | | | | AREA | | | MINIMUM YARD (feet) | | |
| USE | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | |
| | | | | | | | | 5 | 5% | 400 | 75 | 80 | 80 | | |
| P | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | |
| Maximum Height | | | | | | | | | | Minimum Parking | | | References | | |
| 35 | | | | | | | | | | P/S | | | | | |

39. Mining

38. Manufactured Housing
Park

37. Kennel, Commercial

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|----------------------------|------------------|----|----|---------|----|----|----|------------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 40. Motor Freight Terminal | SP | | | | SP | | | 5 | 25% | 500 | 75 | 80 | 80 |
| | | | | | | | SP | * | * | * | * | * | * |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | 1/employee + P/S | | | | | |

*Density controls to be established by the Planning Board on an as-needed basis

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 41. Motor Vehicle Collision, Paint and/or Body Shop | SP | | | | SP | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------------------|------------------|----|----|---------|----|----|---|------------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 42. Motor Vehicle Filling Station | SC | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | | | | SC | | | 1 | 7% | 300 | 50 | 30 | 25 |
| | | | | SC | | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | 1/employee + P/S | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | |
|-----|----|-------------------|----|----|----|---|-------|----------|----------|-------|------|------|--|---------------------|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | |
| SC | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 | | | |
| | | | SC | | | | 1 | 7% | 300 | 50 | 30 | 25 | | | |
| | | | SC | | | | .5 | 25% | 100 | 25* | 10 | 10 | | | |
| | | Maximum Height 35 | | | | | | | | | | P/S | | References | |
| | | | | | | | | | | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | |
|-----|----|-------------------|---|----|----|---|-------|----------|----------|-------|------|------|--|---------------------|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | |
| P | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 | | | |
| | | | P | | | | 1 | 7% | 200 | 50 | 30 | 25 | | | |
| | | | P | P | | | .5 | 25% | 100 | 25* | 10 | 10 | | | |
| | | Maximum Height 35 | | | | | | | | | | P/S | | References | |
| | | | | | | | | | | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | | AREA | | MINIMUM YARD (feet) | |
|-----|----|-------------------|---|----|----|---|-------|----------|----------|-------|------|------|--|---------------------|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | |
| P | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 | | | |
| | | | P | | | | 1 | 7% | 200 | 50 | 30 | 25 | | | |
| | | | P | P | | | .5 | 25% | 100 | 25* | 10 | 10 | | | |
| | | Maximum Height 35 | | | | | | | | | | P/S | | References | |
| | | | | | | | | | | | | | | | |

*Or average of adjacent property front yards

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-------------------|------------------|----|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 46. Park, Private | SP | | | | | SP | | 5 | 5% | 400 | 75 | 80 | 80 |
| | | SP | SP | SP | SP | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | 35 | | | | | | 1 per 4 members | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|------------------|------------------|----|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 47. Park, Public | SP | SP | SP | SP | SP | SP | SP | N/A | N/A | N/A | N/A | N/A | N/A |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | N/A | | | | | | P/S | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---------------------------------------|------------------|----|----|---------|----|----|------------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 48. Personal Service Establishment | P | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | | P | P | P | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | 35 | | | | | | 1 per 200 sq ft. | | | | | | |

*Or average of adjacent property front yards

| USE | | ZONING DISTRICTS | | | | | | | | | AREA | | | MINIMUM YARD (feet) | | |
|----------|----|------------------|---|----|----|---|-------|----------|----------|-------|-----------------|------|--|---------------------|--|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | |
| P | P | P | P | P | P | P | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| 51. Pond | | Maximum Height | | | | | | | | | Minimum Parking | | | References | | |
| | | N/A | | | | | | | | | P/S | | | | | |

| USE | | ZONING DISTRICTS | | | | | | | | | AREA | | | MINIMUM YARD (feet) | | |
|-------------------|----|------------------|---|----|----|---|-------|----------|----------|-------|-----------------|------|--|---------------------|--|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | |
| P | P | P | P | P | P | I | 5 | 5% | 400 | 75 | 80 | 80 | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| 50. Plant Nursery | | Maximum Height | | | | | | | | | Minimum Parking | | | References | | |
| | | 35 | | | | | | | | | P/S | | | | | |

| USE | | ZONING DISTRICTS | | | | | | | | | AREA | | | MINIMUM YARD (feet) | | |
|------------------------------|----|------------------|---|----|----|---|-------|----------|----------|-------|-----------------|------|--|---------------------|--|--|
| A | RR | HR | H | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | | | | |
| SP | | | | | | I | 50 | 40% | 1000 | 75 | 80 | 80 | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| 49. Planned Unit Development | | Maximum Height | | | | | | | | | Minimum Parking | | | References | | |
| | | 35 | | | | | | | | | P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|------------------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 52. Restaurant Establishment | SP | | | | | | | 3 | 5% | 400 | 75 | 80 | 80 |
| | | | | | SP | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | | | | SP | | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 35 | | | | | | | P/S | | | | | |

*Or average of adjacent property front yards

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 53. Roadside Sales | P | P | P | P | P | P | P | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | SAPU | | | | | | | Off-Street P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---------------------------|------------------|----|----|---------|----|----|---|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 54. Roadside Stand (Farm) | P | | | | P | P | | SAPU | N/A | N/A | N/A | N/A | N/A |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | SAPU | | | | | | | Off-Street P/S | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-------------------|------------------|----------------|----|---------|----|----|-----------------|-------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 58. Shooting Club | SP | | | | | SP | | 10 | 5% | 400 | 75 | 50 | 80 |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | Minimum Parking | | | | References | | |
| | | 35 | | | | | 1 per 4 members | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------------------|------------------|----------------|----|---------|----|----|-----------------|-------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 59. Shooting Preserve | SP | | | | | SP | | 100 | 5% | 400 | 75 | 80 | 80 |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | Minimum Parking | | | | References | | |
| | | 35 | | | | | P/S | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------|------------------|----------------|----|---------|----|----|-----------------|-------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 60. Signs | SC | SC | SC | SC | SC | SC | SC | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | | Maximum Height | | | | | Minimum Parking | | | | References | | |
| | | SAPU | | | | | N/A | | | | | | |

| ZONING DISTRICTS | | AREA | | | | MINIMUM YARD (feet) | | | | | | | |
|--------------------------|---|------|----|---------|----|---------------------|---|-------|----------|----------|-------|------|------|
| USE | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| | P | SC | SC | SC | SC | P | | 3 | 5% | 400 | 75 | 80 | 80 |
| 61. Stable, 1 - 2 Horses | | | | | | | | | | | | | |
| Maximum Height 35 | | | | | | | | | | | | | |
| Minimum Parking P/S | | | | | | | | | | | | | |
| References | | | | | | | | | | | | | |

| ZONING DISTRICTS | | AREA | | | | MINIMUM YARD (feet) | | | | | | | |
|------------------------|----|------|----|---------|----|---------------------|---|-------|----------|----------|-------|------|------|
| USE | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| | SC | | | | SC | SC | | 5 | 5% | 400 | 100 | 100 | 100 |
| 62. Stable, 3 + Horses | | | | | | | | | | | | | |
| Maximum Height 35 | | | | | | | | | | | | | |
| Minimum Parking P/S | | | | | | | | | | | | | |
| References | | | | | | | | | | | | | |

| ZONING DISTRICTS | | AREA | | | | MINIMUM YARD (feet) | | | | | | | |
|---|----|------|----|---------|----|---------------------|---|-------|----------|----------|-------|------|------|
| USE | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| | SP | | | | | | | 5 | 5% | 400 | 75 | 80 | 80 |
| 63. Storage, Bulk Petroleum and/or Petroleum Products | | | | | | | | | | | | | |
| Maximum Height 35 | | | | | | | | | | | | | |
| Minimum Parking P/S | | | | | | | | | | | | | |
| References | | | | | | | | | | | | | |

*Density controls to be established by the Planning Board on an as-needed basis

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|------------------------|------------------|----|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 64. Storage, Open Farm | P | P | | | P | P | P | SAPU | SAPU | SAU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | SAPU | | | | | | SAPU | | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|-----------------------------|------------------|----|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 65. Storage, Open – General | | | | | | | SP | * | * | * | * | * | * |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | * | | | | | | * | | | | | | |

*Density controls to be established by the Planning Board on an as-need basis

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--|------------------|----|----|---------|----|----|-----------------|-------|----------|---------------------|-------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 66. Storage, Open 1 Unlicensed Vehicle | P | P | P | P | P | P | P | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | N/A | | | | | | SAPU | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|------------------|----|----|---------|----|----|---------------------|-------|----------|------------|-------|------|------|------|
| | | | | | | | | | | | | | ZONING DISTRICTS | | | AREA | | | MINIMUM YARD (feet) | | | | | | | |
| USE | | | | | | | | | | | | | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear | |
| 67. Storage, Open 2-4 Unlicensed Vehicles | | | | | | | | | | | | | SP | SP | SP | SP | SP | SP | SP | SP | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | Maximum Height | | | | | | Minimum Parking | | | References | | | | |
| | | | | | | | | | | | | | N/A | | | | | | SAPU | | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------|--|--|--|--|--|--|--|--|--|--|--|--|------------------|----|----|---------|----|----|---------------------|-------|----------|------------|-------|------|------|
| | | | | | | | | | | | | | ZONING DISTRICTS | | | AREA | | | MINIMUM YARD (feet) | | | | | | |
| USE | | | | | | | | | | | | | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 68. Swimming Pool | | | | | | | | | | | | | SC | SC | SC | SC | SC | SC | SC | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | | | | | | | | | | | | | N/A | | | | | | N/A | | | | | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|--|--|--|--|------------------|----|----|---------|----|----|---------------------|-------|----------|------------|-------|------|------|
| | | | | | | | | | | | | | ZONING DISTRICTS | | | AREA | | | MINIMUM YARD (feet) | | | | | | |
| USE | | | | | | | | | | | | | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 69. Telecommunication Tower | | | | | | | | | | | | | SP | SP | SP | SP | SP | SP | SP | SP | * | * | * | * | * |
| | | | | | | | | | | | | | Maximum Height | | | | | | Minimum Parking | | | References | | | |
| | | | | | | | | | | | | | * | | | | | | * | | | | | | |

*Density controls to be established by the Planning Board in conjunction with Section 727 of this law

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--|------------------|----|----|---------|----|----|----|--------------------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 70. Tourist Home and/or Bed and Breakfast | SC | SC | SC | SC | SC | SC | SC | SAPU | SAPU | SAPU | SAPU | SAPU | SAPU |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | SAPU | | | | | | | SAPU + 1 per room to let | | | | | |

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|---------------|------------------|----|----|---------|----|----|----|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 71. Warehouse | P | | | | | | | 5 | 5% | 400 | 75 | 80 | 80 |
| | | | | | P | | | 1 | 7% | 200 | 50 | 30 | 25 |
| | | | | P | | | | .5 | 25% | 100 | 25* | 10 | 10 |
| | | | | | | | SP | ** | ** | ** | ** | ** | ** |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | 40 | | | | | | | 1 per employee | | | | | |

*Or average of adjacent property front yards

**Density controls to be established by Planning Board on an as-need basis

| USE | ZONING DISTRICTS | | | | | | | AREA | | MINIMUM YARD (feet) | | | |
|--------------------------------------|------------------|----|----|---------|----|----|----|-----------------|----------|---------------------|------------|------|------|
| | A | RR | HR | H GB | GB | LC | I | Acres | Coverage | Frontage | Front | Side | Rear |
| 72. Wind Energy Conversion System | SP | SP | SP | SP | SP | SP | SP | * | * | * | * | * | * |
| | | | | | | | | | | | | | |
| | Maximum Height | | | | | | | Minimum Parking | | | References | | |
| | * | | | | | | | * | | | | | |

*Density controls to be established by the Planning Board in conjunction with Section 728 of this law

