

LOCAL LAW #2 of 2023
TOWN OF CATLIN
ZONING LAW

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ARTICLE 1 TITLE, PURPOSE, AUTHORITY

1.0 Short Title

This Law shall be known as the "Zoning Law of the Town of Catlin, N.Y.", and may be cited as "TOWN OF CATLIN ZONING LAW".

1.1 Authority

Pursuant to the Article 16 of the Town Law of the State of New York, the Town Board of the Town of Catlin, in the County of Chemung, State of New York, hereby resolves, enacts and publishes as follows:

1.2 Purpose

The Zoning Regulations and Districts herein set forth and as identified upon the Zoning Map of the Town of Catlin are made to promote the public health, public safety, and general welfare of the Town of Catlin; and specifically:

- A. To encourage the most appropriate use of land in the community in order to conserve the value of property;
- B. To eliminate the spread of inappropriate business development and provide for more adequate and suitably-located commercial facilities and consequently eliminate many road-side hazards and add to community attractiveness;
- C. To create a suitable system of open spaces and recreation areas, and to protect and enhance existing wooded areas, scenic areas, farmland and waterways;
- D. To ensure the adequate and safe, control and conveyance of storm water flows generated by new development;
- E. To regulate building densities in order to assure access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, to lessen congestion on streets and highways, to provide efficient municipal utility services, and to accommodate solar energy systems and equipment and access to sunlight necessary therefore;
- F. To improve transportation facilities and traffic circulation, and to provide adequate off-street parking and loading facilities;
- G. To assure privacy for residents and freedom from nuisances and things harmful to the health, safety and general welfare of the public.
- H. To protect the community against unsightly, obtrusive, and nuisance land uses and operations;
- I. To enhance the aesthetic aspects throughout the entire Town and maintain its natural beauty; and
- J. To provide an opportunity for occupancy of housing or use of land to all people regardless of race, creed, sex or color.

This Law has been made with reasonable consideration for the character of each District and a District's suitability for particular uses, and, with a view to conserving the value of the property, to encourage the most appropriate use of the land throughout the Town.

These purposes are achieved through this Law regulating and restricting the height, number of stories and size of buildings and other structures; restricting the density of population; regulating the size of yards and other open spaces; regulating and restricting the location and use of buildings, structures and land for trade, industry, residential or other purposes; creating districts for such purposes and establishing boundaries; continuing a Zoning Board of Appeals to determine and vary the application of various provisions of this Law in harmony with its general purposes and intent and in accordance with general and specific rules herein contained; and providing for the enforcement of such Law.

ARTICLE 2 INTERPRETATION

2.0 Interpretation, Severability and Conflict

- A. The following rules of construction of language shall apply to the text of this Law.
1. Words used in the present tense include the future tense.
 2. Words used in the singular include the plural, and words used in the plural include the singular.
 3. Words used in the masculine form shall also include the feminine.
 4. The word öLOTö includes the word öplotö or öPARCELö.
 5. The word "person" includes an individual, firm or corporation.
 6. The word "shall" is mandatory; the word "may" is permissive.
 7. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied".
 8. A "building" or "structure" includes any part thereof.
 9. The phrases, "to erect", "to construct", and "to build" each has the same meaning and includes to excavate for a building and to relocate a building by moving it from one location to another.
 10. Words and phrases not defined above or in Section 2.1 Definitions shall be interpreted as defined in the *NYS Uniform Fire Prevention and Building Code*, or as to attribute to them the meaning they have in common usage and to accord this Law its most reasonable application in light of the language and purposes of this Law.
- B. If any section, paragraph, subdivision or provision of this Law shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudicated invalid, and the remainder of this Law shall remain valid and in full effect.
- C. This Law shall be interpreted in such a way wherever possible so that the meaning of the words, phrases and sections herein shall make them valid and legal in their effect.
- D. Whenever the requirements of this Law are at variance with the requirements of other lawfully adopted laws, rules, regulations or ordinances of the Town, the one of these with the most restrictive provisions or those imposing the higher standard shall govern.

2.1 Definitions

The following words or phrases as used in this Law are defined as follows:

AGRICULTURE, CROP - The raising and incidental storage of agricultural products (including farm crops, fruits, vegetables or nursery stock) for sale, gain or commercial purposes. This term does not include the manufacturing or processing of agricultural products as the PRINCIPAL USE.

AGRICULTURE, LIVESTOCK - The raising of agricultural products (including livestock, poultry, dairy cattle, fur-bearing animals, bees, other such animals, and associated feed crops) for sale, gain or commercial purposes. This term does not include riding academies, PRIVATE STABLES or manufacturing or processing of agricultural products as the PRINCIPAL USE.

AGRI-BUSINESS - A PRINCIPAL USE that involves the following:

- A. Wholesale raising, processing, packaging or other handling of non-food plant crops such as annual and/or perennial plant production and may include minor retail sales as accessory use; or
- B. Any business that has as the primary function support service of active agricultural operations; or
- C. Any business that provides processing, packaging, or handling of agricultural products to prepare them for transport to a manufacturing facility or retail market. This use does not include cooking, canning, or other preparation of food stuffs.

AIRPORT - Any LOT or STRUCTURE, designed to be used and/or operated either publicly or privately by any person for the landing and taking off of aircraft, ultra-lights, hang gliders, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

ALTERATION - Any change, rearrangement, addition, enlargement or demolition to a STRUCTURE, other than repairs, and any modification in construction.

ALTERNATIVE DWELLING PARK - A contiguous PARCEL of land under single ownership on which two (2) or more MOBILE HOMES or homes of any other styles of construction having less than 1,200 square feet and/or having any one overall exterior dimension of less than twenty (20) feet are located.

AMUSEMENT GAME CENTER - A STRUCTURE or LOT at which six (6) or more mechanical, electrical or electronic machines or devices used or designed to be used on a continuous basis for entertainment or as a game, and either activated by the insertion of a coin or token or for the operation or use of which a charge is made.

ANTENNA - A fixed-base STRUCTURE for the purposes of receiving or transmitting television and/or radio signals from orbiting satellites, any electro-magnetic, digital transmissions or any wireless communication.

ATTIC - That space of BUILDING which is between the top of the uppermost floor construction and the underside of the roof. (See "STORY")

APPLICANT - OWNER of a PARCEL on which a DEVELOPMENT is proposed, and/or the DEVELOPER of such PARCEL.

AUTO SALVAGE YARD - SEE SALVAGE YARD

BAR - A business establishment licensed by the State of New York to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

BARRIER - A divider that separates USES that is either physical or visual, it can be constructed or made of natural or planted vegetation.

BASEMENT - Any space of a BUILDING which is partly below finished grade, but having more than one-half of its height measured from floor to ceiling above average finished grade. (See also "CELLAR")

BED AND BREAKFAST - A BUILDING containing a single DWELLING UNIT in which at least one (1), but not more than four (4), sleeping rooms are provided by the owner for compensation, for the accommodation of transient guests with no more than one meal served daily and the entire service is to be included in one stated price.

BOARDING HOUSE - A BUILDING, other than a HOTEL, containing a general kitchen and a general dining room, in which at least three, but no more than six, sleeping rooms are offered for rent, with or without meals to non-transient guests. A lodging house, or rooming house shall be deemed a boarding house.

BUFFER - An area of land forming a visual and/or physical separation or barrier between two (2) uses. In the case of a visual barrier, the land shall be covered with natural plantings or man-made material to provide a continuous physical screen preventing visual access and reducing noise.

BUILDING - Any STRUCTURE which is wholly or partially enclosed within exterior walls, is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or property.

BUILDING AREA - The total of areas taken on a horizontal plane at the main grade level of the PRINCIPAL BUILDING and all ACCESSORY BUILDINGS including open or enclosed porches, attached carport or garage but exclusive of terraces, and uncovered steps. Such horizontal area of each BUILDING is the area within which and circumscribed by the exterior faces of the outer walls and/or architectural elements of the BUILDING.

BUILDING GROUP - A group of two or more PRINCIPAL BUILDINGS and any BUILDINGS accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING, HEIGHT - The vertical distance measured from the average finished grade to the highest point of the roof.

BUILDING LINE - The line, established by statute or local law, beyond which the exterior surface of a BUILDING on any side shall not extend, as specifically provided in Article 5 of this Law. In the instance of a cantilevered section of a building or projected roof or porch, the building line shall be measured from the most projected surface.

BUILDING, PRINCIPAL - A BUILDING in which is conducted the main, primary or PRINCIPAL USE of the LOT on which said BUILDING is situated.

BUILDING, SEMI-DETACHED - A BUILDING attached by a party wall to another building normally of the same type on another lot, but having one SIDE YARD.

BULK - A term to describe the size, volume, area and shape of STRUCTURES, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and of all open spaces required in connection with a STRUCTURE or PARCEL.

BULK, NON-CONFORMING - That part of a STRUCTURE or tract of land which does not conform to one or more of the applicable DENSITY CONTROL AND BULK REGULATIONS of this Zoning Law, either following its effective date or as a result of subsequent amendment thereto.

BULK STORAGE - Materials stored in large quantities which are dispensed in smaller units for use or consumption as regulated by NYSDEC.

CAR WASH - A STRUCTURE, LOT or portions thereof where vehicles are washed on a continuous basis either by the patron or others using machinery for charge or compensation.

CELLAR - That space of a BUILDING that is considered non-habitable and is partly or entirely below average finished grade, which has more than half its height, measured from the floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. (See also "BASEMENT")

CHURCH OR PLACE OF WORSHIP - A BUILDING or premises used exclusively for public worship by members or representatives of a religious sect, group, or organization as recognized by State statute.

CERTIFICATE OF COMPLIANCE - A certificate issued by the CODE ENFORCEMENT OFFICER upon completion of construction, alteration or change in USE of a STRUCTURE or LOT. Said Certificate shall acknowledge compliance with all of the requirements of this Law, any conditions of approval attached to such USE by an authorized Board, and any adjustments thereto granted by the Zoning Board of Appeals. This Certificate is a permit to occupy and use the STRUCTURE and/or LOT in accordance with the approval.

CLUB, MEMBERSHIP - A certified not-for-profit organization catering exclusively to members and their guests, or premises and buildings for social, educational, service, recreational or athletic purposes.

CODE ENFORCEMENT OFFICER - An official designated by the Town Board for the purpose of enforcing codes, laws, ordinances, and conditions set by Planning Board or Zoning Board of Appeals resolutions.

COMMERCIAL VEHICLE - Any vehicle with a net vehicle weight of five (5) tons or more and/or more than three (3) axles, or trailer used for the transportation of persons or goods primarily for gain.

CONDOMINIUM - A BUILDING or group of BUILDINGS, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

CONSULTED AGENCIES - shall include the following: Code Enforcement Officer, Town Highway Department, Fire Commissioners, Town Water Department, Chemung County Health Department, Chemung County Department of Public Works, Fire Departments, other local and County officials, designated private consultants, representatives from federal and state agencies including, but not limited to the Natural Resources Conservation Department, Department of Transportation, and the Department of Environmental Conservation.

CONTRACTOR'S EQUIPMENT YARD - Any space, used for commercial gain whether inside or outside a STRUCTURE, used for the storage or keeping of construction equipment, machinery, or vehicles, or parts thereof, and/or building materials and soil/stone stockpiles.

CONVALESCENT HOME - A BUILDING used for accommodation and care of persons receiving non-skilled, long-term care, meeting the NYS Department of Social Services (NYS DSS) definition of a "Proprietary" facility. (See also "NURSING HOME")

CONVENIENCE FOOD MART - A commercial retail use that combines two PRINCIPAL USES on a single parcel; the sale of motor vehicle fuel and accessory substances, as well as the sale of groceries.

COTTAGE INDUSTRY - A business conducted as an ACCESSORY USE, which is clearly incidental to or secondary to a Residential USE of a DWELLING UNIT and which; (a) does not change the character of the residential USE, (b) is carried out wholly within the enclosed walls of the DWELLING UNIT and/or an ACCESSORY STRUCTURE located on the same LOT as the DWELLING UNIT, and (c) is operated by a resident of the DWELLING UNIT and with up to three (3) employees who do not reside in the DWELLING UNIT.

COVERAGE - That LOT AREA or percentage of lot area covered by BUILDINGS, including ACCESSORY STRUCTURES and all other impervious surfaces.

DAY CARE OF ADULTS - Shall be as defined by the New York State Department of Social Services (NYS DSS) or its successor agencies and as may be amended.

DAY CARE OF CHILDREN - Shall be as defined by the New York State Department of Social Services (NYS DSS) or its successor agencies and as may be amended, to include care provided for three or more children away from their own homes in a day care center, excluding those children receiving family day care as defined in this law. Such care shall be for more than three (3) hours and less than twenty-four (24) hours per day per child to any child accepted for care therein. The term day care of children includes services provided with or without compensation or payment.

DAY CARE CENTER - A place, person, association, corporation, institution, or agency which provides day care for children as defined and regulated by New York State Department of Social Services (NYS DSS) or its successor agencies regulations. The name, description, or form of the entity which operates a day care center shall not affect its status as a day care center.

The term day care center shall not refer to care provided in:

- A. A day camp as defined in the State Sanitary Code (10 NYCRR Chapter I).
- B. An after school program operated for the primary purpose of religious education.
- C. A facility:
 - 1. operated by a public school district, or
 - 2. providing day services under an operating certificate issued by the Department of Mental Health.

DAY CARE, FAMILY HOME - Day care provided in the care givers' residence in accordance with New York State Department of Social Services (NYS DSS) or its successor agencies definitions and regulations.

DAY CARE, GROUP FAMILY HOME - Day care provided in the care givers' residence in accordance with NYSDSS or its successor agencies definitions and regulations.

DEVELOPER - Any entity to undertake a proposed DEVELOPMENT.

DEVELOPMENT - Any man-made changes to improved or unimproved PARCEL, including but not limited to, the construction or reconstruction of buildings, construction of tanks or other storage facilities, pumps, pumping stations, waste treatment or disposal facilities or commercial excavation, dredging, filling, mining, grading, paving or drilling.

DISTRICT - That mapped portion of the Town within which specific uses are permitted according to the designation applied thereto in Article 3 and in conformity with the provisions of this Law.

DRIVE - An improved way that provides or is designed to provide vehicular access between a ROAD and a PARKING AREA and/or an INTERNAL DRIVE.

DRIVE, INTERNAL - An improved way that provides or is designed to provide vehicular access between a DRIVE and one (1) or more USES on the same LOT.

DRIVE-THROUGH USE - Any commercial or Business USE which includes an IMPROVEMENT such as a service window, booth or other like arrangement on the exterior of a PRINCIPAL or ACCESSORY STRUCTURE which is for drive-through or carry-out service.

DRIVEWAY – A minor private way used by vehicles and pedestrians to provide access between a ROAD and a single LOT conforming to driveway standards as stated in the relevant section of the Town of Catlin Zoning Code.

DRIVEWAY, SHARED – A minor private way used by vehicles and pedestrians to provide access between a ROAD and a two (2) LOTS conforming to driveway standards as stated in the relevant section of the Town of Catlin Zoning Code.

DUMP - SEE SOLID WASTE DISPOSAL FACILITY

DWELLING, ONE- UNIT- A BUILDING containing one (1) DWELLING UNIT.

DWELLING, TWO-UNIT- A BUILDING containing two (2) DWELLING UNITS.

DWELLING, MULTI-UNIT- A BUILDING containing three or more DWELLING UNITS with shared or individual entrances and shared or individual other essential facilities and services.

DWELLING, DETACHED - Shall have two side yards.

DWELLING, SEMI-DETACHED - Shall have only one side yard and one common party wall.

DWELLING, IN-GROUND - A DWELLING that is constructed principally below the finished average grade elevation of the lot on which it is located and with at least one exterior wall open for a height of at least six (6) feet and/or, provide for special light and ventilation designs.

DWELLING UNIT - One or more rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities, and occupied by one (1) FAMILY. This shall include mobile homes and factory manufactured units provided they meet the standards of this Law and the Uniform Fire Prevention and Building Code as may be hereafter amended. It shall not include MOTEL, HOTEL or BOARDING HOUSE , but shall include a BED and BREAKFAST.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER: - A person licensed as a professional engineer by the State of New York.

FACTORY MANUFACTURED HOME - A DWELLING UNIT constructed off-site, consisting of one or more segments and designed to be permanently anchored to and supported by a foundation, to become a fixed part of the real estate. Such DWELLING UNIT shall bear an insignia of approval issued by the Division of Housing and Community Renewal of the State of New York.

FAMILY - A "family" shall consist of the following: (a) one person maintaining a household for him- or herself, or (b) two or more persons whether or not related by blood, marriage or adoption maintaining a common household, or (c) not more than five (5) persons not related by blood, marriage or adoption, who live together in a single dwelling unit and do not maintain a common household.

FENCE - An artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials erected within a minimum SETBACK.

FLEA MARKET - A LOT or PARCEL with only outdoor stalls, booths, or selling spaces rented for the purposes of selling used and new consumer merchandise, antiques, art, craft items and collectibles.

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal the finished grade in computing height of buildings and other structures or for other purposes - shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA - The aggregate sum of the gross horizontal area of the several floors of the building or buildings,

measured from the exterior walls or from the centerlines of walls separating the buildings. The "floor area" of a building or buildings shall include:

- A. Basement space.
- B. Elevator shafts and stairwells at each floor.
- C. Floor space for mechanical equipment, with structural headroom of 7'6" or more.
- D. Penthouses.
- E. Attic space (whether or not a floor has actually been laid) providing structural headroom of 7'6" or more for at least 50% of the area.
- F. Interior balconies and mezzanines.
- G. Enclosed porches.
- H. Accessory uses, exclusive of space for accessory off-street parking.

However, the "floor area" of a building shall not include:

- A. Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- B. Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- C. Floor space used for mechanical equipment, with structural headroom of less than 7'6".
- D. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than 7'6" for 50% of the area.
- E. Uncovered steps and/or exterior fire escapes.
- F. Terraces, breezeways, open porches, and outside balconies and open spaces.
- G. Accessory off-street parking spaces.
- H. Accessory off-street loading berths.

FOOTPRINT - The perimeter of a STRUCTURE at ground level as depicted on a scaled drawing.

HEALTH CARE FACILITIES - A place where ambulatory care is furnished to persons on an out-patient basis by two (2) or more physicians who have common offices in a BUILDING which may also offer laboratory and testing facilities, and procedures to patients on an out-patient basis and not just in conjunction with normal clinic services. Such places may include 24-hour emergency medical treatment.

HELIPORT - Any LOT or other facility, designed to be used and/or operated either publicly or privately by any person for the landing and taking off of helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

HOME OCCUPATION - A business conducted as an ACCESSORY USE, which is clearly incidental to or secondary to the residential USE of a DWELLING UNIT and does not change the character thereof, and which is carried on wholly within the enclosed walls of a DWELLING UNIT by the business proprietor of such use, who shall be an occupant of such DWELLING UNIT, and, if desired by other occupants of such DWELLING UNIT.

HOSPITAL - An institution for the care and treatment of sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury who may require bed care. Source: #206-a Public Health Law

HOTEL/MOTEL - A BUILDING, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or multiple individual entrances and which may or may not include dining and/or meeting facilities. This term shall not be deemed to include a BED & BREAKFAST, or BOARDING HOUSE, nor does it include DWELLING UNITS.

IMPROVEMENT - Private driveways, public and private sewage treatment, and domestic water supply, and other such facilities in as much as the responsibility for maintenance is that of a public entity, the storm water management system and its components, traffic control devices, and ROADS or roadway improvements.

INDUSTRIAL USE - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all of which is marketed off the premises or marketed to other than the ultimate consumer.

KENNEL - Any LOT or STRUCTURE maintained for animals wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

KINDERGARTEN - Any place operated on a regular basis for the purpose of providing state certified instruction for children at least five years of age by December 1 of the entry year and no older than six years of age by the same date. The term school includes kindergarten.

LARGE TREE (S) - A live deciduous tree that is a minimum of 12" dbh (diameter breast height).

LOT - A PARCEL considered as a unit, devoted to a specific USE or occupied by a STRUCTURE or a group of STRUCTURES united by a common interest, USE or ownership, which abuts and is accessible from a PRIVATE or PUBLIC ROAD.

LOT, AREA - The total area within the lot boundary lines excluding any area included in a right-of-way and/or any area within twenty-five (25) feet of the centerline of a private road.

LOT, CORNER - A LOT situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed 135 degrees.

LOT, THROUGH - A lot which faces on two ROADS at opposite ends of the lot and which is not a corner lot.

LOT, DEPTH OF - The mean distance from the front lot line to rear lot line.

LOT COVERAGE - See "COVERAGE".

LOT LINES - The lines bounding a LOT defined herein.

LOT LINES, FRONT - A lot line which is coincident with the right-of-way line of a public road or which is measured 25 feet from the center line of a private road.

LOT LINES, REAR - That LOT LINE directly opposite the FRONT LOT LINE.

LOT WIDTH - The distance between the side LOT LINES measured at the minimum FRONT YARD SETBACK, or in the case where a minimum front setback is established by the Planning Board in the case of cluster development at the time of subdivision approval, which line is further removed from the front lot line than the minimum FRONT YARD SETBACK established for the Zoning District.

MINI-STORAGE FACILITY - A BUILDING or grouping of BUILDINGS designed and constructed with individual partitions or compartments for the storage of private property by individuals. The wholesale storage and/or transfer of goods by commercial enterprises shall not meet this definition.

NURSERY SCHOOL/PRE-KINDERGARTEN - A non-public school organized for the purpose of educating three (3) or more children less than seven (7) years of age for less than three (3) hours per day, two (2) sessions may be held daily, as registered and certified by the NYS Education Department under 8 NYCRR 125. (See also DAY CARE CENTERS)

NURSING HOME - A skilled nursing care facility as defined by the NYS Department of Social Services, or its successor agencies regulations and as may be amended from time to time.

OFFICE, GENERAL BUSINESS - A non-retail, office or agency providing service to the general public or other offices and agencies, such as insurance brokers, real estate and/or travel agents, computer programming, consulting organizations, etc.

OFFICE , PROFESSIONAL - An office principally used for purposes by a professional licensed by the State of New York, such as a lawyer, engineer, architect, accountant, physicians, dentists, or similar occupation.

PARCEL - A contiguous tract of land under the control of an APPLICANT or their agent considered to be one unit and defined by legal boundaries that is not divided by any natural or man-made barriers such as existing ROADS, public RIGHTS-OF-WAY identified on the Official map, rivers, and streams classified as "C" or higher by the New York State Department of Environmental Conservation. (SEE LOT)

PARKING LOT - Any LOT the PRINCIPAL USE of which is the storage of motor vehicles not as accessory to any other use on the same or any other lot, and which may contain parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

PERMIT, BUILDING - A PERMIT issued by the Town of Catlin CODE ENFORCEMENT OFFICER in conformance with the *New York State Uniform Fire Prevention and Building Code* and/or any additional building code standards adopted by the Town.

PERMIT, ZONING - A PERMIT issued by the Town of Catlin CODE ENFORCEMENT OFFICER in conformance with this Local Law.

PERSONAL SERVICE ESTABLISHMENT - A non-retail use providing services related to an individuals' care and upkeep needs, and/or the care and upkeep of personal attire, such as a tailor, seamstress, or manicurist.

PLAZA, MALL - A BUILDING or group of BUILDINGS containing a combination of three (3) or more separate shops, stores or offices on a single lot providing primarily retail services with support services and/or office establishments.

REPAIR SHOP, PERSONAL SERVICE - A non-retail service use that provides repair of personal customer items, such as shoes, clothing, jewelry, etc.

RESTAURANT, FAST FOOD - An establishment where food and/or beverages are sold in a form ready for consumption and where, by design or packaging techniques, a significant portion of the consumption may take place outside the confines of the building.

PRIVATE SCHOOL - An elementary or secondary school facility as established by a person, persons, firm, corporation, or other than a public school authorities, giving instruction in the ten (10) common branches of arithmetic, reading, spelling, writing, the English language, geography, history, civics, hygiene and physical training, registered and/or certified under the regulations of the Commissioner of the NYS Department of Education or chartered by the Regents of the University of the State of New York.

RESTAURANT, STANDARD - Any establishment, however designated, whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises. However a snack bar or refreshment stand at a public or quasi-public facility which is a community swimming pool, playground, playfield or park operated by the agency or group or an approved vendor operating the recreational facility and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RETAIL USE - A business or commercial use or activity involving primarily the sale of merchandise or stock-in-trade to the public which may include some fabrication on premises of merchandise/materials that are sold on the premises.

RIGHT-OF-WAY - The property under public control, ownership, easement, by deed or by adverse possession normally used for movement of vehicles, and or persons, including, but not restricted to, any paved area.

ROAD - An existing public or private way which affords principal means of access to abutting properties and is

suitably improved; or a proposed way shown on the official map and recorded in the office of the County Clerk.

ROAD, COLLECTOR – ROADS intended primarily to serve in collecting traffic from MINOR ROADS and connecting this traffic to PRIMARY ROADS.

ROAD, MARGINAL ACCESS - Those roads which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

ROAD, MINOR - A road designed primarily to provide access to abutting properties.

ROAD, PRIMARY - A ROAD which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities, including all County and State ROADS.

ROAD, PRIVATE – A private way not publicly owned and maintained that is used by pedestrians and vehicles. PRIVATE ROADS must conform to the criteria outlined in the relevant section of the Town of Catlin Subdivision Regulations. The Town is under no obligation to adopt or maintain a private road.

ROAD, PUBLIC – A new or existing roadway that is built according to official standards and dedicated to the Town, County, or State for general public use and maintenance.

ROADSIDE STAND - A light weight structure with a roof, that is movable, that is accessory to a PRINCIPAL USE, not for year-round use and at which agricultural produce **grown on the premises** is offered for sale to the general public.

SALVAGE YARD - An area of land with or without buildings used for or occupied by the storage, keeping, or the salvage of junk material, including processing such as sorting, baling, packing, disassembly, exchange and/or purchase and sale of materials, and including scrap metals or other scrap, used or salvaged building materials, or the dismantling or demolition of automobiles or other vehicles, machinery or parts thereof with the exception of agricultural machinery.

SETBACK - The required distance in feet from:

- A. any survey boundary forming a LOT or contiguous parcel
- B. the right-of-way of a public ROAD
- C. a distance measured 25 feet from the centerline of a private road, to a

BUILDING LINE or regulated USE. on a LOT.

SIGN - Any letter(s), number(s), mark(s), symbol(s), figure(s), picture(s), exemplary devices and/or banner(s) {each and/or all hereafter referred to by the term "symbol(s)"} positioned in near spatial relationship as a collection/aggregation thereof expressing an idea, instruction, product, commodity, business, service and/or other entertainment, and which includes any surface area or portion of a structure in immediate proximity to and to which such symbol(s) is (are) attached, or such structure designed or intended to be in immediate proximity to and to have such symbol(s) attached thereto.

SIGN, ACCESSORY - A SIGN other than the PRINCIPAL BUSINESS SIGN which relates to the business or profession conducted or to a goods or service sold or offered for sale on the premises.

SIGN, ADVERTISING/BILLBOARD - A SIGN that directs attention to a business, goods, service or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.

SIGN, AREA - The area within the fewest and shortest straight lines that can be drawn around the outside perimeter of a SIGN including all decorations and lights but excluding the supports if they are not used for advertising purposes. Each separate face of a SIGN shall be counted as part of the SIGN AREA, except that any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot within a SIGN.

SIGN, DIRECTIONAL - A SIGN that directs travelers to essential services such as gas, food, lodging and area attractions.

SIGN, ILLUMINATED - A SIGN that; (1) is designed to give forth any artificial light, optically enhanced natural light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection; and (2) any illumination elements that function(s) to attract attention as a SIGN expressing an idea, instruction, product, commodity, business, service and/or entertainment.

SIGN, DIRECTLY ILLUMINATED - A SIGN that incorporates any artificial lighting as an inherent part of feature or which depends for its illumination on transparent or translucent materials or electricity or radio activated or gaseous material or substance.

SIGN, FLASHING - An illuminated SIGN on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

SIGN, INDIRECTLY ILLUMINATED - A SIGN illuminated with an artificial light which is separated from or is not an intrinsic part of the SIGN itself.

SIGN, OFF-PREMISE - A SIGN or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which such SIGN is situated.

SIGN, PORTABLE - Any SIGN that is not permanently affixed to the ground or another structure, and is capable of being easily transported or moved by the property or business owner.

SIGN, PRINCIPAL BUSINESS - The primary SIGN or SIGNS which include the business name and direct attention to a business or profession conducted on the premises.

SIGN, REPRESENTATIONAL - Any three-dimensional SIGN which is built so as to physically represent the object advertised.

SINGLE OWNERSHIP - Possession of a lot under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than ten (10) years, regardless of any division of such land into parcels for the purpose of financing.

SITE PLAN - Maps and supporting information required pursuant to Article 9 for uses specified in Section 4.4 - Use Regulation Table.

SOLAR COLLECTOR - A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy, and that contributes to a structure's energy supply, and components for containing and supporting such device.

SOLAR COLLECTOR, DETACHED - A solar collector, as defined herein physically detached from the structure for which solar energy is to be supplied.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used) and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system). Passive solar energy systems are included in this definition, but not to the extent that they fulfill other functions such as structural and recreational.

SOLAR REFLECTOR - A device for which the sole purpose is to increase the solar radiation received by the solar collector.

SOLID WASTE DISPOSAL FACILITY - Any facility as defined and regulated in 6NYCRR Part 360, and as hereafter amended.

SPECIALIZED REPAIR - A BUILDING or premises used primarily for the indoor repair of highly technical specialized equipment, such as: electronic equipment, electrical systems, computer systems and circuits, and other similar operating and support systems. A use that is primarily devoted to the general mechanical and body repair of motor vehicles shall not be deemed to meet this definition.

STABLE, COMMERCIAL - Any establishment where horses are kept for training, riding, driving or stabling, for compensation or incidental to the operation of any club, association or similar establishment.

STABLES, PRIVATE - A STRUCTURE or LOT at which horses are kept for private use and not for remuneration.

STORAGE FACILITY - A BUILDING or grouping of BUILDINGS designed and constructed for the common, long-term and/or seasonal interior storage of individual or business property. The wholesale storage and/or transfer of goods by commercial enterprises shall not meet this definition.

STORY, HEIGHT - The height in stories of a BUILDING shall be determined from the datum established by the average elevation of the finished grade adjoining the exterior walls of a BUILDING or STRUCTURE, where such walls face legal open space or abut other open space which is level for ten (10) feet or more. Areaways, driveways and entrances of abrupt change in elevation totaling ten percent (10%) or less of the length of the wall shall not be included in determining the average elevation.

The following locations shall not be deemed to be a story:

- A. a basement where the finished floor immediately above is less than seven feet above the average elevation of the finished grade as described in this section;
- B. a CELLAR
- C. an attic not meeting the requirements for habitable space;
- D. roof construction enclosing stairs or equipment other than elevators, provided they are less than twelve (12) feet in height and do not occupy more than thirty percent (30%) of the area of the roof on which they are located; and elevator hoist way and elevator machine rooms;
- E. for one- and two-family dwellings, a mezzanine with a floor area less than one-third (1/3) of the floor immediately below;
- F. for multiple dwellings, a mezzanine with a floor area less than 5,000 square feet and less than one-third (1/3) of the floor area space wherein the mezzanine is contained;
- G. for general building construction, a mezzanine with a floor area less than 10,000 square feet and less than one-third (1/3) of the floor area space wherein the mezzanine is contained;

STRUCTURE - A construction of building materials, framed of component structural parts for occupancy or use, including but not limited to, buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands and gasoline pumps.

STRUCTURE, ACCESSORY - A STRUCTURE detached from, on the same lot, and subordinate to a PRINCIPAL STRUCTURE used for purposes customarily incidental to those of the PRINCIPAL STRUCTURE. Accessory structures include but are not limited to, portable, removable or permanent enclosures, shade structures, carports, garages and storage sheds.

STRUCTURE, PRINCIPAL - A STRUCTURE in which is conducted the main or PRINCIPAL USE of the LOT on which said STRUCTURE is situated. Such STRUCTURE(S) include any open or enclosed porch, carport, garage or similar STRUCTURE attached to such STRUCTURE.

TOWNHOUSE - A BUILDING consisting of three or more attached one-unit DWELLING UNITS each having separate entrances and common vertical party walls. (See also BUILDING, SEMI-DETACHED).

TRANSIENT GUEST - Any person who shares a DWELLING UNIT on a non-permanent basis for not more than thirty (30) days (Chapter 1, Title 10, part 21, NYS Sanitary Code).

TRAVEL TRAILER - A registered vehicle which is used, or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports. A recreational vehicle (RV) is also considered a travel trailer.

TRUCKING TERMINALS - A STRUCTURE or part of a STRUCTURE or LOT used for the short-term storage and/or transfer of goods, wares and merchandise for the owner or others by truck transport.

USE - Includes the following:

- A. The purpose for which any LOT or STRUCTURE may be arranged, designed, intended, maintained, or occupied; and/or
- B. Any occupation, activity, or operation conducted in any STRUCTURE, or on LOT.

USE, ACCESSORY - A USE which includes all of the following:

- A. Controlled by the person exercising the PRINCIPAL USE
- B. Incidental and customarily associated in the Town of Catlin with the PRINCIPAL USE
- C. Located on the same LOT with such PRINCIPAL USE or BUILDING
- D. Does not have any greater impact on the environment than the PRINCIPAL USE

USE, ADULT - A public or private business or establishment or any part thereof, which excludes persons under eighteen (18) years of age and which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portions of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental and/or display of materials, products, entertainment or services which are of a sexually explicit nature. (See Section 10.26).

USE, EXTRACTIVE - The removal and sale of any soil, gravel or earth product from a property. Grading in preparation for site construction under approved plans, where earth material is moved on-site or removed off-site incidental to construction activities, shall not be deemed an extractive use.

USE, NON-CONFORMING - A USE of land, existing legally at the time of enactment of this Law, which does not conform to the zoning regulations of the DISTRICT in which it is situated.

USE, PRINCIPAL -The main or primary permitted USE of a LOT or STRUCTURE.

VACANT - A LOT that is not devoted to any specific USE, and does not have any STRUCTURES located on same.

VEHICLE FILLING STATION - An STRUCTURE or LOT used primarily for the sale and direct delivery of motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

VEHICLE REPAIR - A STRUCTURE or LOT used for the general mechanical and/or body repair of motor vehicles, including painting, and the accessory sale of related vehicle parts, maintenance products, and accessories. A salvage yard is not to be considered as meeting this definition.

VEHICLE SALES - A LOT or STRUCTURE for the display, sale, or lease of new or used automobiles, trucks, trailers, motorcycles, recreational vehicles, snowmobiles, boats, all terrain vehicles, and light industrial vehicles.

VEHICLE SALES, HEAVY EQUIPMENT - A LOT or STRUCTURE for the display, sale, lease or repair of new or used heavy construction and large scale agricultural equipment.

VETERINARY HOSPITAL - A STRUCTURE or LOT used for the treatment and/or examination of animals illness including facilities for boarding animals receiving examination or treatment. This definition is deemed to include animal hospital or clinic.

WAREHOUSE - A STRUCTURE or LOT used for storing of goods, wares, and merchandise, whether for the owner or for others, prior to shipment to final retail sale operation, whether it is in public or private ownership and use.

WATERCOURSE - Any river, stream or naturally occurring channel of water or any man-made culvert which flows directly into one of the aforementioned.

WHOLESALE (STORE, BUSINESS, ESTABLISHMENT) - any LOT, PREMISES or STRUCTURE which is engaged in selling to retailers or jobbers rather than directly to end customers.

YARD, FRONT - An open area extending equidistant between a FRONT LOT LINE and the rear line of a minimum FRONT YARD SETBACK and projecting to the side LOT LINE(S).

YARD, REAR - An open area extending equidistant between the rear LOT LINE and the minimum REAR YARD SETBACK and extending the full width between the minimum SIDE YARD SETBACKS.

YARD, SIDE - An open area extending equidistant between the minimum SIDE YARD SETBACK and the side line of a LOT, and extending from the rear line of the FRONT YARD to a LOT LINE opposite to the FRONT LOT LINE.

ARTICLE 3 ESTABLISHMENT OF DISTRICTS

3.0 Application of Regulations

No STRUCTURE or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations specified in this Law for the district in which it is located, except as hereinafter provided.

3.1 General Regulations

- A. No STRUCTURE shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of DWELLING UNITS, to occupy a greater percentage of lot area, or to have narrower or smaller REAR YARDS, FRONT YARDS or SIDE YARDS, than is specified herein for the district in which such STRUCTURE is located.
- B. No part of a required YARD or other open space about any STRUCTURE required for the purpose of complying with the provisions of this Law shall be included as part of a YARD or other open space similarly required for another STRUCTURE.
- C. No LOT shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than required by this Law.
- D. In their interpretation and application, the provisions of this Law shall be held to be minimum requirements adopted for the promotion of the public health, public safety and general welfare.
- E. Any USE not specifically listed as permitted, either as-of-right or under SITE PLAN or SPECIAL PERMIT approval for a DISTRICT in the USE REGULATION TABLE, Section 4.4, shall be deemed to be prohibited.
- F. Except as otherwise herein provided, no more than one (1) PRINCIPAL USE shall be permitted per LOT.

3.2 Zoning Districts

A. Names of Districts

In order to fulfill the purpose of this Law, the Town of Catlin establishes and is hereby divided into the following 4 districts:

- Agricultural Residential (AR)
- Residential (R1)
- Neighborhood Business (NB)
- General Business (GB)

B. Floating Districts

This Law also establishes the following flexible, Floating District which may be applicable in the Town as long as specified criteria and conditions are met.

- Planned Multiple Residential Development (PMRD)
- Planned Non-Residential Development (PNRD)

C. Overlay Districts

Areas of special environmental concern exist in the Town, which cut across zoning DISTRICT boundaries. This Law, therefore establishes areas of special restrictions which "overlay" other zoning DISTRICTS and requirements

FDPO Flood Damage Prevention Overlay which shall conform to and meet all of the requirements of Local law # 1 of 1987, *Town of Catlin Flood Damage Prevention Local Law*.

3.3 Zoning Map

The location and boundaries of zoning DISTRICTS are hereby established on a map designated "Zoning Map of the Town of Catlin" which maps are kept on file and will be available for public viewing in the office of the Town Clerk, and such maps, and all amendments made thereto, are hereby declared to be part of this Law.

3.4 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

A. Centerlines and Right-of-Way Lines

Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than twenty-five (25) feet.

B. Lot or Boundary Lines

Where DISTRICT boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

C. Parallel to Lot or Boundary Lines

Where DISTRICT boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, LOT LINES, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances thereof as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

D. Depth of Districts

DISTRICT boundaries shall be determined by use of the scale of the Zoning Map. In no instances shall a District boundary be set at less than the minimum lot depth required in the Density Control Schedule.

E. Determination of Boundaries - Procedures

- (1) In the event of a questionable DISTRICT boundary, the questionable boundary shall be referred to the Zoning Board of Appeals, and they shall, to the best of their ability, establish the exact boundary.

- (2) Upon the determination by the Zoning Board of Appeals, said boundary line shall be marked on the aforesaid copy of the Zoning Map with the boundary referenced to a lot line, road, or other physical object by the scaled distance together with the date of the determination.
- (3) The copy of the Zoning Map showing any such determinations under this section shall be on file at the office of the Town Clerk.
- (4) Precise zone boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Town Board.

F. Lots Divided by Zoning District Lines

Where a DISTRICT boundary line divides a LOT in a single or joint ownership of record at the time such line is established, the regulations for each respective DISTRICT shall apply except as follows:

- (1) In all cases where a LOT in single ownership, other than a THROUGH LOT, is divided by a DISTRICT boundary so that fifty percent (50%) or more of such LOT lies in the less restricted DISTRICT, the regulations prescribed for the less restricted DISTRICT shall apply to the more restricted DISTRICT of said LOT for a distance of not more than thirty (30) feet from the Zoning DISTRICT boundary. For purposes of this Law, the more restricted DISTRICT shall be deemed that DISTRICT having regulations which prohibit the particular use intended to be made of said lot or which sets higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.
- (2) In all cases where a DISTRICT boundary line is located not farther than fifteen (15) feet from a LOT LINE of record, the regulations applicable to the greater part of the LOT shall be deemed to apply to the entire LOT.

ARTICLE 4.0 USE DISTRICTS

4.0 Agricultural – Rural Residential (AR) Intent:

To delineate those existing substantially undeveloped portions of the Town that exhibit a rural character due to the lack of services to support intensive development, such as ROAD networks, water and sewer service, and where serious limitations to development such as, steep slopes, poor development soils, and other natural features are predominant, and to conserve these areas for less intensive, low density residential USES and where appropriate AGRICULTURAL, AGRI-BUSINESS USES, and certain non-residential USES that can be developed in conformance with the natural and man-made limitations of the specific sites.

4.1 Residential – Low Density (R-1) Intent:

To delineate those areas where predominantly ONE-UNIT, low density RESIDENTIAL development has or is likely to occur and to protect the integrity of these RESIDENTIAL areas by prohibiting the intrusion of any USE that is not compatible with this predominant type and intensity of RESIDENTIAL USE.

4.2 Neighborhood Business – (NB) Intent:

To establish strategically located areas within the Town located on major State and/or County ROADS where limited business development can occur as a convenience for surrounding RESIDENTIAL development and consistent with the adjacent RESIDENTIAL community, and where it is desirable that such commercial development be concentrated and restricted so as to preserve the RESIDENTIAL character of adjacent areas. To be consistent with the adjacent RESIDENTIAL community, such business development shall include USES that, with the exception of regulated signs and parking areas, have no major exterior ACCESSORY USES or appurtenances. BUILDINGS shall be designed to be at a scale consistent with the adjoining RESIDENTIAL USES; no more than two STORIES in height and of an individual size that is consistent with the adjacent RESIDENTIAL areas. Finally, these USES shall be characterized as not creating noise, dust, or other such conditions that would adversely impact on the adjoining RESIDENTIAL community.

4.3 General Business (GB) Intent:

This district delineates those areas within the Town along major State and/or County transportation routes where business development either already exists or should occur. It is established to concentrate major non-residential commercial, business and light manufacturing uses in those areas best suited to this type of intense development within specific site limitations, and defined and established regulations.

4.4 Use Regulation Table:

The permitted, SITE PLAN and SPECIAL PERMIT USES for each zoning DISTRICT shall be as specified in the following Use Regulation Table

USE	DISTRICT			
RESIDENTIAL	AR	R1	NB	GB
ALTERNATIVE DWELLING PARK	S			
DWELLING, ACCESSORY TO BUSINESS			S	S
DWELLING, MULTI-UNIT	S	S		
DWELLING, ONE-UNIT	P	P		
DWELLING, TWO-UNIT	P	P		
Hunting Cabin, Private, Seasonal	S			
GENERAL	AR	R1	NB	GB
AGRICULTURE	P		P	P
AGRI-BUSINESS	S			S
ANTENNA, Towers	S			
Campground	S			
CHURCHES	S		S	
Club, Rod & Gun	S			
CLUB, MEMBERSHIP	S		S	
CONVALESCENT HOME	S		S	
Cultural , Museum, Library or Art Center	S			S
DAY CARE CENTER OR NURSERY SCHOOL	S		S	S
Golf Course or Driving Range	S			
KENNEL	S			
Nature Center	S			
Outdoor Commercial Recreation	S			
PRIVATE SCHOOL	S		S	
Public or Government	P	P	P	P
Public Recreation Park	P	P	P	

USE	DISTRICT			
GENERAL USES con't	AR	R1	NB	GB
PUBLIC UTILITY	S	S	S	S
ROADSIDE STAND	P		P	
STABLE, COMMERCIAL	S			
STABLE, PRIVATE	P			
WIND ENERGY CONVERSION SYSTEM	P			
BUSINESS	AR	R1	NB	GB
ADULT USE				SP
AMUSEMENT CENTER			S	S
Antique & Craft Shop	S		P	P
Art Gallery	S		P	P
Bank, Financial Institution			S	S
BAR or Night Club				S
Barber or Beauty Shop			S	S
Car Wash			S	S
Convenience Food Mart			S	S
DRIVE-THROUGH USE			S	S
Dry Cleaning (no processing), Laundry that is not self service			S	S
Fitness Center or Health Club	S		S	S
FLEA MARKET			S	S
Funeral Home			S	S
HOTEL, MOTEL				S
Laundry, Self-service			S	S
Medical Clinic			S	S
Mini Storage	S		S	S
MOTOR VEHICLE FILLING STATION			S	S
Nursery, plants	S		S	S
OFFICE, GENERAL BUSINESS			P	P
OFFICE, PROFESSIONAL			P	P
Photographic studios	S		P	P

USE	DISTRICT			
BUSINESS	AR	R1	NB	GB
PERSONAL SERVICE			P	P
RESTAURANT, FAST FOOD			S	S
RESTAURANT, STANDARD	S		S	S
RETAIL other than that listed elsewhere in this Table			S	S
SPECIALIZED REPAIR	S		S	S
STORAGE FACILITY	S			
Theater, Single or Multiplex			S	S
VEHICLE REPAIR			S	S
VEHICLE SALES				S
VEHICLE SALES AND/OR REPAIR, HEAVY EQUIPMENT				S
VETERINARY HOSPITAL	S			S
INDUSTRIAL	AR	R1	NB	GB
CONTRACTOR&S EQUIPMENT, WITH RESIDENTIAL USE	S			
CONTRACTOR&S EQUIPMENT			S	S
EXTRACTIVE USE, Soil Mining	S			
Fuel Storage Terminal				S
Manufacture, Fabrication, Assembly and other material handling, including office and show room	F		S	S
Research Facility	S		S	
TRUCK TERMINAL	S			S
WAREHOUSING, WHOLESALE BUSINESS and RETAIL Distribution Center, including office	S			S

USE	DISTRICT			
ANCILLARY	AR	R1	NB	GB
ACCESSORY USE	P	P	S	S
ACCESSORY STRUCTURE	P	P	S	S
BED & BREAKFAST	S			
COTTAGE INDUSTRY	S			
DAY CARE, FAMILY HOME	P	P	P	P
DAY CARE, GROUP FAMILY HOME	P	P	P	P
HOME OCCUPATION	P	P		
ROADSIDE STAND	P			

NOTES FOR USE REGULATION TABLE

ZONING DISTRICT ABBREVIATIONS

AR - AGRICULTURAL RESIDENTIAL
 R1 - RESIDENTIAL - LOW DENSITY
 NB - NEIGHBORHOOD BUSINESS
 GB - GENERAL BUSINESS

LEGEND OF CHARACTERS

P - PERMITTED AS OF RIGHT
 S - SITE PLAN APPROVAL REQUIRED
 F - FLOATING ZONE SE ARTICLES 7 & 8
 BLANK - NOT PERMITTED

4.5 Activities Prohibited In All Districts

- A. No effluent or matter of any kind shall be discharged into any stream or body of surface water which violates established stream standards of the NYS Department of Environmental Conservation or otherwise causes odors or fumes or which is poisonous or injurious to human, plant or animal life.
- B. The practice of soil stripping shall be limited to incidental filling of areas within the Town to bring them up to grade, except insofar as is necessary or incidental to excavations for cellars and other structures.
- C. Unless conducted under proper and adequate standards, no USE shall be permitted which will produce corrosive, toxic or noxious fumes, gas, materials, glare, fire explosion, electromagnetic disturbance, radiation, smoke, odors, dust, waste, noise or vibration, or other objectionable features so as to be detrimental to the public health, public safety, or general welfare.
- D. Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall not be permitted.

ARTICLE 5 AREA AND BULK REGULATIONS - DENSITY CONTROL SCHEDULE

5.0 Intent

This Article is established in the interest of promoting public health, safety and welfare by providing open space for: the access of light and air circulation, preventing, conflagration, facilitating firefighting, meeting current and future septic disposal needs, protecting water supplies and environmentally sensitive areas, uncongested traffic movements, and protecting views.

5.1 Density/Bulk Control Schedule

The Density/Bulk Control Schedule of required conditions for each zoning DISTRICT is as follows:

TOWN OF CATLIN DENSITY/BULK CONTROL SCHEDULE										
DISTRICT USE	MINIMUM LOT AREA PER PRINCIPAL USE		MIN. LOT WIDTH (FT.)	MINIMUM YARD REQUIREMENTS (SETBACKS)			MAXIMUM LOT COVERAGE (%)	MAXIMUM BUILDING HEIGHT		MINIMUM HABITABLE DWELLING AREA PER UNIT (sq. ft.)
		OTHER USE		FRONT (FT.)	SIDE (FT.)	REAR (FT.)		FEET	STORIES	
AR										
ONE UNIT DWELLING	3 Acres		250	75	50	75	10	35	2	1,200 with no overall exterior dimension less than 20*
TWO-UNIT DWELLING	4.5 Acres		400	75	75	75	10	35	2	1,200 with no overall exterior dimension less than 20*
MULTI-UNIT DWELLING	6 Acres		400	75	100	75	10	35	2	EFF. 350 1 BDRM 430 2 BDRM 510 3 BDRM 590 ADDTøBDRM @ 80
	2 Acres/DU									
BED & BREAKFAST	3 Acres		300	75	50	75	10	35	2	1,200 with no overall exterior dimension less than 20*
AGRICULTURE/LIVESTOCK - ACCESSORY DU		10 Acres	500	75	50	75	10	35	2	same as above
AGRICULTURE/CROPS - ACCESSORY DU		5 Acres	300	75	50	75	10	35	2	same as above
ALL OTHER USES		3 Acres	300	--	--	--	10	35	2	same as above
ONE UNIT DWELLING W/ ANY OTHER PERMITTED USE	4 Acres		400	--	--	--	10	35	2	same as above

* OVERALL EXTERIOR DIMENSIONø SHALL MEAN OVERALL EXTERIOR LINEAL LENGTH AND WIDTH OF A STRUCTURE
 -- TO BE ESTABLISHED DURING SITE PLAN REVIEW PROC

TOWN OF CATLIN DENSITY/BULK CONTROL SCHEDULE										
DISTRICT USE	MINIMUM LOT AREA PER PRINCIPAL USE		MIN. LOT WIDTH (FT.)	MINIMUM YARD REQUIREMENTS (SETBACKS)			MAXIMUM LOT COVERAGE (%)	MAXIMUM BUILDING HEIGHT		MINIMUM HABITABLE DWELLING AREA PER UNIT (sq. ft.)
	RESIDENTIAL	OTHER USE		FRONT (FT.)	SIDE (FT.)	REAR (FT.)		FEET	STORIES	
R-1										
ONE-UNIT DWELLING	3 Acres		250	75	50	75	10	35	2	
ONE-UNIT DWELLING (with 30 min or less percolation)	1 Acre		150	50	25	75	25	35	2	
TWO-UNIT DWELLING	4.5 Acres		250	75	75	75	10	35	2	
TWO-UNIT DWELLING (with 30 min or less percolation)	2 Acres		200	75	50	75	20	35	2	
ALL OTHER USES		1 Acre	150	50	25	75	25	35	2	
ONE-UNIT DWELLING W/ ANY OTHER PERMITTED USE	3 Acres		250	75	50	75	10	35	2	

TOWN OF CATLIN DENSITY/BULK CONTROL SCHEDULE										
DISTRICT USE	MINIMUM LOT AREA PER PRINCIPAL USE		MIN. LOT WIDTH (FT.)	MINIMUM YARD REQUIREMENTS (SETBACKS)			MAXIMUM LOT COVERAGE (%)	MAXIMUM BUILDING HEIGHT		MINIMUM HABITABLE DWELLING AREA PER UNIT (sq. ft.)
	RESIDENTIAL	OTHER USE		FRONT (FT.)	SIDE (FT.)	REAR (FT.)		FEET	STORIES	
GB & NB										
AGRICULTURE/CROPS - ACCESSORY DU		5 Acres	300	75	50	75	10	35	2	
AGRICULTURE/LIVESTOCK with ACCESSORY DU		10 Acres	500	75	50	75	10	35	2	
FLEA MARKET		3 Acres	250	50	50	50	5	35	2	
CONVENIENCE MART/MOTOR VEHICLE FILLING STATION		1 Acre	200	50	25	50	60	35	2	
ALL OTHER PERMITTED USES		20,000 S.F. □□	100	50	20 □□	50	70	35	2	

□□ MAY REQUIRE LARGER THAN MINIMUM REQUIREMENT PER SITE PLAN REVIEW PROCESS AND APPLICATION OF DEVELOPMENT STANDARDS

5.2 Regulations

Except as herein provided, no STRUCTURE shall be erected or altered, or premises used, except in accordance with the standards set forth in this Article and the Density/Bulk Control Schedule.

- A. Special Regulations Relating to Front Yards:
1. No part of any LOT that has two or more FRONT YARDS shall be deemed to be a REAR YARD.
 2. On any LOT with more than one FRONT YARD, all yards, other than FRONT YARDS, shall be deemed to be SIDE YARD(s).
 3. The minimum FRONT YARD SETBACK on an undeveloped LOT may be reduced under the following conditions:
 - a. One or more of the LOT (S) adjoining the undeveloped LOT have STRUCTURES located within less than the minimum FRONT YARD SETBACK established for the DISTRICT.
 - b. The LOT WIDTH of the undeveloped LOT is 250' or less.
 - c. The reduced FRONT YARD SETBACK on the undeveloped LOT shall be no less than a distance equal to the average distance between the FRONT LOT LINE (S) and the BUILDING LINE (S) on the adjoining LOT (S).
 4. The minimum FRONT YARD SETBACK on an undeveloped LOT may be increased under the following conditions:
 - a. One or more of the LOT (S) adjoining the undeveloped LOT have STRUCTURES located within greater than the minimum FRONT YARD SETBACK established for the DISTRICT.
 - b. The LOT WIDTH of the undeveloped LOT is 250' or less.
 - c. The increased FRONT YARD SETBACK on the undeveloped LOT shall be no less than a distance equal to the average distance between the FRONT LOT LINE (S) and the BUILDING LINE (S) on the adjoining LOT (S).
- B. Special Regulations Relating to Side Yards:
1. A STRUCTURE having SEMI-DETACHED, TOWNHOUSE or MULTI-FAMILY DWELLING UNITS shall meet SIDE YARD SETBACK (S) only at the end(s) of the STRUCTURE facing the SIDE YARD (S).
 2. The provisions of this Section shall apply where such STRUCTURE is located on one (1) LOT or where such STRUCTURE extends over more than one (1) LOT.

5.3 Projections Into YARDS:

Only the following projections shall be permitted within a minimum yard SETBACK:

- A. Awnings and canopies may project a maximum of six (6) feet.

- B. Cornices, eaves, passive solar devices, and other such architectural feature may project a maximum of two (2) feet.
- C. Exterior uncovered and unenclosed handicap access facilities may project up to the LOT LINE (S) if required to meet the access standards.
- D. Unroofed and unenclosed paved surfaces may project up to the LOT LINE (S).

5.4 Compliance With Maximum Density

- A. There shall be no more than one (1) principal structure containing dwelling units on a LOT except as may be approved under SITE PLAN review and approval.
- B. No subdivision of a LOT shall create a LOT that is not in compliance with any provision of the Density/Bulk Control Schedule.

5.5 Distance Between Principal Structures On The Same LOT

Where there are more than one (1) PRINCIPAL STRUCTURES on a LOT in any district, the space between such STRUCTURES shall be at least equal to the height of the taller of the nearest such STRUCTURE.

5.6 General Exception To Height Regulations

The limitations of the height of BUILDINGS shall not apply to parts of BUILDINGS which are non-habitable; silos, chimneys, HVAC equipment, ventilators, skylights, tanks, bulkheads, and towers or spires that are part of non-residential BUILDINGS.

ARTICLE 6 RESIDENTIAL CLUSTER DEVELOPMENT (RCD)

6.0 Intent

The RCD is intended to enable and encourage flexibility in the design and DEVELOPMENT of land in such a manner as to promote the most appropriate use of land, to facilitate adequate and economical provision of services, to preserve those areas in the Town that are suitable for agricultural USE, to protect and conserve open space USE and environmentally sensitive features, and to preserve scenic qualities.

6.1 Applicable Zoning DISTRICTS

RCD shall be considered applicable in the AR, and R-1 DISTRICTS.

6.2 Permitted USES

All ONE-UNIT, TWO-UNIT and MULTI-UNIT DWELLING and Ancillary USES as specified in Section 4.4s, USE Requirements Table, for the applicable DISTRICTS are permitted.

6.3 Dimensional Requirements

Dimensional requirements as set forth in Article 5, DENSITY/ BULK Control Schedule may be varied by the Planning Board based on set conditions and the merits of the specific proposal in meeting the objectives of this Article.

6.4 Authorization of Planning Board to Grant or Deny RCD

In accordance with Section 278 of the NYS Town Law, the Town Board authorizes the Planning Board, simultaneously with the approval of a plat, to modify the applicable BULK /DENSITY provisions of this Law, subject to the conditions hereinafter set forth, where such modification would benefit the Town by providing an alternate method of DEVELOPMENT of the plat. In no instance shall the number of DWELLING UNITS exceed the number permitted, in the Planning Board's judgment, if the land were subdivided into LOTS conforming with the minimum LOT size and DENSITY requirements of the ZONING DISTRICT. The Town Board, pursuant to Sub-Section 278 of the Town Law, authorizes the Planning Board to require that the DEVELOPER submit an application which reflects and incorporates RCD modifications where the objectives stated herein and/or in Article I are met to a greater degree than if the DEVELOPMENT were permitted to occur in a conventional manner. The Planning Board shall comply with all procedures and requirements set forth in this Article when implementing such power.

6.5 Requirements Governing RCD

Any RCD shall conform to the following requirements which are regarded as minimum requirements.

- A. The RCD shall apply only to lands as specified in Sub-Section 6.1 that have a minimum of ten (10) contiguous acres. It shall be determined that such DEVELOPMENT will not be detrimental to the health, safety or welfare of persons residing in the vicinity, or to property or IMPROVEMENTS in close proximity. The proposed DEVELOPMENT shall create an attractive residential environment that is in conformity with the intent of this Article and the Town Comprehensive Plan.

- B. Such DEVELOPMENT shall be buffered in accordance with Section 10. 23.
- C. All RCD plans shall be prepared with competent professional assistance of an ENGINEER and shall be consistent with the spirit and intent of the Zoning Law.
- D. In areas without public water and sewer, any reduction in LOT size allowed under this Article shall be dependent on approval of the on-LOT potable water and sewage disposal system by either N.Y.S. Department of Health, N.Y.S. Department of Environmental Conservation, or the Chemung County Department of Environmental Health.
- E. All the land not contained in the LOT or the ROAD RIGHT-OF-WAY shall be of such size and shape as to be usable for recreation or AGRICULTURE or natural BUFFER areas. Such land shall either be:
 - 1. offered for dedication to and accepted by the Town; or
 - 2. be held in corporate ownership by the owners of LOTS within the DEVELOPMENT, and the DEVELOPER shall incorporate into the deeds of all property within the DEVELOPMENT, a clause giving to the owners an interest in such open land which shall be used for recreation, cultural or agricultural purposes only; or
 - 3. be retained under separate ownership as an AGRICULTURE USE or other permitted USE. If retained under separate ownership, a clause shall be incorporated into the deed restricting the land to be used for recreation, cultural or AGRICULTURE USE only. No STRUCTURE save those incidental to the recreational, cultural or AGRICULTURAL USE shall be permitted thereon.
- F. The residual open land left undeveloped after DEVELOPMENT shall be maintained in accordance with the DEVELOPMENT plan. APPLICANTS shall provide copies of deed covenants for the prospective purchasers, or conservation EASEMENT with the Town, describing land management practices to be followed by whichever party or parties are responsible for maintenance.
- G. Further subdivision of residual land, or its USE for other than recreation, conservation, or AGRICULTURE, except for EASEMENTS for utilities, shall be prohibited. ACCESSORY STRUCTURES to recreation, conservation, or AGRICULTURE may be erected on residual land, subject to the provisions of Article 9, SITE PLAN Approval Procedures.
- H. In cases where a DEVELOPER has proposed architecturally unusual groups of DWELLINGS and/or ACCESSORY STRUCTURES, the Planning Board after reviewing the plans and elevations, may recommend approval of smaller minimum LOT sizes than those specified, provided that the sanitary sewer systems are approved by the NYSDEC, that the gross DENSITY does not exceed that permitted within the Zoning DISTRICT in which the land is located, and the layout is not detrimental to the health, general welfare, and aesthetic character of the community.
- I. Construction shall start within one year of the date of approval and shall be completed within a time frame agreed to by the DEVELOPER and the Planning Board. If such time frame is not met by the DEVELOPER, the RCD approval shall be revoked.
- J. In the event that an organization established to own and maintain common property fails to maintain such property as prescribed, the Town Board may take action as prescribed by Law.

6.6 Review of RCD Plan

The approval procedure shall be generally the same as that specified in the Town of Catlin Subdivision Local Law for the review and approval of a proposed subdivision of land. The DEVELOPER shall submit at successive stages a Sketch Plan, Preliminary Plat, and Final Plat in accordance with the requirements of the Subdivision Requirement. In addition, the DEVELOPER shall at each stage shall provide the following information:

- A. Proposed number of DWELLING UNITS and computation of overall DENSITY per net acre as indicated on a scaled drawing with appropriate documentation using the following guidelines:
 1. APPLICANT shall identify and subtract all acreage considered to be undevelopable as follows:
 - a. steep slopes 25% or greater,
 - b. flood ways
 - c. wetlands, both NYSDEC and Army Corp of Engineers
 - d. lands covered by water bodies
 2. The APPLICANT shall then calculate the acreage that is determined to be developable and apply the BULK/DENSITY Control Schedule minimum square footage per DWELLING UNIT for the Zoning DISTRICT to determine the maximum number of permitted DWELLING UNITS. All DENSITY values shall be rounded to the nearest whole number of DWELLING UNITS.
 3. In order for a portion of a PARCEL to be considered developable for the DENSITY calculations, there shall be a minimum area of 5,000 square feet of land that is not classified in one of the undevelopable categories outlined above, and is capable of supporting an on-LOT potable water and sewage disposal system
- B. A tabulation of the total number of acres in the proposed project; the percentage designated for each USE area.
- C. Proposed location and acreage for a park, playground, natural WATERCOURSE and other open space.
- D. LOTS shall be laid out, to the greatest extent feasible, to achieve the following objectives:
 1. focus DEVELOPMENT on site soil that are best suited for DEVELOPMENT and that can accommodate a storm water management and control and/or a sub-surface septic disposal in areas not provided with public sewer;
 2. avoid disturbance of mature wood-lots and/or hedgerows;
 3. preserve environmentally sensitive areas and/or unique site features;
 4. located to least likely block or interrupt scenic vistas;
 5. located where the greatest number of units could be designed to take maximum advantage of solar heating opportunities
 6. promote a more efficient and economical provision of utility services; and

7. shall conform with other criteria listed in Article 9.

6.7 Public Hearing on RCD

A Public Hearing, as specified in NYS Town Law and the Town of Catlin Subdivision Local Law, shall be held by the Planning Board regarding the RCD Subdivision Plat.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

7.0 Intent

It is the intent of this Article to provide flexible land USE and design requirements through the use of performance criteria so that small-to-large neighborhoods or portions thereof may be developed that incorporate a variety of residential DENSITY and BUILDING types. This PMRD may contain both individual DWELLING UNIT building sites and common property which is planned and developed as a unit. In order to carry out the purpose of this PMRD, A PMRD DEVELOPMENT shall achieve the following objectives:

- A. A maximum choice at all economic levels in the types of environment, occupancy, housing, LOT sizes and community facilities available to existing and potential Town residents.
- B. Create more usable open space and recreation areas.
- C. The preservation of LARGE TREES and outstanding natural features.
- D. Creative USE of land and related physical DEVELOPMENT.
- E. An efficient USE of land resulting in smaller networks of utilities and ROADS, thereby lower costs.
- F. A DEVELOPMENT pattern in harmony with the objectives of the Comprehensive Plan for the Town.
- G. Compatibility with all applicable guidelines and requirements set forth in Article 10.
- H. Maintenance or creation of acceptable traffic patterns and levels of service on the existing ROAD network, especially in established RESIDENTIAL areas.

7.1 Floating Zone

The PMRD is a floating zone that shall be subject to SITE PLAN approval and zoning amendment.

7.2 Applicable Zoning DISTRICTS

A PMRD may be permitted in the AR Zoning DISTRICT in accordance with the procedures for establishing a PMRD hereafter set forth in Sub-Section 7.8. A Senior Housing PMRD (SHPMRD) may be permitted in the AR DISTRICT in accordance with the procedures for establishing a PMRD hereafter set forth in Section 7.8.

7.3 Permitted USES

All ONE-UNIT, TWO-UNIT AND MULTI -UNIT DWELLINGS and their ACCESSORY USES are permitted subject to SITE PLAN Review and Approval. Such DWELLING UNITS may be in the form of CONDOMINIUMS or rental units.

7.4 General Requirements Governing Non-senior Housing PMRD

Any DEVELOPMENT proposal to be considered as a PMRD allowing such DENSITY increases as outlined in this Article shall conform to the following requirements, which are regarded as minimum requirements, in addition to applicable requirements in other Sub-Sections of this Law:

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

- A. LOT AREA: The Minimum LOT AREA required to qualify for a PMRD designation shall be ten (10) acres in size.
- B. Access: A minimum of two (2) vehicular DRIVES, approved and constructed in accordance with Section 10.8, shall be required. Such DRIVES shall originate from a ROAD with a minimum classification as SECONDARY ROAD.
- C. BUFFER YARD Requirement - A PMRD DEVELOPMENT shall have a BUFFER YARD area along the entire perimeter of the parcel that shall meet the following minimum requirement:
 - 1. A BUFFER YARD shall be at least equal to twice the minimum FRONT, SIDE and REAR YARD SETBACK, as appropriate for the underlying DISTRICT, except that in no instance shall the BUFFER YARD be less than one hundred and fifty (150) feet. The BUFFER YARD shall be designed to form a minimum six (6) foot visual BARRIER through the USE of man-made materials and/or natural plants. No man-made BARRIER shall exceed six (6) feet in height.
 - 2. No PRINCIPAL or ACCESSORY STRUCTURE, parking area, or other ACCESSORY USE shall be located within the minimum BUFFER YARD.
 - 3. The Planning Board may, during the SITE PLAN review process require greater BUFFER YARD and/or BUILDING SETBACK than the minimum provided in this Law.
- D. Water and Sewer Service: A PMRD shall be serviced by public water and public sanitary sewer systems.
- E. DENSITY: The Planning Board shall determine in each case the appropriate DWELLING UNIT DENSITY and location. The gross DENSITY shall be calculated using the total acreage of the proposed DEVELOPMENT. Such gross DENSITY shall in no instance exceed ten (10) DWELLING UNITS per acre.
- F. Minimum Habitable Space: shall be as established in Section 5.1 BULK and DENSITY CONTROL SCHEDULE.
- G. Recreation Requirements: All DEVELOPMENT proposals shall have a minimum of ten percent (10%) of all lands set aside and developed, as appropriate, for recreational USE in accordance with Section 10.13.

7.5 Special Requirements Governing Non-Senior Housing PMRD

In addition to compliance with the General Requirements set forth in Section 7.4, the following special requirements shall be applied to all Non-Senior Housing PMRD and shall be regarded as minimum requirements:

- A. ONE-UNIT and TWO-UNIT DWELLING: The dimensional requirements for ONE-UNIT and TWO-UNIT DWELLING shall be as established by the Planning Board in the SITE PLAN Review and Approval process, except that in no instance shall they be less than the following specific requirements:
 - 1. Maximum number of units: The maximum number of ONE-UNIT and TWO-UNIT DWELLINGS in a PMRD shall be no more than thirty (30%) of the total allowable DWELLING UNITS per the DENSITY calculation for the DEVELOPMENT.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

2. LOT requirements for each DWELLING UNIT:
 - a. Maximum LOT COVERAGE: 40%
 - b. Minimum LOT size: 10,000 square feet
 - c. Minimum LOT width: 75 feet
 - d. Minimum SETBACK requirements:
 - i. FRONT YARD as measured from pavement edge of ROAD RIGHT-OF-WAY DRIVE, PRIVATE ROAD, and INTERIOR DRIVE: 30 feet
 - ii. SIDE YARD: 15 feet
 - iii. REAR YARD: 25 feet
 3. Parking: Shall be in conformance with Section 10.4.
 4. An ACCESSORY STRUCTURE, including detached garage, shall be located no less than ten (10) feet from any REAR or SIDE LOT LINE and shall not be located in any required FRONT YARD, and shall be located at least twelve (12) feet from the PRINCIPAL STRUCTURE.
- B. TOWNHOUSE: The requirements for TOWNHOUSE shall be as established by the Planning Board in the SITE PLAN Review and Approval process, except that in no instance shall they be less than the following specific requirements:
1. Maximum LOT COVERAGE: 40%
 2. Minimum LOT SETBACK requirements:
 - a. FRONT YARD as measured from pavement edge of ROAD RIGHT-OF-WAY, DRIVE, PRIVATE ROAD, and INTERIOR DRIVE: 30 feet
 - b. REAR YARD: 25 feet
 - c. SIDE YARD: 10 feet
(at ends of TOWNHOUSE)
 3. Maximum BUILDING HEIGHT shall be two (2) stories or thirty-five (35) feet whichever is the lesser.
 4. PARKING: Shall be in conformance with Section 10.4.
 5. An ACCESSORY STRUCTURE detached garage, shall be located no less than ten (10) feet from any REAR or SIDE YARD and shall not be located in FRONT YARD SETBACK, and shall be located at least twelve (12) feet from the PRINCIPAL STRUCTURE.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

- C. MULTI-UNIT DWELLING: The dimensional requirements for MULTI-UNIT DWELLINGS shall be as established by the Planning Board in the SITE PLAN Review and Approval process, except that in no instance shall they be less than the following specific requirements:
1. Maximum LOT COVERAGE:40%
 2. Minimum LOT SETBACK REQUIREMENT:
 - a. FRONT YARD as measured from pavement edge of ROAD RIGHT-OF-WAY, DRIVE, PRIVATE ROAD, and INTERIOR DRIVE: 30 feet
 - b. PRINCIPAL STRUCTURE SETBACK from any ROAD: 40 feet
 - c. REAR YARD: 25 feet
 - d. SIDE YARD: 10 feet
(at ends of STRUCTURES)
 - e. No PRINCIPAL STRUCTURE shall be located less than thirty (30) feet from any interior LOT LINE.
 3. Maximum BUILDING HEIGHT shall be two (2) STORIES or thirty-five (35) feet whichever is the lesser.
 4. Parking: Shall be in conformance with Section 10.4.
 5. ACCESSORY STRUCTURES, including detached garages, shall be located no less than ten (10) feet from any REAR or SIDE YARD and shall not be located in a FRONT YARD SETBACK, and shall be located at least twelve (12) feet from the PRINCIPAL STRUCTURE.

7.6 General Requirements Governing Senior Housing PMRD (SHPMRD)

Any DEVELOPMENT proposal to be considered as a SHPMRD allowing such DENSITY increases as outlined in this Article shall conform to the following requirements, which are regarded as minimum requirements, in addition to applicable requirements in other Sub-Sections of this Law, as well as the requirements of the Federal Fair Housing Act.

- A. SHPMRD LOT AREA: The Minimum LOT area required to qualify for a SHPMRD designation shall be twenty-five (25) contiguous acres.
- B. Access: A minimum of two (2) DRIVES, approved and constructed in accordance with Section 10.8, shall be required. Such DRIVES shall originate from a ROAD with a minimum classification as SECONDARY ROAD.
- C. BUFFER YARD requirements: All SHPMRD DEVELOPMENT shall have a BUFFER YARD along the entire perimeter of the PARCEL that shall meet the following minimum requirements:

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

1. A BUFFER YARD shall be at least equal to twice the minimum FRONT, SIDE and REAR YARD SETBACK for a ONE-UNIT DWELLING, as appropriate for the underlying DISTRICT, except that in no instance shall the BUFFER YARD be less than one hundred and fifty (150) feet. The BUFFER YARD shall be designed to form a six (6) foot high visual barrier through the use of man-made materials and/or natural plants. No man-made barrier shall exceed six (6) feet in height.
 2. No PRINCIPAL or ACCESSORY STRUCTURE, parking area, or other ACCESSORY USE shall be located within the minimum BUFFER YARD.
 3. The Planning Board may, during the SITE PLAN Review and Approval process require greater BUFFER YARD and/or BUILDING SETBACK than the minimum provided in this Law.
- D. Water and Sewer Service: Each SHPMRD shall be serviced by public water and public sanitary sewer systems.
- E. DENSITY: The Planning Board shall determine in each case the appropriate DWELLING UNIT DENSITY and location. The gross DENSITY shall be calculated using the total acreage of the proposed DEVELOPMENT. Such gross DENSITY shall not exceed the following requirements:
1. MULTI-UNIT DWELLINGS shall be permitted at a DENSITY of twelve (12) DWELLING UNITS per acre.
 2. ONE-UNIT AND TWO-UNIT DWELLINGS shall be permitted at a DENSITY of 3.5 DWELLING UNITS per acre.
 3. No DWELLING UNIT in a SHPMRD shall have more than two (2) bedrooms, with the exception of a caretaker's or manager's DWELLING UNIT which may have up to four (4) bedrooms.
- F. Minimum Habitable Space shall be as established in Section 5.1, BULK and DENSITY Control Schedule.
- G. Recreation Requirement: All DEVELOPMENT proposals shall have a minimum of five percent (5%) of all lands set aside and developed in accordance with Section 10.13 for the private recreational USE of the SHPMRD residents.
- H. Other Permitted USE: To further the objectives of the SHPMRD, the Town of Catlin herein establishes and permits the following additional PRINCIPAL and ACCESSORY USE:
1. PRINCIPAL USE: The following PRINCIPAL USES shall also be permitted in a SHPMRD. Each such USE shall be required to have a Minimum LOT AREA of one (1) acre. The Planning Board shall determine at the time of SITE PLAN Review if a larger LOT AREA is required to support the USE.
 - a. Assisted care living units, which for the purposes of this Law, shall be living units that do not constitute the definition of a DWELLING UNIT, but may contain separate living and sleeping space, and includes central eating facilities at which residents take meals.
 - b. NURSING HOME/CONVALESCENT HOME, health care services facility, home for the aged and other health care related facilities in combination with assisted care living units with central facilities duplicating those centrally provided for congregate care units and assistance with daily living services including but not limited to bathing, dressing, mobility and medication supervision.
 - c. Any combination of the a or b above.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

2. ACCESSORY USE: Certain related ancillary facilities shall be permitted, either in a separate STRUCTURE or in combination with assisted and/or congregate care units. Such ancillary facilities are deemed to be and shall function as an ACCESSORY USE and shall be compatible with the residential character of the DEVELOPMENT and are as follows:
 - a. Cafeteria
 - b. Laundry
 - c. Lounge
 - d. Game room
 - e. Recreation room
 - f. Exercise or multipurpose room
 - g. Workshop
 - h. Library
 - i. Sauna/spa, exercise rooms, whirlpool
 - j. Medical and/or Emergency Medical Center, physical and speech therapy areas, first aid station, principally for the benefit of residents of the DEVELOPMENT
 - k. Community and smaller private dining rooms, cocktail lounge, restaurant, coffee shop, and/or lounge areas
 - l. Small retail stores, convenience store, beauty parlor, barber shop, bank, post office, areas for crafts, games and other activities
 - m. Chapel
 - n. Rental units and/or guest rooms for visitors
 - o. Social services office. Such office shall be for use by social service providers or others offering direct assistance to residents of the DEVELOPMENT.
 - p. Playground (outdoor and/or indoor)
 - q. ADULT DAY CARE Facilities
 - r. Twenty-four (24) hour security
 - s. Maintenance facilities

7.7 Special Requirements Governing SHPMRD

In addition to compliance with the General Requirements set forth in Section 7.6, the following special requirements shall be applied to all SHPMRD and shall be regarded as minimum requirements:

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

A. ONE-UNIT AND TWO-UNIT DWELLING requirements: The dimensional requirements for ONE-UNIT AND TWO-UNIT DWELLINGS shall be as established by the Planning Board in the SITE PLAN Review and Approval process, except that in no instance shall they be less than the following requirements:

- 1. Maximum LOT COVERAGE: 40%
- 2. Maximum DENSITY: 3.5 DWELLING UNITS per acre
- 3. Minimum LOT Size: 7,000 square feet per DWELLING UNIT
- 4. Minimum LOT WIDTH: 50 feet
- 5. Minimum SETBACK Requirements:
 - a. FRONT YARD as measured from the pavement edge of ROAD RIGHT-OF-WAY, DRIVE, PRIVATE ROAD and INTERIOR DRIVE: 25 feet
 - b. SIDE YARD: 15 feet
 - c. REAR YARD: 25 feet
- 6. MINIMUM PARKING: 1.5 spaces per DWELLING UNIT and in accordance with all other requirements of Section 10.4.
- 7. An ACCESSORY STRUCTURE, including detached garage, shall be no more than 200 square feet in size and shall be located no less than ten (10) feet from any REAR or SIDE LOT LINE, shall not be located in a FRONT YARD SETBACK, and shall be located at least twelve (12) feet from the PRINCIPAL STRUCTURE.

B. TOWNHOUSE DWELLING: The requirements for TOWNHOUSE shall be as established by the Planning Board in the SITE PLAN Review and Approval process, except that in no instance shall they be less than the following specific requirements:

- 1. Maximum LOT COVERAGE: 40%
- 2. Minimum SETBACK REQUIREMENT:
 - a. FRONT YARD as measured from the pavement edge of ROAD RIGHT-OF-WAY, DRIVE PRIVATE ROAD and INTERIOR DRIVES: 30 feet
 - b. REAR YARD: 25 feet
 - c. SIDE YARD: 10 feet (at ends of BUILDINGS)
- 3. Maximum BUILDING HEIGHT shall be two (2) STORIES or thirty-five (35) feet whichever is the lesser.
- 4. Parking: 1.5 spaces per DWELLING UNIT and in accordance with the requirements of Section 10.4.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

- 5. Any ACCESSORY STRUCTURE, including a detached garage, shall be no more than 200 square feet in size and shall be located no less than ten (10) feet from any REAR or SIDE YARD, shall not be located in a FRONT YARD SETBACK, and shall be located at least twelve (12) feet from the PRINCIPAL STRUCTURE.

- C. MULTI-UNIT DWELLING DEVELOPMENT: The dimensional requirements for MULTI-UNIT DWELLINGS shall be as established by the Planning Board in the SITE PLAN Review and Approval process, except that in no instance shall they be less than the following specific requirements:
 - 1. Maximum LOT COVERAGE: 40%

 - 2. Minimum SETBACK REQUIREMENT:
 - a. A FRONT YARD as measured from pavement edge of ROAD RIGHT-OF-WAY, DRIVE, PRIVATE ROAD and INTERIOR DRIVE:: 30 feet

 - b. REAR YARD: 25 feet

 - c. SIDE YARD: 10 feet
(at ends of BUILDING)

 - d. No PRINCIPAL STRUCTURE shall be located less than thirty (30) feet from any interior LOT LINE.

 - e. PRINCIPAL BUILDING SETBACK from any ROAD shall be a minimum of forty (40) feet.

 - 3. Maximum BUILDING HEIGHT shall be two (2) STORIES or thirty-five (35) feet whichever is the lesser.

 - 4. Parking: 1.5 spaces per DWELLING UNIT an in accordance with all other requirements of Section 10.4.

 - 5. An ACCESSORY STRUCTURE detached garage, shall be located no less than ten (10) feet from any REAR or SIDE YARD and shall not be located in a FRONT YARD SETBACK, and shall be located at least twelve (12) feet from the PRINCIPAL STRUCTURE.

7.8 Procedures For Establishing a PMRD or SHPMRD

7.8.1 Application Requirements

A request for establishing a PMRD or SHPMRD shall sequentially comprise: (1) a Concept Plan pursuant to Article 9, and (2) a SITE PLAN application pursuant to Article 9 and a proposed Zoning Amendment pursuant to Article 14.

7.8.2 Concept Plan Requirement

A Concept Plan for a proposed PMRD or SHPMRD, prepared in accordance with Article 9 shall be submitted to the Town Board and to the Planning Board.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD)

7.8.2.1 Action on the Concept Plan

- A. The Planning Board shall evaluate the Concept Plan and make a recommendation to the Town Board. The recommendations shall be either conditional acceptance of the Concept Plan or disapproval of the request and shall include findings for such recommendation.
- B. Then the Town Board shall evaluate the Concept Plan and the recommendation by the Planning Board. The Town board shall make a decision of either conditional acceptance of the Concept Plan or disapproval of the request and shall include findings for such decision.

7.8.3 Application for SITE PLAN and Zoning Amendment

Upon conditional acceptance of the Concept Plan by the Town Board, the APPLICANT may initiate a SITE PLAN application in accordance with Article 9 for a PMRD or SHPMRD by submitting to the Planning Board a Preliminary Plan together with a proposed Zoning Amendment.

7.8.3.1 Action on Preliminary Plan of SITE PLAN and Zoning Amendment

The Planning Board shall act on the Preliminary Plan and proposed Zoning Amendment as follows:

- A. Evaluate potential environmental impact, compliance with this Law and any other applicable Law, Rule or Regulation, and any other significant concern.
- B. Make Findings based on the evaluation according to Sub-Section 7.8.3.1A.
- C. Make a decision based on the Findings according to Sub-Section 7.8.3.1B to either:
 1. Accept the Preliminary Plan and proposed Zoning Amendment for consideration by the Town Board, and make a recommendation to the Town Board that the Town Board:
 - a. make a determination of no significant environmental impact by the proposed PMRD or SHPMRD, and
 - b. enact the proposed Zoning Amendment; or
 2. Refuse to accept the Preliminary Plan and proposed Zoning Amendment and make a recommendation to the Town Board that the Town Board disapprove or modify the proposed Zoning Amendment.

7.8.3.2 Action on Zoning Amendment

- A. After the receipt of the Planning Board's recommendation to accept the Preliminary Plan and proposed Zoning Amendment, the Town Board shall, in accordance with Article 14, set and hold a Public Hearing on the proposed Zoning Amendment for the PMRD or SHPMRD.
- B. After the Public Hearing pursuant to Sub-Section 7.8.3.2A and in accordance with Article 14, the Town Board shall enact, with or without modification, or disapprove the proposed Zoning Amendment and record the reason for the action.

7.8.3.3 Action on SITE PLAN Application

After enactment of the Zoning Amendment pursuant to Sub-Section 7.8.3.2B the Planning Board shall process and make decision on the SITE PLAN Application for the PMRD or SHPMRD in accordance with Article 9.

ARTICLE 7 PLANNED MULTIPLE RESIDENTIAL DISTRICT (PMRD

7.8.4 Subdivision Approval Requirement

If the PMRD or SHPMRD proposal involves a Subdivision of land:

- A. Any Subdivision of land shall be included in the Concept Plan specified in Sub-Sections 7.8.1 and 7.8.2.
- B. An application for Subdivision approval shall, concurrent with the SITE PLAN Application, be initiated by the APPLICANT and processed with decisions thereon by the Planning Board.

7.8.5 Modification or Amendment of Approved PMRD or SHPMRD

Any proposed modification or change to an approved SITE PLAN for a PMRD or SHPMRD requires submission, processing and decision on an amendment to the approved SITE PLAN in accordance with Article 9.

ARTICLE 8 PLANNED NON-RESIDENTIAL DISTRICT (PNRD)

8.0 Intent

It is the intent of this Article to provide flexible land USE and design requirements through the use of performance criteria so that certain commercial and light industrial uses may be developed in those areas of the Town where they can be determined to be compatible with existing development. This PNRD shall be planned and developed as a unit. In order to carry out the purpose of this PNRD, a PNRD DEVELOPMENT shall achieve the following objectives:

- A. An arrangement of development and types of specific USES that will ensure maximum protection of the natural and man-made environment, as well as be compatible with adjoining existing RESIDENTIAL USES.
- B. Create more usable open space and recreation areas.
- C. The preservation of LARGE TREES and outstanding natural features.
- D. Creative USE of land and related physical DEVELOPMENT.
- E. An efficient USE of land resulting in smaller networks of utilities and ROADS, thereby lower costs.
- F. A DEVELOPMENT pattern in harmony with the objectives of the Comprehensive Plan for the Town.
- G. Compatibility with all applicable guidelines and requirements set forth in Article 10
- H. Maintenance or creation of acceptable traffic patterns and levels of service on the existing ROAD network, especially in established RESIDENTIAL areas.

8.1 Floating Zone

The PNRD is a floating zone that shall be subject to SITE PLAN approval and zoning amendment.

8.2 Applicable Zoning DISTRICTS

A PNRD may be permitted in the AR Zoning DISTRICT in accordance with the procedures for establishing a PMRD as set forth in Section 7.7.

8.3 Permitted USES

All BUSINESS USES as permitted under SITE PLAN APPROVAL in the NB DISTRICT, as well as all INDUSTRIAL USES as permitted in the GB DISTRICT and their ACCESSORY USES are permitted subject to SITE PLAN Review and Approval.

8.4 General Requirements Governing Planned Non-Residential Development PNRD

Any DEVELOPMENT proposal to be considered as a PNRD allowing such additional USES as outlined in this Article shall conform to the following requirements, which are regarded as minimum requirements, in addition to applicable requirements in other Sub-Sections of this Law:

- A. LOT AREA: The Minimum LOT AREA required to qualify for a PNRD designation shall be ten (10) acres in size.
- B. Access: A minimum of two (2) vehicular DRIVES, approved and constructed in accordance with Section 10.8, shall be required. Such DRIVES shall originate from a ROAD with a minimum classification as SECONDARY ROAD.
- C. BUFFER YARD Requirement - A PNRD DEVELOPMENT shall have a BUFFER YARD area along the entire perimeter of the parcel that shall meet the following minimum requirement:
 - 1. A BUFFER YARD shall be at least equal to twice the minimum FRONT, SIDE and REAR YARD SETBACK, as appropriate for the underlying DISTRICT, except that in no instance shall the BUFFER YARD be less than 100 feet. The BUFFER YARD shall be designed to form a minimum six (6) foot high visual BARRIER through the USE of man-made materials and/or natural plants. No man-made BARRIER shall exceed six (6) feet in height.
 - 2. No PRINCIPAL or ACCESSORY STRUCTURE, parking area, or other ACCESSORY USE shall be located within the minimum BUFFER YARD.
 - 3. The Planning Board may, during the SITE PLAN review process require greater BUFFER YARD and/or BUILDING SETBACK than the minimum provided in this Law.
- D. Water and Sewer Service: A PNRD shall be serviced water and sewer/septic systems as required to meet the special demands of the USE (S) as proposed.
- E. Minimum SETBACK REQUIREMENT:

1. FRONT YARD:	75 feet
a. as measured from pavement edge of DRIVE or INTERIOR DRIVE:	30 feet
2. REAR YARD:	100 feet
3. SIDE YARD:	75 feet
- F. Maximum BUILDING HEIGHT shall be two (2) STORIES or thirty-five (35) feet whichever is the lesser.
- G. Parking shall be in accordance with all of the requirements of Section 10.4. for the proposed USE(S).
- H. ACCESSORY BUILDING shall be located no less than fifty (50) feet from any REAR or SIDE YARD and shall not be located in a FRONT YARD SETBACK, and shall be located at least twelve (12) feet from the PRINCIPAL BUILDING.

8.5 Procedures For Establishing a PNRD

Procedures for establishing a PNRD shall be as provided in Section 7.8 for PMRD.

ARTICLE 9 SITE PLAN AND SPECIAL PERMIT REVIEW PROCESSES

9.0 Intent

- A. SPECIAL USE PERMIT: The intent of SPECIAL USE PERMIT is to determine compliance with certain criteria established in this Law for the USE. A USE that is identified as requiring a SPECIAL USE PERMIT is not considered to be a permitted USE unless and until all criteria are met. The Town of Catlin has established SPECIAL PERMIT USES and the criteria that they must meet in order to minimize the adverse affects concerning health, safety, and overall welfare of the residents of the community.
- B. SITE PLAN: The intent of SITE PLAN Review and Approval is to determine compliance with the purpose and provisions of this Law. The further intent of this Section is to evaluate conditions and environmental impact that may cause conflict between existing and proposed USES or be in conflict with natural site conditions. The evaluation is intended to minimize the adverse affects concerning health, safety, and overall welfare of the residents of the community.

Deleted:

9.1 Authorization

- A. SPECIAL USE PERMIT: The power to approve, approve with modification and/or conditions, or disapprove a SPECIAL USE PERMIT for a USE is vested in the Town Board. Where a SPECIAL USE PERMIT is required, no BUILDING PERMIT shall be issued and no USE shall be changed per the list established in the Use Regulation Table, Section 4.4, until a SPECIAL USE PERMIT is granted. The Town Board may impose conditions on a SPECIAL USE PERMIT that are to be fulfilled prior to the issuance of a BUILDING PERMIT, CERTIFICATE OF COMPLIANCE or Occupancy. The Town Board in their review of any SPECIAL USE PERMIT shall be guided by the provisions set forth in this Article and elsewhere in this Law.
- B. SITE PLAN: The power to approve, approve with modification and/or conditions, or disapprove a SITE PLAN for a USE is vested in the Planning Board pursuant to Section 274-a of the NYS Town Law. Where a SITE PLAN approval is required, no BUILDING PERMIT shall be issued and no USE shall be changed per the list established in the Use Regulation Table, Section 4.4, until SITE PLAN approval is granted. The Planning Board may impose conditions on a SITE PLAN approval that are to be fulfilled prior to the issuance of a BUILDING PERMIT, CERTIFICATE OF COMPLIANCE or Occupancy. The Planning Board in their review of any SITE PLAN shall be guided by the provisions set forth in this Article and elsewhere in this Law. The Planning Board may require that the SITE PLAN be prepared by an ENGINEER. Such requirement shall be based on the complexity of the site features and of the proposed STRUCTURE or land USE as related to same.

9.2 Applications For Area Variance In Site Plan Process

Notwithstanding any provision of Law to the contrary, where a proposed SITE PLAN contains one or more features which do not comply with the BULK and DENSITY requirements of this Law, application may be made to the Zoning Board of Appeals for an Area Variance pursuant to Section 267-b of the NYS Town Law.

9.3 Conditions Of Approval

The DEVELOPER is required to comply with all conditions of SPECIAL PERMIT and SITE PLAN Approval.

9.4 Waiver Of Requirements

The Town Board and Planning Board at their discretion, may waive any Plan submittal requirements of this Article deemed not necessary for review of an application for SITE PLAN Review and Approval.

9.5 Review Process

The review process for a SPECIAL USE PERMIT and a SITE PLAN shall be the same and shall follow the procedures and requirements as set forth in Section 9.6 through 9.13 of this Section.

9.6 Concept Plan

An APPLICANT may submit a Concept Plan for discussion and comment by the Planning Board or its designated committee as prescribed by the Rules of the Planning Board. The purpose of the Concept Plan is to facilitate the preparation of an adequate Preliminary Plan. The Concept Plan shall be submitted in accordance with the Rules of the Planning Board.

9.6.1 CONCEPT PLAN CONTENTS

The Concept Plan shall comprise the following data which shall be clearly labeled with the name of the proposed DEVELOPMENT, name of the APPLICANT, and Tax Parcel Number of the LOT proposed for DEVELOPMENT:

- A. An area map showing:
 1. All LOTS proposed for DEVELOPMENT by the APPLICANT,
 2. All of the following data within one thousand (1000) feet of the boundary line of the LOT specified in Sub-Section 9.6.1:
 - (a) existing and proposed LOTS and their ownership,
 - (b) existing and proposed USES,
 - (c) existing and proposed Zoning DISTRICTS,
 - (d) existing and proposed ROADS,
 - (e) existing and proposed Subdivisions,
 - (f) existing and proposed EASEMENTS,
 - (g) existing and proposed STRUCTURES,
 - (h) all existing natural features such as water bodies, WATERCOURSES, wetlands, wooded areas, Special Flood Hazard Areas and individual LARGE TREES,

- (i) district boundaries including Zoning, fire, school, sewer and water, and
- (j) all soil classifications.
- B. An Area Map of the site topography, at a scale of not less than 1":2000', showing the entire proposed site area and the location of the LOTS for the proposed DEVELOPMENT.
- C. A scaled site DEVELOPMENT map of the Concept Plan showing existing and proposed:
 - 1. STRUCTURES,
 - 2. public and private IMPROVEMENTS.
- D. Additional Data:
 - 1. Name, address and telephone number of APPLICANT,
 - 2. Concise written description of the proposed DEVELOPMENT, including:
 - a. purpose, nature and magnitude of the USE,
 - b. projected time frame for the proposed DEVELOPMENT,
 - c. notation of the acreage of the LOT proposed for DEVELOPMENT
 - d. square footage of each proposed STRUCTURE,
 - e. proposal for the source of water supply and method for sewage disposal.

9.6.2 Action on the Concept Plan

The Planning Board or its designated committee shall:

- A. review the concept Plan with the APPLICANT, and
- B. give its written comments thereon to the APPLICANT

9.7 Site Plan Application

- A. A SITE PLAN Application shall comprise:
 - 1. Completed forms of the Planning Board required of the APPLICANT by the Rules of the Planning Board,
 - 2. Preliminary Plan in accordance with Sub-Section 9.8,
 - 3. Final Plan in accordance with Sub-Section 9.9,
 - 4. Environmental Assessment Form required of the APPLICANT by the Rules of the Planning Board,
 - 5. Supplemental engineering and technical reports as appropriate to the contents of the Preliminary and Final Plans and required by the Planning Board, and

6. Other information required by the Planning Board.
- B. A SITE PLAN Application shall be submitted to the Planning Board in accordance with the Rules of the Planning Board.

9.8 Preliminary Plan Requirements

The Preliminary Plan shall comprise

- A. the documents required in Sub-Section 9.6,
- B. report and plan regarding any potential environmental impact associated with the proposed DEVELOPMENT,
- C. the mitigation offered or proposed for any environmental impact,
- D. Preliminary Plan drawing that includes the following information:
 1. title drawing, including name, address and telephone number of APPLICANT and the Tax Parcel Number of the LOT proposed for DEVELOPMENT,
 2. north point, scale and date, all revision dates (include month, day, year),
 3. boundaries of the DEVELOPMENT plotted to scale of not more than one hundred (100) feet to one (1) inch on a survey map prepared by a DESIGN ENGINEER,
 4. existing natural features such as WATERCOURSE, water body, wetland, wooded area and individual LARGE TREES and a notation of features to be retained,
 5. existing and proposed contours at intervals of not more than five (5) feet of elevation.
 6. location of proposed USE and the location, area and the height of all STRUCTURES,
 7. location of all existing or proposed IMPROVEMENTS, whether public or private, including ROADS, DRIVES, INTERNAL DRIVES, DRIVEWAYS, Storm Water Management System, culverts, retaining walls, FENCES and EASEMENTS,
 8. preliminary design of sewage disposal and water supply systems and location of such systems,
 9. location and design of all energy distribution facilities, including electrical, gas and SOLAR ENERGY SYSTEM,
 10. location of any proposed BUFFER, BARRIER and Landscaping.
 11. delineation of the extent of each residential area, description of DWELLING UNIT type, and a calculation of the residential DENSITY in DWELLING UNITS per square foot for each such area,
 12. location of each PARKING AREA and vehicle loading area, with access and egress to a DRIVE, INTERNAL DRIVE or DRIVEWAY,
 13. location, design and size of all SIGNS and OUTDOOR LIGHTING,

- 14. the approximate location and dimension of the area proposed for a neighborhood park or playground, or other recreation open space,
 - 15. BUILDING orientation and site design for energy efficiency,
 - 16. grading plan and Erosion Control Plan, including the description and location of control measures,
 - 17. location and design of a Storm Water Management System, and
 - 18. the lines and dimensions of any LOT which is offered, or is to be offered, for dedication to a government for public USE, with the purpose indicated thereon, and of any LOT proposed to be reserved for the common USE of the occupants of the proposed DEVELOPMENT.
- E. A storm water management analysis and plan consistent with the requirements of *The Standards for Storm Water Management in the Town of Catlin*, including all design data and computations used as a basis for the design capacities and the performance of the Storm Water Management System and the Erosion Control Plan.
- F. The Planning Board may require such additional information that appears necessary for a complete assessment of the DEVELOPMENT under this Law and the State Environmental Quality Review Act (SEQRA).

9.8.1 Action on Preliminary Plan

The Planning Board:

- A. shall review and evaluate potential environmental impact, compliance with this Law and any other applicable Law, Rule or Regulation, and any other significant concern,
- B. in its review of the Preliminary Plan, may confer with any CONSULTED AGENCY,
- C. in review of the Preliminary Plan, shall consider:
 - 1. adequacy and arrangement of vehicular traffic, including public transportation and bicycle access and circulation, including on-site circulation,
 - 2. location, arrangement, appearance and sufficiency of off-ROAD vehicular parking and loading,
 - 3. adequacy of pedestrian access, circulation, convenience and safety,
 - 4. location, arrangement, size and design of BUILDING, OUTDOOR LIGHTING and SIGNS,
 - 5. relationship of the various USES on the project site to one another and their scale,
 - 6. adequacy of a BUFFER and BARRIER between adjacent USES and adjoining LOTS,
 - 7. adequacy of any Storm Water Management System,
 - 8. adequacy of STRUCTURES, ROADS, DRIVES, INTERNAL DRIVES, DRIVEWAYS and BUFFERS in areas susceptible to flooding, pending and/or erosion,
 - 9. adequacy of flood damage prevention measures consistent with Article 7,

- 10. compatibility of DEVELOPMENT with natural features of the site and with surrounding land USES,
- 11. adequacy of open space for play area, recreation and natural area such as wildlife habitat, wetland and wooded area,
- 12. adequacy of orientation of a STRUCTURE and the site design for energy efficiency, the extent to which the proposed plan conserves energy and energy resources in the community, and the protection of adequate sunlight for a SOLAR ENERGY SYSTEM,
- 13. adequacy of fire protection water supply and site design to accommodate emergency vehicle access,
- 14. consistency of BUILDING design, scale, mass, and site location with surrounding DEVELOPMENT and DISTRICT Intent, and
- 15. any other relevant matter.

- D. shall determine if the Preliminary Plan is complete and sufficient to make Findings pursuant to Sub Section 9.8.2, and if not, require additional information to make the Preliminary Plan complete and sufficient,
- E. when it finds the Preliminary Plan is complete and sufficient pursuant to Sub-Section 9.8.1D, shall accept the completed Preliminary Plan, and
- F. upon acceptance of the Preliminary Plan pursuant to 9.8.1E, a public hearing shall be scheduled within sixty-two (62) days from the time of such certification. For the purpose of this Law, the submission date shall be taken as the date of the first regular Planning Board meeting following submission of the preliminary site plan to the CODE ENFORCEMENT OFFICER. The hearing shall be advertised at least five (5) days prior to the scheduled date in a newspaper of general circulation in the Town. The Planning Board shall also require that the APPLICANT provide written notification to all property owners within a two-hundred (200) feet radius of the site at least five (5) days prior to the scheduled hearing date. The APPLICANT shall provide adequate documentation of this notification to the Planning Board prior to the opening of the Public Hearing. A Public Hearing may be scheduled within 62 days from the date of such acceptance.

9.8.2 Findings and Decision on Preliminary Plan

The Planning Board:

- A. shall make Findings based on the evaluation according to Sub-Section 9.8.1.A.
- B. shall make a decision based on Findings according to Sub-Section 9.8.2A to approve, with or without conditions, or disapprove the Preliminary Plan, and
- C. shall provide the APPLICANT with a copy of the Findings and decision pursuant to Sub-Sections 9.8.2A and B.

9.9 Final Plan Requirements

The Final Plan shall comprise:

- A. the approved Preliminary Plan with any modifications thereof and/or additions thereto required by the Planning Board, and
- B. Every necessary permit from a governmental authority relating to the DEVELOPMENT pursuant to the SITE PLAN or a written assurance from such governmental authority that it is willing to issue such permit upon the performance by the DEVELOPER of an action that is or will be required of the DEVELOPER.

9.9.1 Action on the Final Plan

When the Planning Board Finds the Final Plan is complete pursuant to Section 9.9 it shall approve, with or without conditions, or disapprove the Final Plan, and record the reason for disapproval. A copy of the decision and reason shall be given to the APPLICANT.

9.10 Approval Of Site Plan

- A. Approval of a Final Plan, with or without conditions, constitutes approval of the SITE PLAN subject to any and all conditions of the approved Final Plan.
- B. Pursuant to *The Rules of The Planning Board*, an approval endorsement shall be affixed on a copy of the title drawing of the approved SITE PLAN. A copy of the endorsed title drawing shall be given to the APPLICANT.

9.11 Re-Submittal Of A Concept Or Preliminary Plan

- A. The Planning Board may require the re-submittal of a Concept Plan for a proposed DEVELOPMENT if:
 - 1. more than six (6) months has lapsed since the date of giving the Planning Boards written comments on the Concept Plan for the proposed DEVELOPMENT pursuant to Sub-Section 9.6.2, or
 - 2. a submitted Preliminary Plan contains substantial changes in the scope of the proposed DEVELOPMENT in comparison with the Concept Plan commented on, or
 - 3. an APPLICANT who submitted a Preliminary Plan is different than the APPLICANT who submitted the Concept Plan commented on for the proposed DEVELOPMENT.
- B. the Planning Board may require re-submittal of a Preliminary Plan if:
 - 1. more than one (1) year has lapsed since the date of approval of a Preliminary Plan for a proposed DEVELOPMENT pursuant to Sub-Section 9.8.2, or
 - 2. a submitted Final Plan contains substantial changes in the scope of the proposed DEVELOPMENT in comparison with the Preliminary Plan approved for a proposed DEVELOPMENT, or
 - 3. an APPLICANT who submitted a Final Plan is different than the APPLICANT who submitted the Preliminary Plan approved for a proposed DEVELOPMENT.

9.12 Appeal

The APPLICANT or any interested person may appeal a decision of the Planning Board on a SITE PLAN. The appeal shall be made to the Supreme Court of New York State for review by a proceeding under Article 78 of the Civil Practice Law and Rules of New York State.

9.13 Expiration And Termination Of Site Plan Approval

- A. Approval of a SITE PLAN for a DEVELOPMENT shall be valid for a period of one (1) year from the date of the date of endorsement of the drawing of the approved Final Plan.
- B. Failure to secure a BUILDING PERMIT or to begin construction or installation of required IMPROVEMENTS during the one (1) year period shall cause a SITE PLAN approval to become null and void.
- C. Failure of an APPLICANT or DEVELOPER to comply with any conditions of approval for an approved SITE PLAN shall make the approval null and void.

9.13.1 Extension of Expiration or Termination of Site Plan Approval

Upon written application to the Planning Board, the Board may extend the time of validity of the SITE PLAN approval for a period of not more than three (3) years from the date of approval endorsement pursuant to Sub-Section 9.10B.

9.14 Deviation From Approved Site Plan

- A. A proposed deviation from an approved SITE PLAN that produces no significant change in performance of the DEVELOPMENT, as documented in the approved SITE PLAN and any conditions thereof, may be approved by the CODE ENFORCEMENT OFFICER provided such action is concurred in by a designated member of the Planning Board as prescribed in *The Rules of The Planning Board*.
- B. Any deviation from an approved SITE PLAN granted pursuant to this Section shall be noted on an as-built drawing submitted to the Town for inclusion in the SITE PLAN approval record. The as-built drawing shall be received by the Town prior to the issuance of any CERTIFICATE OF COMPLIANCE or Occupancy.

9.15 Amendment Of An Approved Site Plan

- A. No proposed change of and/or addition to an approved SITE PLAN, other than as provided in Section 9.14, shall be executed without approval thereof by an approved SITE PLAN containing such SITE PLAN Amendment.
- B. Any proposed change of and/or addition to an approved SITE PLAN, other than as provided in Section 9.14, shall require a SITE PLAN application addressing such SITE PLAN Amendment and decision on that application by the Planning Board pursuant to this Article.

ARTICLE 10 DEVELOPMENT REQUIREMENTS

10.0 Intent

The intent of this Article is to establish requirements for all DEVELOPMENT to assure compliance with the Articles of this Law and the Town Comprehensive Plan.

10.1 General Requirement

Every DEVELOPMENT shall comply with the applicable provisions of this Article.

10.2 LOT Requirements

A LOT shall be sized and arranged to not create any degree of non-conformance with this Local Law.

10.2.1 LOT Access

- A. Insofar as possible, a LOT shall not have direct access with a PRIMARY ROAD. Access shall be from a MARGINAL ACCESS ROAD or a ROAD other than a PRIMARY ROAD.
- B. Where a WATERCOURSE separates a buildable area of a LOT from a ROAD with which the LOT has vehicle access, installation of a bridge or other STRUCTURE, spanning the WATERCOURSE, shall be subject to the same design criteria and review as all other storm water drainage facilities in a DEVELOPMENT.

10.3 ROAD Arrangement and Access Design Requirements

10.3.1 Intent

It is the intent of this Section to assure that all DEVELOPMENT provide for safe and adequate access to a LOT proposed for DEVELOPMENT. This intent is furthered by requiring that all DEVELOPMENT that proposes to contain a new TOWN ROAD, PRIVATE ROAD and/or INTERNAL DRIVE be designed to:

- A. provide for:
 - 1. convenient traffic access and circulation,
 - 2. traffic control and safety,
 - 3. access for fire fighting, snow removal, and street maintenance equipment,
 - 4. storm water drainage, and
 - 5. utility location, and
- B. arranged to:
 - 1. separate through traffic from neighborhood traffic insofar as practical,
 - 2. be coordinated to compose a connected system,
 - 3. be laid out to provide suitable future ROAD connection with an adjoining LOT, and
 - 4. conform to the requirements of the Americans with Disabilities Act (ADA).

10.3.2 ROAD and DRIVE Requirements

- A. A DEVELOPMENT proposal, subject to SITE PLAN REVIEW as provided in Section 4.4, shall show and detail all design features for a TOWN ROAD, PRIVATE ROAD and/or INTERNAL DRIVE sufficient to document compliance with the intent of this Section and *The Standard For Road Construction in the Town of Catlin*.
- B. A Traffic Study or Analysis may be required to support design considerations and/or to validate the mitigation of any traffic impacts associated with a DEVELOPMENT.

10.4 Off-ROAD Parking Requirements

All DEVELOPMENT shall provide for off-ROAD parking.

10.4.1 General

- A. It shall be the responsibility of the owner of a LOT to provide off-ROAD parking spaces for any USE which is created, enlarged, or altered after the effective date of this Law.
- B. A parking space shall be a minimum dimension of nine (9) feet by eighteen (18) feet, exclusive of pedestrian access, DRIVE or INTERNAL DRIVE, and have access from a DRIVE or INTERNAL DRIVE.
- C. Each PARKING AREA shall conform to the requirements of the Americans with Disabilities Act (ADA)
- D. The lighting of off-road parking area shall comply with the requirements set forth in Section 10.27.
- E. For the purpose of calculating required parking spaces for any USE in which patrons and/or spectators occupy benches, pews, or other similar seating facility; each twenty (20) inches of linear dimension of such seating shall be counted as one seat.
- F. Off-road parking area in a R-1 DISTRICT shall be restricted to non-COMMERCIAL VEHICLES only.
- G. If a USE on a LOT and a LOT are under separate ownership, the right to joint use of PARKING LOT must be evidenced by a deed, lease, contract or other appropriate document. Such document shall be provided to the Planning Board for inclusion in the SITE PLAN record.
- H. A required PARKING AREA, DRIVE and INTERNAL DRIVE on a LOT shall not be used for the display of merchandise, goods or wares offered for sale or connected with the USE of a LOT.

10.4.2 Required Off-ROAD Parking Spaces

The minimum number of parking spaces in a PARKING AREA for a USE shall be as follows:

- A. ONE-UNIT DWELLING: Two (2) spaces for up to the first four (4) bedrooms, plus one-half space for each additional bedroom.
- B. TWO-UNIT DWELLING: Two (2) spaces per DWELLING UNIT for up to first four (4) bedrooms, plus one-half space for each additional bedroom.
- C. MULTI-UNIT DWELLING: Two (2) spaces per DWELLING UNIT for up to first four (4) bedrooms, plus one-half space for each additional bedroom.
- D. ALTERNATIVE DWELLING PARK: One and one half (1.5) spaces per DWELLING UNIT, plus one (1) space for each approved DWELLING UNIT to be developed in a common parking area.

- E. HOSPITAL, CONVALESCENT or NURSING HOME: One (1) space for each employee on the major shift plus .25 spaces per bed.
- F. BED AND BREAKFAST: One (1) additional space for each bedroom that is rented within the DWELLING.
- G. HOTEL/MOTEL or BOARDING HOUSE: One (1) space for each room offered for rent or lease, plus one space for every 4 employees, plus one space per 150 sq. ft. net area of restaurants and assembly rooms.
- H. OFFICE, GENERAL BUSINESS or PROFESSIONAL: Two and one half (2.5) spaces for each 1,000 square feet of gross floor dedicated to the USE.
- I. RETAIL: Three and one-half (3.5) spaces for each 1,000 sq. ft. of gross floor area.
- J. FUNERAL HOME, VETERINARY HOSPITAL, BANK, or PERSONAL SERVICE USE: Three (3) spaces for each 1,000 square feet of gross floor area dedicated to the USE.
- K. RESTAURANT, STANDARD or FAST FOOD: One (1) space for each 60 square feet of customer floor area.
- L. MEMBERSHIP CLUB, Conference or Convention Center, Commercial Recreation: One (1) space for every 150 square feet of assembly space.
- M. ROADSIDE STAND: One (1) space for every 50 square feet of area devoted to sales or display.
- N. NURSERY or Elementary SCHOOL: One (1) space per employee, plus two additional spaces per classroom.
- O. High School or College: One (1) space per employee plus five (5) spaces for each classroom.
- P. PLACE OF WORSHIP, Auditorium, Theater, Stadium: One (1) space for every four (4) seats.
- Q. VEHICLE FILLING STATION, VEHICLE SALES and /or REPAIR and /or HEAVY EQUIPMENT SALES, CONTRACTORS EQUIPMENT YARD, Outdoor Sales and/or Rental: One (1) space for each 3,000 square feet of area devoted to the USE including, outside display areas, equipment and/or sale yards.
- R. COTTAGE INDUSTRY: One (1) space per employee, plus one (1) space per 500 square feet of area devoted to the USE.
- S. INDUSTRIAL USE
 - 1. One (1) space for each 1,000 square feet of floor area devoted to manufacture including printing, publishing, laundry and dry cleaning plant, and /or
 - 2. One (1) space for each 2,000 square feet of floor area devoted to storage or stationary operating equipment, and/or
 - 3. One (1) space for each 3,000 square feet of area devoted to storage, including outside storage yards, and/ or
 - 4. For any utility or INDUSTRIAL USE, one (1) additional space for each fleet or company vehicle.
- T. WAREHOUSE/DISTRIBUTION CENTER, TRUCK TERMINAL: One (1) space per 3,000 square feet devoted to storage/warehousing.

- U. Each other USE not specified above: The number of parking spaces shall be determined by the Planning Board in the SITE PLAN review process after considering the area of USE, the number of employees, customers and suppliers of goods and services for the USE.

10.4.3 Maximum Number of Parking Spaces

In the interest of protecting and preserving the groundwater quality and quantity, no USE in the Town shall be permitted to have more than 5 parking spaces per 1,000 square feet of gross floor area unless such DEVELOPMENT plans document the need for such additional parking and that, with quantifying analysis, such parking is determined to not adversely impact the AQUIFER or ground water. Such additional parking must be specifically approved by the Planning Board.

10.4.4 Calculation of Required Parking Spaces

- A. In the case of a combination of USES, the total requirement for off-ROAD parking spaces shall be the sum of the requirements for all USES, unless it can be proven by substantive documentation that staggered hours or other operational activities of such USES would permit modification.
- B. Whenever a fraction of a space is required, a full space shall be provided.

10.4.5 Dimensions for DRIVES and INTERNAL DRIVES within a PARKING AREA

- A. Parallel Curb Parking: 12 foot aisle width for one directional flow and 22 foot aisle width for two directional flow.
- B. 30 Degree Parking: 13 foot aisle width for one directional flow and 22 foot aisle width for two directional flow.
- C. 45 Degree Parking: 16 foot aisle width for one directional flow and 22 foot aisle width for two directional flow.
- D. 90 Degree Parking: 22 foot aisle width.

10.4.6 Location of Required Parking Spaces in a PARKING AREA

- A. AR and R-1 DISTRICTS: Required vehicle parking spaces shall be provided either in a garage or in a DRIVE which is located on the same LOT and is readily accessible to a ROAD or DRIVE.
- B. NB and GB DISTRICTS:
 1. Such spaces shall be provided on the same LOT, or not more than 400 feet therefrom provided that the criteria in Sub-Section 10.4.1 are met.
 2. Vehicles and equipment for display or for sale shall not be parked or stored within twenty-five (25) feet of a ROAD RIGHT-OF-WAY.
 3. Where such parking is situated adjacent to a residential USE, it shall be set back a minimum of ten (10) feet from the residential LOT LINE, and an adequate landscape BUFFER in conformance with Section 10.23 shall be provided within such SETBACK area.

10.4.7 Special Requirement For GB, NB and PNRD Zoning DISTRICTS

The Planning Board shall, in the review of all SITE PLAN, consider the potential for synergism to exist between adjoining USES and may require that parking areas be designed to accommodate traffic movement between LOTS without re-entering the ROAD system to lessen traffic volumes and turning movement conflicts and provide proper sight distances.

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10.4.8 Off-ROAD Parking Waiver

Off-ROAD parking requirements may be waived in whole or in part upon finding by the Planning Board that;

- A. That satisfactory municipal off-ROAD parking facilities are available within 400 feet of the LOT containing the subject USE and with proper pedestrian access in accordance with Section 10.4.1G,
- B. That satisfactory off-site parking arrangements are proposed in compliance with Sub-Section 10.4.1G,
- C. That the APPLICANT document the specific USE routinely requires less parking spaces than those required under this Article.

10.4.9 Construction of Off-ROAD PARKING AREA

All off-ROAD parking, with the exception of the PARKING AREA for a SINGLE or TWO-UNIT DWELLING shall be provided with a suitable all-weather, dust-free surface and all individual parking spaces shall be visibly marked with paint or other durable and suitable material.

10.4.10 Landscaping

A minimum of eight (8) percent of the area devoted to off-ROAD parking shall be landscaped islands or other landscaping areas with lawn, trees, shrubs or other plant materials.

10.5 Off-ROAD Loading and Unloading Berth Requirements

A LOT or STRUCTURE which is to be occupied by industrial, commercial, business or similar USES requiring the receipt and/or distribution by vehicles, of materials or merchandise; there shall be provided and maintained, on said LOT, off-ROAD loading berths.

10.5.1 Required Berths

USE	GROSS SQUARE FEET OF FLOOR AREA	VEHICLE LOADING BERTH REQUIREMENTS*
RETAIL, WHOLESALE, Storage and Other similar Business USE	3,000 - 15,000	1
	15,001 - 40,000	2
	each 25,000 additional	1
MOTELS, HOTELS, RESTAURANTS, OFFICE BUILDING	90,000 or less	1
	90,001 - 300,000	2
	each 200,000 additional	1
INDUSTRIAL USE	15,000 or less	1
	15,001 - 40,000	2
	40,001 - 90,000	3
	each 40,000 additional	1

* *These are considered minimum requirements; however, the Planning Board may modify the above requirements in the SITE PLAN approval process based on scale of business operation and supporting documentation analyzing the necessity for modification of these requirements.*

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10.5.2 Dimensions of Berths

Each loading berth, either open or enclosed, shall be a minimum of 55 feet long, 12 feet wide and 14 feet high; except business USES utilizing vehicles not larger than panel trucks may have berths which are a minimum of 20 feet long, 10 feet wide and 9 feet high.

10.5.3 Location of Berths

Loading berths are to be located in such a way vehicles occupying berths do not to interfere with the movement of people and vehicles on public ways and within on-site parking areas.

10.5.4 Landscaping

Areas around loading berths shall be provide with BUFFER as required in Section 10.23.

10.6 ACCESSORY STRUCTURE and USE Requirements

10.6.1 Intent

An ACCESSORY STRUCTURE or USE shall not create an impact on the environment that is any more significant than that of the PRINCIPAL USE. The requirements established in this Section are intended to provide for fire safety, open space, accessibility to sunlight and views.

10.6.2 ACCESSORY STRUCTURE Requirements

10.6.2.1 General Requirements

- A. When a PRINCIPAL USE is permitted as of right in accordance with Section 4.4, an ACCESSORY BUILDING associated with the PRINCIPAL USE and constructed in accordance with this Section shall also be permitted as of right.
- B. When a PRINCIPAL USE is permitted under SITE PLAN approval in accordance with Section 4.4, an ACCESSORY BUILDING associated with the PRINCIPAL USE shall also require SITE PLAN approval and be constructed in accordance with this Section.
- C. The construction or placement, on a LOT, of an ACCESSORY BUILDING in excess of 100 square feet in area in a R-1 DISTRICT and 144 square feet in area in an AR, NB and GB DISTRICT shall require a Building Permit issued by the CODE ENFORCEMENT OFFICER.

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10.6.2.2 Size and Number of ACCESSORY BUILDINGS

A. An ACCESSORY BUILDING associated with the following specified PRINCIPAL USES shall comply with the following maximum requirements:

Specific PRINCIPAL USE Listed in Section 4.4	Maximum FLOOR AREA of an Individual ACCESSORY BUILDING	Maximum ACCESSORY BUILDING HEIGHT	Maximum Number of ACCESSORY BUILDINGS Associated With a PRINCIPAL USE	Maximum Permitted Cumulative Square Feet of All ACCESSORY BUILDINGS Associated With a PRINCIPAL USE
ALTERNATIVE DWELLING PARK	100 Sq. Feet	10 Feet	One (1) for each DWELLING UNIT	Total DWELLING UNITS times 150 Sq. Feet
TWO-UNIT DWELLING or MULTI-UNIT DWELLING	N/a	20 Feet	One (1) for each DWELLING UNIT	Total DWELLING UNITS times 240 Sq. Feet
AIRPORT or HELIPORT	10 % of the FLOOR AREA of PRINCIPAL BUILDING	35 Feet	As permitted in an Approved SITE PLAN	As Permitted in an approved SITE PLAN
AGRICULTURE or PRIVATE STABLE	As permitted under the NYS Uniform Fire Prevention and Building Code	35 Feet	No Restriction	As permitted under the NYS Uniform Fire Prevention and Building Code
AGRI-BUSINESS, Plant Nursery or COMMERCIAL STABLE	10 % of the FLOOR AREA of PRINCIPAL BUILDING	35 Feet	As permitted in an Approved SITE PLAN	As permitted in an Approved SITE PLAN
Golf or Ski Facility	4,000 Sq. Feet	20 Feet	Two (2)	6,000 Sq Feet
Government	As permitted under the NYS Uniform Fire Prevention and Building Code	35 feet	No restriction	No restriction

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B. An ACCESSORY BUILDING associated with a PRINCIPAL USE other than as specified in Sub-Section 10.6.2.2A shall comply with following maximum requirements:

Zoning DISTRICT	Specific PRINCIPAL USE Listed in Section 4.4	Maximum FLOOR AREA of an Individual ACCESSORY BUILDING	Maximum ACCESSORY BUILDING HEIGHT	Maximum Number of ACCESSORY BUILDINGS Associated With a PRINCIPAL USE	Maximum Permitted Cumulative Square Feet of all ACCESSORY BUILDINGS Associated With a PRINCIPAL USE
R1	RESIDENTIAL USE	750 Sq. Feet	20 Feet	Two (2)	1,000 Sq. Feet
AR	RESIDENTIAL USE	1,500 Sq. Feet	35 Feet	Two (2)	3,000 Sq. Feet
AR	General USE	1,500 Sq. Feet	35 Feet	Two (2)	3,000 Sq. Feet*
NB & GB	General USE	10% of the FLOOR AREA of PRINCIPAL BUILDING	35 Feet	As permitted in an approved SITE PLAN	5% of the FLOOR AREA of PRINCIPAL BUILDING
NB & GB	Business USE	10% of the FLOOR AREA of PRINCIPAL BUILDING	35 Feet	As permitted in an approved SITE PLAN	10% of the FLOOR AREA of PRINCIPAL BUILDING
AR, NB & GB	INDUSTRIAL USE	15 % of the FLOOR AREA of PRINCIPAL BUILDING	35 Feet	As permitted in an approved SITE PLAN	15 % of the FLOOR AREA of PRINCIPAL BUILDING

* Maximum cumulative square footage in combination with a RESIDENTIAL USE shall be 6,000 square feet

10.6.2.3 ACCESSORY BUILDING Location

- A. An ACCESSORY BUILDING shall not be located in a FRONT YARD.
- B. An ACCESSORY BUILDING shall not be located in a BUFFER.
- C. An ACCESSORY BUILDING associated with a non-conforming Residential USE located in a NB or GB Zoning DISTRICT shall be located in accordance with the requirements for a Residential USE in a R1 Zoning DISTRICT as set forth in Sub-Section 10.6.2.3.1.

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10.6.2.3.1 **ACCESSORY BUILDING SETBACK**

An ACCESSORY BUILDING shall have a minimum SETBACK distance from a LOT LINE as specified below:

ACCESSORY BUILDING SETBACK Requirements				
Zoning DISTRICT PRINCIPAL USE	An ACCESSORY BUILDING 144 Sq. Feet or less in area		An ACCESSORY BUILDING more than 144 Sq. Feet in area	
	Side YARD SETBACK	Rear YARD SETBACK	Side YARD SETBACK	Rear YARD SETBACK
AR				
For a Residential USE listed in Section 4.4	20 feet	30 feet	20 feet	30 feet
For a General or Business USE listed in Section 4.4	**	**	**	**
R1				
For a Residential and General USE listed in Section 4.4	10 feet	25 feet	per Section 5.1 for PRINCIPAL BUILDING	per Section 5.1 for PRINCIPAL BUILDING
NB & GB				
All USES listed in Section 4.4	10 feet	25 feet	10 Feet	25 feet
AR, NB & GB				
For an INDUSTRIAL USE listed in Section 4.4	per Section 5.1 for PRINCIPAL BUILDING	per Section 5.1 for PRINCIPAL BUILDING	per Section 5.1 for PRINCIPAL BUILDING	per Section 5.1 for PRINCIPAL BUILDING

** May require larger minimum per Site Plan Approval

10.6.2.3.2 **ACCESSORY BUILDING SETBACK From PRINCIPAL BUILDING**

An ACCESSORY BUILDING shall not be constructed closer to a PRINCIPAL BUILDING than either a distance of six (6) feet or a distance equal to the height of the ACCESSORY BUILDING, whichever is greater.

10.6.2.3.3 **Location of Certain ACCESSORY STRUCTURES Other Than BUILDINGS**

In any Zoning DISTRICT an ACCESSORY STRUCTURE associated with a Residential USE listed in Section 4.4, other than a BUILDING, and in the form of or similar to the following ACCESSORY STRUCTURES, are prohibited in a FRONT or SIDE YARD:

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- A. swimming pool,
- B. sauna or hot tub,
- C. solid fuel burning stove or appliance,
- D. court for tennis, racquetball or other sport,
- E. animal pen or enclosure, and
- F. above ground storage of solid or liquid fuel including wood, propane and fuel oil.

10.6.2.4 Exceptions to ACCESSORY BUILDING Locations

10.6.2.4.1 Exception to ACCESSORY BUILDING SETBACK requirements with respect to a LOT and adjoining LOT having a common LOT LINE is as follows:

- A. The minimum ACCESSORY BUILDING SETBACK requirements as set forth in Sub-Section 10.6.2.3.1 may be reduced under the following conditions:
 - 1. when the adjoining LOT has an existing ACCESSORY BUILDING located adjacent to the common LOT LINE and within less than the minimum ACCESSORY BUILDING SETBACK as set forth in Sub-Section 10.6.2.3.1; and
 - 2. when a LOT proposed to contain an ACCESSORY BUILDING adjacent to the common LOT LINE is 150 feet or less in LOT WIDTH.
- B. The minimum ACCESSORY BUILDING SETBACK requirements as set forth in Sub-Section 10.6.2.3.1 for the proposed ACCESSORY BUILDING may be reduced to a minimum distance that is the average of:
 - 1. the unreduced required ACCESSORY BUILDING SETBACK set forth in Sub-Section 10.6.2.3.1, and
 - 2. the actual distance between the common LOT LINE and the existing ACCESSORY BUILDING located on the adjoining LOT.

10.6.2.4.2 Exception to the Location of Certain ACCESSORY STRUCTURES Other Than BUILDINGS

The following are exceptions to the requirements of Sub-Section 10.6.2.3.3:

- A. certain ACCESSORY STRUCTURE located on a LOT in accordance with an approved SITE PLAN;
or
- B. an enclosure of any portion of a YARD for a dog or cat, but not including a pen, dog run or KENNEL,
or
- C. an animal pen or enclosure used in conjunction with the keeping of or maintaining AGRICULTURE LIVESTOCK and/or horses, or an AGRICULTURE USE.

10.6.3 ACCESSORY USE Requirements

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10.6.3.1 General Restrictions

- A. An ACCESSORY BUILDING containing an ACCESSORY USE shall comply with the requirements of Section 5.2.
- B. An ACCESSORY USE not involving a STRUCTURE is prohibited in a FRONT YARD except as provided in an approved SITE PLAN.

10.6.4 Special Design

A detached garage or carport as part of a BUILDING GROUP may be permitted in a FRONT YARD on a LOT containing the BUILDING GROUP in accordance with an approved SITE PLAN.

10.7 SIGN Requirements

- A. No SIGN of any kind may be altered, erected or established in the Town except in conformance with the requirements in this Section.
- B. The only SIGNS permitted are those listed in Sub-Section 10.7.1.

10.7.1 Permitted SIGN Description

A. PRINCIPAL USE SIGNS

- 1. Awning: A SIGN painted, printed, affixed or displayed on an awning attached to an exterior surface of a BUILDING containing a General, Business or INDUSTRIAL USE listed in Section 4.4.
- 2. Facade: A SIGN, painted on, inscribed on or attached to an exterior surface of a BUILDING containing a General, Business or INDUSTRIAL USE or ACCESSORY USE associated with the General, Business or INDUSTRIAL USE listed in Section 4.4 and without having any portion thereof extending more than eight (8) inches from the BUILDING surface.
- 3. Projecting: A SIGN attached to and having any portion thereof extending more than eight (8) inches from the surface of a BUILDING containing a General, Business or INDUSTRIAL USE listed in Section 4.4.
- 4. Representational: Any three-dimensional PRINCIPAL USE SIGN, which is either a Projecting or Free Standing SIGN and constructed to physically represent the object advertised.
- 5. Freestanding: A SIGN supported by a STRUCTURE independent of a BUILDING and installed on a LOT containing a General, Business or INDUSTRIAL USE listed in Section 4.4.
- 6. Directory: A SIGN that contains the names of PRINCIPAL USES in a MALL.
- 7. Residential: A SIGN not DIRECTLY ILLUMINATED and identifying the name of the owner or occupant of or fanciful name of a residential LOT or property.
- 8. Real Estate: A TEMPORARY SIGN not DIRECTLY ILLUMINATED and used to offer or advertise a LOT or real property for sale, or lease.
- 9. MALL: A SIGN installed on a LOT or BUILDING of a MALL and used to identify or landmark the name of the MALL. Such SIGN shall be either a Facade, Free Standing or Awning SIGN.
- 10. Monument: A SIGN not illuminated, installed on a LOT in an approved residential subdivision, ALTERNATIVE DWELLING PARK, PMRD or MULTI UNIT DWELLING DEVELOPMENT, used to memorialize or landmark the name of the DEVELOPMENT.

B. ACCESSORY SIGNS

1. Directional: A SIGN only indicating direction or calling attention to vehicular or pedestrian traffic entrances by displaying arrows or directional words.
2. Mandated: Any SIGN not illuminated and required by a Federal, New York State, Chemung County or Local Law or Rule.
3. Memorial: A SIGN not illuminated and authorized by the Town Board, Chemung County Legislature, or the Governor or Legislature of the State of New York to honor or identify a person, organization or place of local or regional historic interest or importance.
4. Portable: A SIGN that is TEMPORARY and not permanently affixed to the ground or STRUCTURE and capable of being transported or removed from a LOT.
5. Real Estate: A TEMPORARY SIGN not illuminated and used to offer or advertise a LOT or real property for sale, or lease.
6. Sandwich Board: A two sided A frame TEMPORARY SIGN not illuminated and placed on, without any physical attachment to the ground.
7. Service: A SIGN, not illuminated, that directs travelers to essential services such as gas, food and lodging or a hospital and installed in a RIGHT- OF- WAY, under the jurisdiction of a government authority.
8. Construction: A TEMPORARY SIGN not illuminated and used on property under construction to denote a Contractor, DESIGN ENGINEER and/or DEVELOPER or DEVELOPMENT.
9. Poster: A TEMPORARY SIGN not illuminated and used to advertise a not-for-profit community event or show, political candidate or issue and/or an election.
10. Civic: A SIGN not DIRECTLY ILLUMINATED, and used to identify a civic or religious organization, PLACE OF WORSHIP, social or MEMBERSHIP CLUB or an educational institution, and installed in a RIGHT-OF-WAY under the jurisdiction of a government authority.
11. Community Promotion: A SIGN not illuminated and designed to promote the Town of Catlin and welcome visitors to the Town.
12. Occupation: A SIGN not Illuminated and used to identify an approved HOME OCCUPATION, or COTTAGE INDUSTRY.
13. ROADSIDE STAND: A TEMPORARY SIGN not illuminated and used to identify a ROADSIDE STAND.
14. Awning: A SIGN painted, printed, affixed or displayed on an awning attached to an exterior surface of a BUILDING containing a General, Business or INDUSTRIAL USE listed in Section 4.4.
15. Facade: A SIGN, painted on, inscribed on or attached to an exterior surface of a BUILDING containing a General, Business or INDUSTRIAL USE listed in Section 4.4 and without having any portion thereof extending more than eight (8) inches from the BUILDING surface.
16. Window: A SIGN or group of SIGNS painted, printed, or otherwise displayed on a window of a BUILDING containing a General, Business or INDUSTRIAL USE listed in Section 4.4.

10.7.2 General Requirements

- A. All SIGNS shall comply with the following requirements:
1. The installation of a SIGN, except for a Residential, Occupation, Farm, Poster and Window SIGN, and as provided in Sub-Section 10.7.3, require a BUILDING PERMIT.
 2. A SIGN shall be constructed and installed in compliance with applicable provisions of the *NYS Uniform Fire Prevention and Building Code*.
 3. No SIGN shall be located at or near an intersection in violation of Section 10.10, CLEAR VISION ZONE, or in any manner which may cause a traffic hazard at the intersection. A SIGN shall not be located where, by reason of the position, shape, or color of the SIGN, it may interfere with or obstruct the view of or be confused with any authorized traffic SIGN, signal or device, nor shall any SIGN make USE of the word "Stop", "Look", "Drive-In", "Left", or "Right", or any other word, phrase, symbol, or character in such a manner as to distract, mislead or confuse traffic.
 4. No SIGN shall be placed on a roof or on a cupola or similar roof mounted STRUCTURE or on top of a parapet or similar architectural element of a BUILDING.
 5. No SIGN shall be more than fifteen (15) feet in height above the FINISHED GRADE or the grade shown on a grading plan of a SITE PLAN approved by the Planning Board. Grading of a site for the purpose of raising the elevation of a SIGN contrary to this Sub-Section is prohibited, except as shown in an approved SITE PLAN.
 6. Each SIGN on a LOT shall be set back a minimum of five (5) feet from any LOT LINE or RIGHT-OF-WAY.
 7. Any FLASHING SIGN is prohibited.
 8. Any OFF-PREMISE SIGN is prohibited.
 9. No SIGN is permitted for a WIND ENERGY CONVERSION SYSTEM.
- B. The following requirements apply to a PRINCIPAL USE SIGN:
1. A Projecting or Free Standing SIGN projecting over a pedestrian way shall have a clearance of not less than ten (10) feet above the way or FINISHED GRADE. A Projecting or Free Standing SIGN shall not project over a ROAD. No Projecting or Free Standing SIGN shall project over a DRIVE, INTERNAL DRIVE or PARKING AREA.
 2. A PRINCIPAL USE SIGN on a LOT containing a General, Business or INDUSTRIAL USE listed in Section 4.4 may be Illuminated.
- C. The following requirements apply to an ACCESSORY SIGN:
1. A Portable Sign may be allowed only for a cumulative time period not to exceed four (4) weeks in any consecutive twelve (12) month period. Whenever a fraction of a week is used, that time shall be construed to be one full week
 2. Wherever a Service and Community Promotion SIGN is installed, its SIGN AREA shall not exceed the permitted SIGN AREA for a Free Standing SIGN in the underlying Zoning DISTRICT in which it is located.

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3. A Construction SIGN shall be removed within fifteen (15) days of the completion of construction or the issuance of any CERTIFICATE OF OCCUPANCY or COMPLIANCE, whichever occurs first.
4. A Poster SIGN may be displayed thirty (30) days prior to an event, show or election and shall be removed within seven (7) days after the last day of the event, show or election.
5. Every Directional SIGN shall not project more than six (6) feet above the FINISHED GRADE and shall not be located in such a manner as to violate any provisions of Section 10.10.
6. When computing time restrictions for each TEMPORARY SIGN any fraction of a week used shall be construed to be one full week.

10.7.3 SIGNS permitted in any DISTRICT

No BUILDING PERMIT shall be required for any SIGN listed below provided they are displayed and located as follows:

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet	Location Permitted	Number of SIGNS Permitted	TEMPORARY SIGN Time Restriction
Memorial	12 Sq Ft	On a LOT and installed no higher than eight (8) feet from FINISHED GRADE or in a RIGHT-OF-WAY as permitted by the authority having jurisdiction.	One (1) for any LOT or in the RIGHT-OF-WAY as permitted by the authority having jurisdiction.	Not applicable
Construction	12 Sq Ft	On a LOT and no higher than eight (8) feet above FINISHED GRADE and located in accordance with Sub-Section 10.7.2A6.	One (1) for any single construction site or DEVELOPMENT.	As prescribed in Sub-Section 10.7.2C3
Mandated	As permitted by the authority having jurisdiction.	As prescribed by the authority having jurisdiction.	As permitted by the authority having jurisdiction.	Not Applicable
Service	As permitted by the authority having jurisdiction. See Sub-Section 10.7.2C2.	In a RIGHT-OF-WAY as permitted by the authority having jurisdiction.	As permitted by the authority having jurisdiction.	Not applicable
Civic	12 Sq Ft	In a RIGHT-OF-WAY as permitted by the authority having jurisdiction.	As permitted by the authority having jurisdiction.	Not Applicable
ROADSIDE STAND	16 Sq Ft	On a LOT, not in the ROAD RIGHT-OF-WAY. No higher than eight (8) feet.	One (1)	To be displayed only during the season(s) ROADSIDE STAND is open to the public. To be removed during season(s) when closed.

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10.7.4 SIGNS Requirements by USE and Zoning DISTRICT

10.7.4.1 SIGN requirements for a Residential USE and an Ancillary USE associated with the Residential USE, listed in Section 4.4 and located in a AR & R-1 Zoning DISTRICT are as follows:

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet/ Maximum Height	Location Permitted	Number of SIGNS Permitted	TEMPORARY SIGN Time Restriction
Real Estate	6 Sq Ft & 4 feet in height	On a LOT offered for sale or lease.	One (1)	SIGN shall be removed ten (10) days after the date of closing for the sale of the property.
HOME OCCUPATION	2 Sq Ft	Affixed to a DWELLING UNIT or post and no higher than eight (8) feet above FINISHED GRADE and located in accordance with Sub-Section 10.7.2A6.	One (1)	Not Applicable
COTTAGE INDUSTRY	6 Sq Ft	Same as HOME OCCUPATION	Same as HOME OCCUPATION	Same as HOME OCCUPATION
Residential	2 Sq Ft	Affixed to a DWELLING UNIT or post and no higher than eight (8) feet above FINISHED GRADE and located in accordance with Sub-Section 10.7.2A6.	One (1)	Not applicable
Poster	12 Sq Ft	On a LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 10.7.2C4
Monument	20 Sq Ft	On a LOT in an approved subdivision, park or DEVELOPMENT.	Two (2) but each one (1) of two (2) in a subdivision being on a different LOT therein.	Not Applicable

10.7.4.2 SIGN requirements for a General USE in all Zoning DISTRICTS are as follows:

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet/Maximum height	Location Permitted	Number of SIGNS Permitted *	TEMPORARY SIGN Time Restriction
Real Estate	20 Sq Ft/4 feet in height	On a LOT offered for sale.	One (1)	SIGN shall be removed ten (10) days after the date of closing for the sale of the property.
Poster	12 Sq Ft	On a LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 10.7.2C4
Facade	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 160 Sq Ft of the side.	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE.	Not Applicable
Projecting	12 Sq Ft	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE.	Not Applicable
Freestanding	20 Sq Ft/8 feet in height	On a LOT of the PRINCIPAL USE.	One (1) for each PRINCIPAL USE.	Not Applicable
Directional	6 Sq Ft/4 feet in height	Near a DRIVE entrance and in accordance with Sub-Section 10.7.2A6.	One (1) for each DRIVE.	Not Applicable
Portable	32 Sq Ft/6 feet in height	On a LOT of the PRINCIPAL USE and located in accordance with Sub-Section 10.7.2A6	One (1)	As prescribed in Sub-Section 10.7.2C1.
Community Promotion	32 Sq Ft/8 feet in height	a LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1)	Not Applicable
Awning	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 80 Sq Ft of the side.	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE.	Not Applicable
Window	The lesser of thirty per cent (30%) of each window area or 80 Sq Ft of Aggregate area of all windows of the USE.	On a window in a PRINCIPAL BUILDING.	Not Applicable	Not Applicable

* Maximum aggregate number of all SIGNS shall be two (2) per business or general USE

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10.7.4.3 SIGN requirements for a Business USE, except in a MALL, and an ACCESSORY USE associated with the Business USE, listed in Section 4.4 and located in a NB, GB and PNRD Zoning DISTRICTS are as follows:

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet/maximum height	Location Permitted	Number of SIGNS Permitted *	TEMPORARY SIGN Time Restriction
Real Estate	40 Sq Ft / 8 feet	On a LOT offered for sale or lease.	One (1)	SIGN shall be removed ten (10) days after the date of closing.
Poster	20 Sq Ft	On a LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 10.7.2C4
Facade	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 200 Sq Ft of the side.	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE and one (1) for each ACCESSORY USE.	Not Applicable
Projecting	24 Sq Ft	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE and one (1) for each ACCESSORY USE.	Not Applicable
Freestanding	50 Sq Ft / 8 feet	On a LOT of the PRINCIPAL USE	One (1) for each PRINCIPAL USE and one (1) for each ACCESSORY USE.	Not Applicable
Directional	6 Sq Ft / 4 feet	Near a DRIVE entrance and located in accordance with Sub-Section 10.7.2A6.	One (1) for each approved DRIVE	Not Applicable
Portable	32 Sq Ft / 6 feet	On the LOT of the PRINCIPAL USE and located in accordance with Sub-Section 10.7.2A6.	One (1)	As prescribed in Sub-Section 10.7.2C1
Community Promotion	32 Sq Ft / 8 feet	On a LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1)	Not Applicable
Awning	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 100 Sq Ft of the side.	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE and one (1) for each ACCESSORY USE.	Not Applicable
Window	The lesser of thirty per cent (30%) of each window area or 100 Sq Ft of Aggregate area of all windows of the USE.	On Any window of a PRINCIPAL BUILDING.	Not Applicable	Not Applicable

* Maximum aggregate number of signs shall not exceed three (3) signs per business.

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10.7.4.4 SIGN requirements for a MALL located in a NB, GB, or PNRD Zoning DISTRICT are as follows:

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet/ maximum height	Location Permitted	Number of SIGNS Permitted	TEMPORARY SIGN Time Restriction
Real Estate	40 Sq Ft / 8 feet	On a LOT or BUILDING of a MALL offered for sale or lease.	One (1) for each Block of LOT AREA or FLOOR AREA.	SIGN shall be removed ten (10) days after the date of closing.
Poster	20 Sq Ft	On a MALL LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 10.7.2C4
MALL	100 Sq Ft / 24 feet	On a LOT or BUILDING of a MALL.	One (1)	Not Applicable
Directional	10 Sq Ft / 4 feet	Near a MALL DRIVE entrance and located in accordance with Sub-Section 10.7.2A6.	One (1) for each DRIVE.	Not Applicable
Portable	32 Sq Ft / 6 feet	On a MALL LOT and located in accordance with Sub-Section 10.7.2A6.	One (1)	As prescribed in Sub-Section 10.7.2C1.
Community Promotion	32 Sq Ft / 8 feet	On a MALL LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1)	Not Applicable
Directory	200 Sq Ft / 24 feet	On a MALL LOT.	One (1)	Not Applicable

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10.7.4.5 SIGN requirements for each tenant PRINCIPAL USE and an ACCESSORY USE associated the tenant PRINCIPAL USE, listed in Section 4.4, within a MALL and located in the NB, GB & PNRD Zoning DISTRICT are as follows

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet/ Maximum height	Location Permitted	Number of SIGNS Permitted *	TEMPORARY SIGN Time Restriction
Real Estate	20 Sq Ft / 8 feet	On a MALL BUILDING offered for sale or lease	One (1)	SIGN shall be removed ten (10) days after the date of closing.
Poster	20 Sq Ft	On a MALL LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 10.7.2C4
Facade	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 160 Sq Ft of the side.	On the side of a MALL BUILDING that faces a ROAD or PARKING AREA and which the business has an exterior facade.	One (1) for each PRINCIPAL USE and one (1) for each ACCESSORY USE. **	Not Applicable
Projecting	24 Sq Ft	On the side of a MALL BUILDING that faces a ROAD or PARKING AREA and which the business has an exterior facade.	One (1) for each PRINCIPAL USE.	Not Applicable
Directional	6 Sq Ft / 4 feet	Near a MALL INTERNAL DRIVE entrance and located in accordance with Sub-Section 10.7.2A6.	One (1)	Not Applicable
Portable	32 Sq Ft / 6 feet	On the MALL LOT located in accordance with Sub-Section 10.7.2A6.	One (1)	As prescribed in Sub-Section 10.7.2C1
Awning	The lesser of ten (10) percent of the area of the side of the MALL BUILDING the SIGN is installed on or 100 Sq Ft of the side.	On a facade of a MALL BUILDING that faces a ROAD or PARKING AREA and which the business has an exterior facade.	One (1) for each PRINCIPAL and one (1) for each ACCESSORY USE. **	Not Applicable
Window	The lesser of forty per cent (40%) of each window area or 100 Sq Ft of Aggregate area of all windows of the USE.	On any window of a MALL BUILDING.	Not Applicable	Not Applicable
Sandwich Board	20 Sq Ft	On a MALL LOT.	One (1)	Only during hours the USE is open to the public.

* Maximum aggregate number of signs shall not exceed two (2) signs per business.

** The aggregate SIGN AREA shall be the lesser of fifteen (15) percent of the area of the side of the BUILDING the SIGN is installed on or 350 Sq Ft of the side for all SIGNS on the side of the BUILDING.

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10.7.4.6 SIGN requirements for an INDUSTRIAL USE, except in a MALL, and ACCESSORY USE associated with the Business or INDUSTRIAL USE, as listed in Section 4.4 and located in the AR, NB GB or PNRD Zoning DISTRICT are as follows:

Permitted SIGN from Sub-Section 10.7.1	Maximum SIGN AREA per face in Square Feet / Maximum height	Location Permitted	Number of SIGNS Permitted	TEMPORARY SIGN Time Restriction
Facade	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 200 Sq Ft of the side.	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE and one (1) for each ACCESSORY USE. **	Not Applicable
Free Standing	40 Sq Feet	On the LOT of the PRINCIPAL USE.	One (1) for each PRINCIPAL USE.	Not Applicable
Awning	The lesser of ten (10) percent of the area of the side of the BUILDING the SIGN is installed on or 100 Sq Ft of the side.	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) SIGN for each PRINCIPAL USE and one (1) for each ACCESSORY USE. **	Not applicable
Projecting	24 Sq Ft	On the side of the PRINCIPAL BUILDING that faces a ROAD.	One (1) for each PRINCIPAL USE.	Not applicable
Poster	20 Sq Ft	On a LOT with the authorization of such owner and in accordance with Sub-Section 10.7.2A6.	One (1) for each individual event or show, political candidate or issue and/or election.	As prescribed in Sub-Section 10.7.2C4
Real Estate	20 Sq Ft / 8 feet	On a LOT offered for sale or lease.	One (1)	SIGN shall be removed ten (10) days after the date of closing for the sale of the property.

** The aggregate SIGN AREA shall be the lesser of fifteen (15) percent of the area of the side of the BUILDING the SIGN is installed on or 200 Sq Ft of the side for all SIGNS on the side of the BUILDING.

10.7.5 Aggregate SIGN AREA Requirement

The Aggregate SIGN AREA is the sum of all SIGN AREAS on a LOT except those of SIGNS listed in Sub-Section 10.7.3. At no time are SIGNS to be displayed that will cause an Aggregate SIGN AREA to exceed the limits set forth in 10.7.5.1.

10.7.5.1 Aggregate SIGN AREA Requirements by USE and Zoning DISTRICT

- A. For a Residential USE and an Ancillary USE associated with the Residential USE, listed in Section 4.4 and located in a AR & R-1 Zoning DISTRICT, the maximum Aggregate SIGN AREA, excluding the SIGN AREA of any Monument SIGN, is 12 square feet.
- B. For a General USE and Ancillary USE associated with the General USE, listed in Section 4.4 and located in any Zoning DISTRICT, the maximum Aggregate SIGN AREA is 100 square feet.
- C. For a Business USE, except for a MALL, and an ACCESSORY USE associated with the Business USE, listed in Section 4.4 and located in a NB, GB & PNRD Zoning DISTRICT, the maximum Aggregate SIGN AREA is 250 square feet.

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D. For a Business USE, except for a MALL, and an ACCESSORY USE associated with the Business USE, listed in Section 4.4 and located in the BR Zoning DISTRICT, the maximum Aggregate SIGN AREA is 750 square feet.

E. For a MALL located in the NB, GB & PNRD Zoning DISTRICT, the maximum Aggregate SIGN AREA is 400 square feet.

F. For each tenant PRINCIPAL USE and ACCESSORY USE associated with a tenant PRINCIPAL USE listed in Section 4.4, in a MALL and located in the NB, GB & PNRD Zoning DISTRICT, the maximum Aggregate SIGN AREA is 300 square feet.

G. For a permitted Business or INDUSTRIAL USE and ACCESSORY USE associated with a permitted Business or INDUSTRIAL USE as listed in Section 4.4, located in the AR, GB and NB Zoning DISTRICT, the maximum Aggregate SIGN AREA is 250 square feet.

10.7.6 Removal of Certain SIGNS

Any SIGN now or hereafter existing which relates to a USE no longer conducted on a LOT shall be removed by the owner, agent, or person having the beneficial use of the LOT upon which such SIGN may be found and within sixty (60) days of cessation of the USE except as provided to the contrary elsewhere in this Sub-Section.

10.8 DRIVE, INTERNAL DRIVE and DRIVEWAY Requirements

10.8.1 Intent

It is the intent of this Section to assure that all DEVELOPMENT provides for safe and adequate access to a LOT proposed for DEVELOPMENT. This intent is furthered by requiring that all DEVELOPMENT that proposes to contain a new INTERNAL DRIVE and/or DRIVEWAY be designed to comply with the requirements of a Highway Work Permit for all work conducted in a RIGHT-OF-WAY.

10.8.2 General Requirement

No person, firm or corporation shall construct or locate any driveway entrance or exit into a ROAD in the Town of Catlin without having first met the provisions of this Section.

- A. The APPLICANT shall furnish all materials and bear the costs of all construction, pay the cost of all work done and materials furnished as required to meet the conditions set by the Highway Superintendent and County and State Highway Departments.
- B. No new DRIVEWAY or alteration *or relocation made to an existing DRIVEWAY* shall be made without first securing permission from the Highway Superintendent.
- C. No driveway shall have an average grade that exceeds 10 percent.
- D. The slope driveway of the DRIVE shall not exceed 2% within 25 feet of the intersecting PUBLIC ROAD
- E. No more than two (2) DRIVEWAYS to a single LOT entering on one (1) ROAD shall be permitted.
- F. No drive shall be located within 50 feet of any ROAD intersection.

G. MAXIMUM WIDTH:

1. RESIDENTIAL USE: single entrance or exit shall be not more than 50 feet
2. NON-RESIDENTIAL USE: entrance or exit shall be not more than 30 feet for a one-way, single entrance, or 50 feet for a two-way, double entrance commercial use.
3. The width shall be measured at the right-of-way line.

H. MINIMUM WIDTH:

1. RESIDENTIAL USE: single entrance or exit shall be ten (10) feet if there is no culvert pipe. If there is a culvert pipe, the minimum width for all uses shall be twenty (20) feet.
2. NON-RESIDENTIAL USE: entrance or exit shall be sixteen (16) feet for a one-way, single entrance if there is no culvert pipe, or twenty (20) feet if there is a culvert pipe, or thirty (30) feet for a two-way, double entrance commercial use.

I. No DRIVEWAY shall be approved with a sight distance of less than 150 feet in any direction.

J. The driveway shall be constructed with a suitable crown so as to lessen the erosion effect of surface runoff. In addition, as specified by the appropriate Highway Superintendent, a catch basin at a point near the intersection of the driveway and ROAD may be required. This will prevent surface water and debris from being discharged onto the ROAD.

K. The property owner shall be responsible for the maintenance of the DRIVEWAY, including that portion of the DRIVEWAY that is located within the RIGHT-OF-WAY. This maintenance shall include all drainage structures, pipes, ditches and other appurtenances constructed in connection with the DRIVEWAY

L. All DRIVEWAYS shall be located as to provide:

1. The most favorable grade and alignment conditions for the motorists using the DRIVEWAY and ROAD.
2. No undue interference with the free and safe movement of traffic on the ROAD.
3. Maximum safety and convenience for pedestrians and users of the ROAD RIGHT-OF-WAY.

M. Non-residential DRIVES and DRIVEWAYS may be required to be constructed to meet Town Specifications for a PUBLIC ROAD depending on the type and proposed volume of use.

10.9 FENCE Requirements

10.9.1 General Requirement

Grading of a site for the purpose or raising the elevation of a FENCE contrary to this Section is prohibited, except as shown in an approved SITE PLAN.

10.9.2 A FENCE on a LOT shall comply with the following requirements

A. Height Restrictions

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- 1. AR for AGRICULTURAL USES, the maximum height of ten (10) feet above FINISHED GRADE shall be permitted for a FENCE located in any YARD. A FENCE located in a FRONT YARD, near a RIGHT-OF-WAY, shall be established and maintained in accordance with the provisions of Section 10.10.
 - a. AR and R-1 Zoning DISTRICTS for RESIDENTIAL USES:
 - i. Maximum height of four (4) feet above FINISHED GRADE shall be permitted for a FENCE located in a FRONT YARD. A FENCE located in a FRONT YARD, near a RIGHT-OF-WAY, shall be established and maintained in accordance with the provisions of Section 10.10.
 - ii. Maximum height of seven (7) feet above FINISHED GRADE shall be permitted for a FENCE located in a SIDE or REAR YARD.
 - b. GB, NB and PNRD DISTRICTS:
 - i. The height and location of a FENCE shall be approved in a SITE PLAN.
 - ii. A SITE PLAN is not required for a FENCE located on a LOT containing an existing residential USE listed in Section 4.4 provided that the existing residential USE is continued and the FENCE construction complies with the requirements of this Section.

B. Location:

- 1. A FENCE shall be constructed entirely within the boundaries of a LOT with the posts or supports facing into the property.

10.10 CLEAR VISION ZONE Requirements

10.10.1 Intent

It is the intent of this Section to assure that all DEVELOPMENT provides for safe and adequate access to and from a LOT proposed for DEVELOPMENT. This intent is furthered by requiring that all DEVELOPMENT that proposes to contain a new ROAD, DRIVE, INTERNAL DRIVE or DRIVEWAY be designed to provide a CLEAR VISION ZONE.

10.10.2 Definition

CLEAR VISION ZONE is an open area clear of all visual obstructions from three (3) feet to ten (10) feet above the average finished grade, in a minimum 40 feet radius circle measured from the center of an intersection.

10.10.3 General Requirement

- A. A DEVELOPMENT plan shall show and detail design features for a DRIVE, INTERNAL DRIVE and DRIVEWAY sufficient to document compliance the intent of this Section and *The Standard For Clear Vision Zone in the Town of Catlin*.
- B. A plan for a ROAD, DRIVE, INTERNAL DRIVE or DRIVEWAY prepared by an ENGINEER may be required to fully support design considerations and/or to validate the mitigation of any traffic impacts associated with a DEVELOPMENT.

10.11 STEEP SLOPE Requirements

10.11.1 Intent

The Town of Catlin is characterized by numerous steep slope (15% or greater) areas. Special design treatment for ROADS, building sites, and other development is needed to preserve the natural terrain, trees, scenic views, etc. Development on steep slopes will be permitted subject to the following guidelines:

10.11.2 General Requirements

- A. Development proposals shall be of sufficient detail to show site work (cut and fill), housing site location, erosion and drainage control measures (terraces, sediment basins, diversions, retaining walls, stream channel improvement, etc.) and road location (including cross-sections).
- B. Padding, which is the creation of level building sites, shall be permitted only when it can be clearly demonstrated by exhibits that the final treatment of the site will not reflect an unfavorable environmental impact and/or an unfavorable visual appearance.
- C. Design principles shall include, but not be limited to, the following:
 - 1. Landscaping of areas around structures making them compatible with the natural terrain.
 - 2. Shaping, grouping and placement of man-made structures to complement the natural landscape.
 - 3. Arrangement of buildings so they complement one another to promote visual interest.
 - 4. Shaping of essential grading to complement existing land forms and prohibit any appearance of successive padding, terracing or other similar forms for building sites in the steep slope areas.
 - 5. Development of off-ROAD parking bays.
 - 6. Use of turning circles at mid-block points to avoid the use of private driveways for turning and parking movement.
 - 7. Encouragement of split-level building sites.
 - 8. Use of one-way ROADS when consistent with traffic safety, circulation needs, and natural topography. This guideline allows for smaller road right-of-way, less cut and fill within a given area and a highway network consistent with the natural terrain. Roads shall be parallel with the hillside wherever possible and have variable width right-of-way. This not only provides the most economical routing, but also minimizes the amount of grading required.
 - 9. Land within the hill area that is in excess of 25% slope shall not, to the greatest extent possible, be developed.

10.12 Storm Water Management and Erosion Control Requirements

10.12.1 Drainage Systems. The Town of Catlin has experienced significant storm water damage and flooding associated with storm water runoff. The Town finds it in the best interests of the health, safety and general welfare of all Town residents to require that adequate and comprehensive drainage systems shall be provided to convey the storm water runoff originating from within and outside the proposed development as follows:

- A. Drainage systems shall be designed to have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed upland of the development.
- B. There shall be no net increase in the rate of storm water run-off from a site post-development.
- C. Interior drainage system shall be designed to accommodate a minimum twenty-five (25) year storm.
- D. The design of drainage systems shall be approved by the appropriate Town Officials and the Town Engineer.
- E. Utilizing the drainage guidelines outlined above, the Planning Board may require the developer to submit the following:
 - 1. Plan profiles, and typical and special cross-sections of proposed storm water drainage facilities.
 - 2. Supporting final design data and copies of computations used as a basis for the design capacities and performance of the drainage facilities.
 - 3. A grading plan developed to a two (2) foot contour interval and grading details to indicate proposed ROAD grades and elevations and building site grades and elevations.
 - 4. If the development is within or adjacent to any designated floodplain, a detailed analysis of the area with respect to the management of the floodplain shall be included in the drainage report.
- F. Design criteria for Storm water management in the Town shall be as generally specified in the NYSDEC, "Storm water Management Guidelines for New Development", as may be amended from time-to-time.
- G. All structures shall be set back a minimum of fifty (50) feet from a stream bank.

10.12.2 Erosion Control. In order to insure that the land will be developed with a minimum amount of soil erosion, the Planning Board shall require the developer to follow certain erosion control practices. These practices shall generally be as described in the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March, 1988, or its most recent revisions and shall include the following general practices:

- A. Exposing the smallest practical area of land at any one time during the development.
- B. Provision of temporary vegetation and/or mulching to protect critical areas.
- C. Provision of adequate drainage facilities to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development. The developer's engineer shall show, as part of their submitted plans, the interceptor swales and sedimentation basins along the lower edges of all developments. Topographic data and design grades for the swales shall be shown on the plans.
- D. Fitting of the development plan to the topography and soils so as to minimize the erosion potential.
- E. Retention and protection of natural vegetation wherever possible.
- F. Installation of permanent final vegetation and structures as soon as practicable.

- G. Provision of adequate protective measures when slopes in excess of 15% are graded, and minimizing such steep grading.
- H. Installation and maintenance of temporary sedimentation basins shall be in conformance with the Empire State Chapter Soil & Water Conservation Society, New York Guidelines for Urban Erosion and Sediment Control, March 1988, or its most recent revisions.

10.12.3 Special SITE PLAN Requirement

When an application for BUILDING PERMIT, Highway Work Permit, Variance and/or Special Permit, includes a LOT where, in the determination of the CODE ENFORCEMENT OFFICER, a significant impact associated with storm water management and/or erosion is likely to occur as a result of a DEVELOPMENT the application shall be referred to the Planning Board as a SITE PLAN application under Article 9.

10.13 Recreation Parks, Playgrounds and Open Space Requirements

10.13.1 Intent

Pursuant to Section 277 of the NYS Town Law, an ALTERNATIVE DWELLING PARK, PMRD or MULTI-UNIT DWELLING DEVELOPMENT may be required to provide lands comprising up to ten percent (10%) of the gross site area that are suitable areas for neighborhood parks or playgrounds to be reserved or dedicated to such purposes in conformance with the Town Comprehensive Plan.

10.13.2 General Guidelines:

When such recreation areas are required by the Planning Board, they shall be provided on the basis of at least two (2) acres for every fifty (50) dwellings to be accommodated within the ALTERNATIVE DWELLING PARK, PMRD or MULTI-UNIT DWELLING DEVELOPMENT.

10.13.3 Payment-in-Lieu:

If the Planning Board determines that a suitable park or parks of adequate size can not be properly located in any such plat or that it is otherwise impractical, the Board may require as a condition of approval of such plat a payment to the Town in an amount to be set by the Town Board. Such sum shall be paid to the CODE ENFORCEMENT OFFICER at the time of the issuance of a building permit for new residential construction. Such sums shall be deposited with the Town Clerk and shall be used exclusively to purchase, develop and equip parks, playgrounds and other recreational uses.

10.13.4 Minimum Requirements

- A. All lands proposed for park or recreation purposes shall meet the following minimum standards:
- B. Such land shall either be deeded to the Town or be held in corporate ownership and maintained by an established organization.
- C. Shall have physical characteristics and locations which render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimize hazards and vehicular traffic for children walking.
- D. No such area may be smaller than two (2) acres, and in general, recreation areas shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.

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- E. A detailed development plan shall be provided for each neighborhood park or playground. As a minimum, the development plan shall provide for an approximately level area at least one hundred seventy-five (175) feet square for children's field games.
- F. The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.
- G. All improvements shown on the site development plan shall be made by the APPLICANT as part of the required improvements of the DEVELOPMENT as a whole.

10.13.5 Open Space in all DEVELOPMENT

- A. Areas, on a LOT proposed for a DEVELOPMENT that requires a SITE PLAN in accordance with Section 4.4, that are determined to be of importance to the community based on their environmental setting, scenic view, historical or archeological significance may be set aside and not be developed as a condition of SITE PLAN approval. Such a determination shall depend upon the magnitude and character of the DEVELOPMENT and the potential that the environmental setting, scenic view, historical or archeological site would be irreparably lost if not preserved.
- B. The Planning Board may consider these areas, when reserved for recreation purposes, in lieu of any portion of a park and/or playground required in Sub-Section 10.13.1.
- C. Lands proposed for open space purposes shall be either held in private or corporate ownership and maintained in perpetuity by an established organization or may be deeded to the Town. The ownership of such land shall be determined in consideration of the following:
 - 1. The severity of the constraints and the impact these constraints have on the potential for further DEVELOPMENT of a LOT.
 - 2. The importance of the land area to the Town and the persons using the DEVELOPMENT.
 - 3. The lands scenic quality, potential for wildlife habitat and the potential for protecting adjacent properties from any potential adverse impact that may result from DEVELOPMENT of the area of an open space.
 - 4. The likelihood that residents in the DEVELOPMENT and/or the Town would utilize and/or benefit from the set aside of such land.
- D. When it is determined by the Planning Board that open space is required, a detailed plan shall be provided with a Preliminary SITE PLAN for the open space and at minimum include:
 - 1. A dimensional drawing showing boundaries of the open space.
 - 2. A maintenance plan for the open space area.
 - 3. Either a detailed description of future ownership of the land or a deed offering dedication of such land to the Town.
 - 4. A description of any improvements planned for the land.

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10.14 Utility Requirements

10.14.1 Electric, Telephone and Cable

With the exception of individual service to ONE-UNIT and TWO-UNIT residential DEVELOPMENT, the telephone and television cable, electric and gas lines or similar utility services shall be installed underground unless full documentation supporting other methods as the most feasible approach is provided to and accepted by the Planning Board in an approved SITE PLAN.

10.14.2 Water Supply and Sewage Disposal

The installation of and specifications for public water and sewer lines shall comply with the rules, regulations and requirements of the Town of Catlin Water District, Chemung County Sewer District, Chemung County Health Department, NYS Department of Environmental Conservation and/or NYS Department of Health.

10.15 Damaged and Unsafe BUILDING or STRUCTURE Requirements

10.15.1 General Requirement

- A. The owner of a STRUCTURE or BUILDING that has been damaged by fire, flood or other cause shall notify the CODE ENFORCEMENT OFFICER (CEO) of the damage within 72 hours of when the damage occurred. Any damaged BUILDING or STRUCTURE shall be made safe and secure in accordance with the NYS Uniform Fire Prevention and Building Code.
- B. The use of fire as a method for razing a damaged or unsafe STRUCTURE or BUILDING is prohibited unless specifically authorized by the NYS Department of Environmental Conservation, Chemung County Emergency Management Office, the Fire Chief for the jurisdictional Fire DISTRICT and the Town CODE ENFORCEMENT OFFICER.

10.15.2 Repair, Replacement and/or Razing

- A. The owner of a BUILDING or STRUCTURE which has been damaged by fire, flood or other cause to an extent more than fifty (50%) percent of its replacement value shall comply with the following requirements:
 - 1. Arrange for the damaged BUILDING or STRUCTURE to be evaluated by an ENGINEER and/or the CODE ENFORCEMENT OFFICER.
 - 2. Shall apply for a BUILDING PERMIT for the work recommended by an ENGINEER and/or CEO and which may include repair, reconstruction or razing of the damaged BUILDING or STRUCTURE. The owner shall perform such work within one hundred eighty (180) days of the date of an order to remedy from the CEO.
- B. The owner of a BUILDING or STRUCTURE which has been damaged by fire, flood or other cause to an extent less than fifty (50%) percent of its replacement value shall apply for a BUILDING PERMIT for the work required to either repair, reconstruct or raze the damaged BUILDING or STRUCTURE and perform such work within two hundred seventy (270) days of the date the damage occurred.

10.16 INDUSTRIAL USE Requirements

10.16.1 General Requirements

No INDUSTRIAL USE shall be permitted, established, maintained or conducted which is likely to cause or have:

- A. Fumes, gases, dusts, particulate, odors, or any other atmospheric pollutant beyond the boundaries of the LOT whereon an INDUSTRIAL USE is located.
- B. Excessive smoke or similar atmospheric pollutant beyond the boundaries of a LOT on which the INDUSTRIAL USE is located. Excessive smoke shall be determined according to the *Ringelmann's Scale for Grading the Density of Smoke*, published by the U.S. Bureau of Mines. When the shade or appearance of such smoke is darker than No. 2 on said Ringelmann Smoke Chart, it is then excessive.
- C. Noise levels greater than 55 decibel (db) measured at a boundary of a LOT occupied by an INDUSTRIAL USE.
- D. A discharge of any INDUSTRIAL effluent into any WATERCOURSE, open ditch, or on a land surface unless specifically permitted under the authority of the NYS Department of Environmental Conservation.
- E. A discharge of any INDUSTRIAL effluent into a public sanitary sewer system except in accordance with the rules of and under the control of public health authorities or the public body controlling such sewer system.
- F. Open storage or stocking of any waste materials.
- G. Glare or light levels in excess of the requirements set in Section 10.27.
- H. Vibration perceptible beyond the LOT LINES whereon such INDUSTRIAL USE is conducted.
- I. Any other nuisance, activity or action that may be harmful to a person or property.

10.16.2 BUFFER, BARRIER and Landscape Requirements

- A. BUFFER and BARRIER shall be provided in accordance with Section 10.23.
- B. All portions of the LOT proposed for INDUSTRIAL DEVELOPMENT and not occupied by STRUCTURE, PARKING AREA, DRIVE, INTERNAL DRIVE, pedestrian ways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material in accordance with

10.16.3 Other INDUSTRIAL USE Activity

10.16.3.1 Outdoor Storage

Materials, supplies, or products shall not be stored in a FRONT YARD and such storage located in the SIDE or REAR YARD shall be screened in conformance with Section 10.23.

10.16.3.2 Off-ROAD Loading and Unloading Berths

Off-ROAD loading and unloading berths shall be provided in accordance with Section 10.5 and the following minimum requirements:

- A. An Off-ROAD loading and unloading berth located on or along a DRIVE shall be located a minimum of one hundred (100) feet from a ROAD.

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- B. The handling of all freight shall occur either on those sides of a BUILDING which do not face a ROAD or be suitably landscaped and screened in accordance with Section 10.23.

10.16.3.3 ACCESSORY USE

ACCESSORY USES shall conform to the minimum requirements set forth in Section 10.6 and as prescribed in an approved SITE PLAN.

10.16.4 Design Requirement

- A. A SITE PLAN for an INDUSTRIAL USE shall include design elements that includes sufficient documentation to determines compliance with the requirements of this Section and all other applicable Sections of this Law.

10.16.5 Access

Access to a LOT containing an INDUSTRIAL USE shall:

- B. be designed by an ENGINEER;
- C. be designed not to route traffic directly through a R-1 Zoning DISTRICT on other than a PRIMARY ROAD;
- D. be designed to access a ROAD other than a TOWN ROAD located within a R-1 Zoning DISTRICT; and
- E. have a design based on a Traffic Study that includes provisions for access for all vehicles expected or intended to use the site.

10.17 SOLAR ENERGY SYSTEM and Solar Access Requirements

10.17.1 Plan Requirements

A SITE PLAN for new Residential DEVELOPMENT that includes either one hundred (100) or more acres of site DEVELOPMENT area and/or more than two hundred (200) DWELLING UNITS, shall consider designs to promote the maximum number of BUILDINGS receiving direct sunlight sufficient for using a SOLAR ENERGY SYSTEM. Such SITE PLAN shall include a solar access plan that considers the following:

- A. Solar access shall be protected between the solar azimuths of -45 degrees east of due south and +45 degrees west of due south.
- B. In considering dimensional modifications permitted in Articles 6 and 8, the Planning Board shall consider solar access design.
- C. For solar access, ROADS, LOTS and BUILDING SETBACKS should be designed so that the BUILDINGS are oriented with their long axes running from east to west for SINGLE-UNIT DEVELOPMENT and north to south for MULTI-UNIT DEVELOPMENT.
- D. In order to maximize solar access, the higher DENSITY DWELLING UNITS should be placed on a south-facing slope and lower DENSITY DWELLING UNITS sited on a north-facing slope.
- E. STRUCTURES should be sited as close to the north LOT LINE as possible to increase YARD space to the south for reduced shading of the south face of a STRUCTURE.

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- F. A tall STRUCTURE should be sited to the north of a short STRUCTURE.
- G. A description of any legal mechanisms, such as deed restrictions, covenants, etc., that are to be applied to protect or provide for solar access shall be provided as documentation in a SITE PLAN.

10.18 Wind Energy Conversion Systems (Windmill) Requirements

The intent of this Section is to regulate the placement of and access to wind for an energy conversion system and to protect the health and safety of individuals on adjacent LOTS.

10.18.1 General Requirements

A BUILDING PERMIT is required for the construction of a wind energy conversion system.

10.18.2 Dimensional Requirements

- A. The total height for a vertical axis rotor installation of a wind energy conversion system is the tower height plus one-half (2) the rotor diameter, and for a horizontal rotor installation of a wind energy conversion system is the distance from the base at FINISHED GRADE to the top of the unit.
- B. A wind energy conversion system SETBACK shall be a distance that is the greater of either the total height of the wind energy conversion system or the required SETBACK.
- C. A maximum allowable total height for a wind energy conversion system shall be 80 feet unless otherwise restricted or prohibited by Federal, State or Local Laws, Rules, or Regulations.
- D. Minimum allowable height above FINISHED GRADE at the lowest point of the arc of a rotor blade shall be 15 feet.

10.18.3 Safety Requirements

All wind energy conversion systems shall be designed, installed and maintained in accordance with the following:

- A. The foundation and supports for a wind energy conversion system shall be as designed by an ENGINEER.
- B. At least one SIGN shall be posted at the base of the wind energy conversion system warning of high voltage.
- C. Tower climbing ladders, stairs or similar devices shall be no lower than 12 feet from the ground.
- D. All wind energy conversion systems shall be installed with braking systems approved by the manufacturer.

10.18.4 Sound Control Requirements

The maximum level of sound created by the wind energy conversion system as measured at the LOT line shall be no greater than 55 decibels (db).

10.18.5 Design Requirements

- A. All electric transmission lines serving the installation shall be installed underground.

- B. No wind energy conversion system with guy wire support shall be permitted.

10.19 HOME OCCUPATION Requirements

10.19.1 Restrictions

The following USES shall not be permitted as a HOME OCCUPATION:

- A. a business which has a primary function of wholesale or retail sale of goods or articles on a LOT,
- B. any form of MOTOR VEHICLE REPAIR including vehicle body work,
- C. MOTOR VEHICLE SALES,
- D. any small engine repair,
- E. a VETERINARY HOSPITAL,
- F. a KENNEL,
- G. a BAR and/or RESTAURANT,
- H. COTTAGE INDUSTRY, and
- I. any USE that, under the provisions of the *New York State Uniform Fire Prevention and Building Code* is not permitted based on the type of construction or a USE prohibited based on any other Federal, State or Local Law, Rule or Regulation.

10.19.2 General Requirements

A HOME OCCUPATION USE shall comply with the following minimum requirements:

- A. In a DWELLING UNIT the lesser of either 25% of the total FLOOR AREA or 500 square feet, may be used for or dedicated to the USE.
- B. The USE shall be conducted within the enclosed walls of a DWELLING UNIT.
- C. There shall be no external evidence of such USE except for a SIGN installed in accordance with Section 10.7. No stock, merchandise, packaging, equipment or displays related to the USE shall be visible from outside the DWELLING UNIT.
- D. The DWELLING UNIT in which the USE is located shall not be altered or extended in a manner not customary or typical to a RESIDENTIAL BUILDING to accommodate the USE.
- E. The USE shall not result in or cause vehicular traffic volumes of greater than 4 cars per hour or otherwise create a nuisance to abutting LOTS.
- F. F The USE shall not change the residential character of the adjoining LOTS.
- G. The HOME OCCUPATION shall not be open to patrons or customers for more than ten (10) hours in a 24 hour period.
- H. There shall be documented adequate off-ROAD parking to ensure that patrons or customers will not be parking in the ROAD or RIGHT-OF-WAY.

10.20 COTTAGE INDUSTRY Requirements

10.20.1 Restrictions

The following USES shall not be permitted as a COTTAGE INDUSTRY USE:

- A. a business which has a primary function of wholesale or retail sale of goods or articles on a LOT except as provided in Sub-Section 10.20.2.F,
- B. MOTOR VEHICLE SALES,
- C. a VETERINARY HOSPITAL,
- D. a BAR and/or RESTAURANT,
- E. any USE that, under the provisions of the *New York State Uniform Fire Prevention and Building Code* is not permitted based on the type of construction or a USE prohibited based on any other Federal, State or Local Law, Rule or Regulation.

10.20.2 General Requirements

A COTTAGE INDUSTRY USE may be permitted when an approved SITE PLAN documents compliance with the following minimum requirements:

- A. In a DWELLING UNIT the lesser of 30% of the total FLOOR AREA or 750 square feet is to be used for or dedicated to the USE.
- B. No more than 1,500 square feet of an ACCESSORY STRUCTURE is used for or dedicated to the USE.
- C. The USE is to be conducted within the enclosed walls of the DWELLING UNIT and/or ACCESSORY STRUCTURE.
- D. There is no external evidence of such USE except for a SIGN installed in accordance with Section 10.7. No stock, merchandise, packaging, equipment or displays related to the USE shall be visible from outside the DWELLING UNIT and/or ACCESSORY STRUCTURE from the adjoining LOTS and/or ROADS.
- E. A DWELLING UNIT in which the USE is located is not altered or extended in a manner not customary to or typical of a residential BUILDING in order to accommodate the USE. Construction and/or modification of an ACCESSORY STRUCTURE to accommodate the USE is permitted.
- F. The USE shall not result in or cause vehicular traffic volumes of greater than 6 cars per hour or otherwise create a nuisance to abutting properties.
- G. A maximum of ten percent (10%) of any area devoted to or used for the USE may be for display, and/or wholesale and retail sales.
- H. The USE shall remain compliant with all conditions of SITE PLAN approval.
- I. The COTTAGE INDUSTRY shall not be open to patrons or customers for more than ten (10) hours in a 24 hour period.
- J. There shall be documented adequate off-ROAD parking to ensure that patrons or customers will not be parking in the ROAD or RIGHT-OF-WAY.

10.21 ANTENNA Requirements

10.21.1 Intent

The Town of Catlin is characterized by valleys with significant ridge line views that are for the most part unobstructed. It is the Towns intent to minimize potential visual impacts through a limitation on placement of ANTENNAS on such ridge lines or other locations where ANTENNA location may adversely impact on important visual resources. To the maximum extent possible, an ANTENNA shall be designed and located to reduce visual impacts from surrounding LOTS and ROADS.

10.21.2 General Requirements

- A. No ANTENNA of any kind may be erected in the Town except in conformance with the requirements in this Section and Section 4.4, USE Regulation Table.
- B. Not more than one ANTENNA shall be permitted to be installed on any residential LOT that is less than 15,000 square feet in size.
- C. Each ANTENNA and installation thereof shall conform to applicable provisions of the *NYS Uniform Fire Prevention and Building Code*, National Electric Code and any other applicable Federal, State or Local Law, Rule or Regulation.
- D. ANTENNAS shall be installed to comply with the manufacturers' specifications and shall be secure to prevent falling or collapse.
- E. ANTENNAS must be grounded for protection against a strike by lightning in accordance with the manufacturer's recommendations.
- F. Satellite ANTENNAS that are three (3) feet or less in diameter may be installed without restriction by this Law and shall comply with the manufacturer's recommendations and any other applicable Federal, State or Local Law, Rule or Regulation.

10.21.3 Specific ANTENNA Requirements

10.21.3.1 R-1 Zoning DISTRICT Residential USE

An ANTENNA greater than three (3) feet in diameter installed for a Residential USE listed in Section 4.4 or located in a R-1 Zoning DISTRICT shall comply with the following minimum requirements:

- A. Size and height:
 - 1. An ANTENNA shall not exceed ten (10) feet in diameter.
 - 2. The total height of ground-mounted ANTENNA shall not exceed a height from FINISHED GRADE as set forth in Section 5.1.
 - 3. Roof-mount installations of an ANTENNA shall require a BUILDING PERMIT.
- B. All ground-mounted ANTENNAS shall be located as follows:
 - 1. only to the rear of the FRONT BUILDING LINE on any LOT, and
 - 2. at a minimum set back of five (5) feet from any PRINCIPAL STRUCTURE and/or a LOT LINE as measured from the outermost diameter of the ANTENNA.

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10.21.3.2 Non-Residential USE

An ANTENNA greater than three (3) feet in diameter installed for any non-residential USE listed in Section 4.4 or located in the AR, NB, GB and PNRD Districts shall comply with the following minimum requirements:

- A. Size and height:
 - 1. No ANTENNA shall not exceed thirty (30) feet in diameter.
 - 2. The total height of a ground-mounted ANTENNA shall not exceed the height restrictions as set forth in Section 5.1 for the Zoning DISTRICT within which the ANTENNA is installed.
 - 3. Roof-mount installations of ANTENNAS shall require a BUILDING PERMIT.
- B. All ANTENNAS shall be located as permitted in an approved SITE PLAN.

10.21.4 ANTENNAS as PRINCIPAL STRUCTURE or USE on a LOT

- A. SETBACK:
 - 1. Free-standing ANTENNAS shall be erected no nearer to a LOT LINE than the greater of:
 - a. the required SETBACK as specified in the BULK DENSITY Requirement, Section 5.1, or
 - b. the tower height plus one-half (2) the diameter of a satellite ANTENNA or distance that any other type of ANTENNA is installed above the tower.
 - 2. For an ANTENNA with guy supports, the guy supports shall be installed within all minimum SETBACKS for the DISTRICT within which the LOT is located.
- B. Maximum allowable height is 220 feet unless otherwise prohibited by applicable Federal, State or Local Law, Rule or Regulation

10.21.5 Safety

ANTENNA installations shall conform to the following minimum safety requirements:

- 1. The foundation and supports for the ANTENNA shall either be designed by an ENGINEER, or carry a manufacturer's seal and certification stating that the materials provided for the installation are approved for the size and type of ANTENNA specified.
- 2. At least one SIGN shall be posted at the base of the tower warning of high voltage and/or radiation dangers.
- 3. The area around an ANTENNA including any supports shall be FENCED in accordance with the recommendation of an ENGINEER.
- 4. A tower or ANTENNA climbing apparatus shall be no lower than 12 feet from FINISHED GRADE.
- 5. Any guy supports shall be sleeved, visibly marked or entirely fenced in to a height of eight (8) feet above the FINISHED GRADE to protect against accidental impact by persons and/or animals.

10.21.6 Usable Signal Exceptions

When it can be substantially verified that locating an ANTENNA in conformance with this Section the ANTENNA would be unable to receive a usable signal, when compared to a signal received on a conventional receiver, of a quality equal to that received from a local broadcast facility and/or cable installation, the ANTENNA may be located to the rear of the FRONT BUILDING LINE on the LOT subject to SITE PLAN approval.

10.22 VEHICLE FILLING STATION, VEHICLE REPAIR, VEHICLE SALES and HEAVY EQUIPMENT VEHICLE SALES AND/OR REPAIR, and/or CONTRACTOR'S EQUIPMENT YARD Requirements

10.22.1 Dimensional Requirements

A. Minimum LOT Size:

1. Minimum LOT size for VEHICLE FILLING STATION, VEHICLE REPAIR, VEHICLE SALES and HEAVY EQUIPMENT VEHICLE SALES AND/OR REPAIR, and /or CONTRACTOR'S EQUIPMENT YARD USES shall be the greater of either one (1) acre or the Minimum LOT area requirement prescribed in Section 5.1.
2. In those instances where a VEHICLE FILLING STATION, VEHICLE REPAIR, VEHICLE SALES and HEAVY EQUIPMENT VEHICLE SALES AND/OR REPAIR, and /or CONTRACTOR'S EQUIPMENT YARD USES is proposed as part of a MALL or PLAZA, there shall be dedicated for such USE a Minimum LOT area of one (1) acre.
3. In addition to any required LOT AREA and/or SETBACK, a DEVELOPER may be required to provide any additional space necessary, as determined by an approved SITE PLAN, to mitigate any potential impact on surrounding LOTS or USES.

B. The Minimum LOT WIDTH shall be the greater of two hundred (200) feet or the Minimum LOT WIDTH prescribed in Section 5.1.

C. Fuel dispensing devices shall be located at least 25 feet from any FRONT LOT LINE and 50 feet from any SIDE or REAR LOT LINE. This distance shall be measured from the outer most edge of the fuel island STRUCTURE.

10.22.2 General Requirements

- A. Automobile parts, including tires, frames, hubcaps, and motors, and dismantled or unregistered motor vehicles, are to be stored within a STRUCTURE or otherwise screened from view from any adjoining LOT or ROAD. Accessory products that are offered for sale may be placed outside during normal business hours provided such items are stored or displayed in a rack.
- B. All repair work shall be performed within a BUILDING. Vehicles waiting to be serviced or stored on the LOT shall not be parked or stored in any required YARD. Wrecked vehicles being held for insurance adjustment or other legal purpose shall be stored behind the rear wall of the BUILDING and screened from view from an adjoining LOT or ROAD.
- C. Parking:
 1. No vehicle shall be parked, stored or left standing within twenty- five (25) feet of a ROAD RIGHT-OF-WAY.

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- 2. PARKING AREA requirements shall be as set forth in Section 10.4. Such PARKING AREAS shall not conflict with the traffic pattern to and from any fuel pump. In addition to any required parking, a DEVELOPER may be required to provide any additional PARKING AREAS necessary, by an approved SITE PLAN, to mitigate any potential impact on a surrounding LOT or USE.
- 3. Where PARKING AREAS abut a Residential USE as set forth in Section 4.4 or a Residential Zoning DISTRICT boundary they shall be screened from such USE or DISTRICT and include a BARRIER that shall;
 - a. be composed of densely-planted plant material no less than ten (10) feet in depth, 8 feet in height from FINISHED GRADE,
 - b. include a FENCE,
 - c. be of materials consistent with the character of adjacent residential LOTS,
 - d. be maintained in perpetuity or to a time when the adjoining Residential USE no longer exists.
- D. No vehicles offered for rent or sale shall be placed, stored or parked within twenty-five (25) feet of a ROAD RIGHT-OF-WAY.
- E. All storage and display areas shall be provided with a hard, dust-free surface and shall be adequately drained.
- F. All OUTDOOR LIGHTING shall conform with Section 10.26.
- G. No 24 hour operation USE shall be permitted within two hundred fifty (250) feet of an existing Residential USE and/or Residential DISTRICT boundary.
- H. Fuel, oil and other materials which are environmentally hazardous shall be stored, controlled and disposed of in accordance with the Rules and Regulations of the NYS Department of Environmental Conservation.

10.23 BUFFER, Landscaping and BARRIER Requirements

10.23.1 Intent

The intent of this Section is to provide consideration of those physical and visual elements of a land USE DEVELOPMENT and to require treatment of the land with plant material and/or man-made features. Such plant materials and/or man-made features are to be arranged to enhance the appearance, to screen or effectively separate different types of land USES, and to eliminate or minimize impacts on adjoining USES if required for the USE as specified in a SITE PLAN approval process.

10.23.2 BUFFER and Landscaping Techniques

For compliance with this Section the area of a BUFFER and other areas to have landscape treatment shall be determined by an approved SITE PLAN. The following types of treatment and combinations thereof, may be considered:

- A. a visual setting, including natural ground-cover and/or other plant materials, specifically designed to stabilize a land form and provide a foreground setting consistent with natural surroundings,

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- B. a BARRIER including earth mounding, berm and screening designed to separate, obscure or soften the impacts associated with an incompatible USE; and
- C. a physical separation, including a combination of space, plant and man-made materials or features, designed to separate different land USES.

10.23.3 BUFFER Requirements

Where a LOT is proposed to contain a USE listed in the USE categories set forth in Section 4.4 and abuts a LOT containing an existing or approved USE, a minimum BUFFER shall be provided, for the proposed USE, as follows:

USE Category	Existing or approved Residential USE	Existing or approved General USE	Existing or approved Business USE	Existing or approved INDUSTRIAL USE
Proposed Residential USE	1	2	3	4
Proposed General USE	2	1	2	3
Proposed Business USE	3	2	1	2
Proposed INDUSTRIAL USE	4	3	2	1

1. The BUFFER shall be the Minimum Yard Requirements (SETBACKS) for the proposed use as prescribed in Section 5.1.
2. The BUFFER shall be the Minimum Yard Requirements (SETBACKS) for the proposed use as prescribed in Section 5.1 plus fifteen (15) feet and such BUFFER shall be landscaped in accordance with Sub-Section 10.23.4.
3. The BUFFER shall be the Minimum Yard Requirements (SETBACKS) for the proposed use as prescribed in Section 5.1 plus twenty five (25) feet and such BUFFER shall be landscaped in accordance with Sub-Section 10.23.4.
4. The BUFFER shall be the Minimum Yard Requirements (SETBACKS) for the proposed use as prescribed in Section 5.1 plus seventy five (75) feet and such BUFFER shall be landscaped in accordance with Sub-Section 10.23.4.

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10.23.4 Landscaping Requirements

Where a BUFFER is required by Sub-Section 10.23.2, the BUFFER shall be provided in compliance with Section 10.10 and such area shall be landscaped as follows:

USE Category	Existing or approved Residential USE	Existing or approved General USE	Existing or approved Business USE	Existing or approved INDUSTRIAL USE
Proposed Residential USE	1	2	3	4
Proposed General USE	2	1	2	3
Proposed Business USE	3	2	1	2
Proposed INDUSTRIAL USE	4	3	2	1

1. BUFFERS may be landscaped with vegetation, tree or shrubbery of choice.
2. Planting shall include hedges, shrubbery and/or under story trees that at maturity will be a minimum of 6 feet in height and 1 foot in width.
3. Planting shall include hedges, shrubbery and/or under story trees that at maturity will be a minimum of 8 feet in height and 2 feet in width.
4. Planting shall include hedges, shrubbery canopy and under story trees that at maturity will be a minimum of 10 feet in height and 4 feet in width.

10.23.5 BARRIER Requirements

Where a LOT is proposed to contain a USE listed in the USE categories set forth in Section 4.4, and abuts a LOT containing an existing or approved USE, a BARRIER meeting the following minimum requirements shall be provided for the proposed USE:

USE Category	Existing or approved Residential USE	Existing or approved General USE	Existing or approved Business USE	Existing or approved INDUSTRIAL USE
Proposed Residential USE	NA	1	2	3
Proposed General USE	1	NA	1	3
Proposed Business USE	2	2	NA	1
Proposed INDUSTRIAL USE	3	3	1	NA

1. The BARRIER shall comply with the requirements of Section 10.10 and shall provide protection against associated impacts associated with a DEVELOPMENT to minimum a height above FINISHED GRADE of 5 Feet.
2. The BARRIER shall comply with the requirements of Section 10.10 and shall provide protection against associated impacts associated with a DEVELOPMENT to minimum a height above FINISHED GRADE of 8 Feet.
3. The BARRIER shall comply with the requirements of Section 10.10 and shall provide protection against associated impacts associated with a DEVELOPMENT to minimum a height above FINISHED GRADE of 10 Feet.

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10.23.6 General Requirements for BUFFER, Landscaping and BARRIER

- A. A BUFFER, Landscaping or BARRIER required by this Law, as a condition of SITE PLAN approval and /or as a mitigation for impacts associated with a DEVELOPMENT shall comply with the following minimum requirements:
- B. A BUFFER, Landscaping or BARRIER shall be installed by DEVELOPER in accordance with a drawing included in an approved SITE PLAN.
- C. A BUFFER, Landscaping or BARRIER required to mitigate an impact associated with a DEVELOPMENT may be required to be designed by a Professional.
- D. A BUFFER, Landscaping or BARRIER shall be designed to provided the degree of continuous protection to a LOT commensurate with the anticipated adverse impact associated with a DEVELOPMENT.
- E. The requirements of Section 10.10 shall be considered in the design of any BUFFER, Landscaping or BARRIER.
- F. A BUFFER, Landscaping or BARRIER shall be maintained in perpetuity by the DEVELOPER or his successor.
- G. A variety of plants may be substituted for plantings required under this Section as the BUFFER, Landscaping or BARRIER is maintained. However the performance of the substitute vegetation shall be equal to that of those approved in any SITE PLAN and as follows:
 - 1. In a BUFFER, evergreen canopy or evergreen under story trees may be substituted for deciduous canopy trees without limitations.
 - 2. In a BUFFER, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- H. All disturbed soil areas of the site shall be replanted or re-seeded in an appropriate fashion.

10.24 FAST FOOD RESTAURANT Requirements

10.24.1 Intent

A FAST FOOD RESTAURANT USE has operational characteristics that may include a significantly higher number of customers per day than those of a surrounding USES. This USE is likely to also have an ACCESSORY DRIVE THOUGH USE. These characteristics have the potential for creating serious traffic conflicts, hazards to pedestrians and congestion. It is the intent of this Section is to provide reasonable controls to avoid, to the greatest extent possible the consequences of this congestion and traffic hazard.

10.24.2 Minimum LOT Size:

- A. Minimum LOT size for all USES shall be as defined in the BULK DENSITY Requirement, Section 5.1 of this Law.
- B. In those instances where a USE regulated herein is proposed as part of a MALL, there shall be dedicated for such USE a separate and independent area of the LOT equal to 20,000 square feet.
- C. C To mitigate impacts on adjoining LOTS and/or ROAD infrastructure, additional LOT AREA, SETBACKS and/or RIGHT -OF-WAY reserve strips may be required in an approved SITE PLAN.

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10.24.3 Access and Parking

- A. Access may be required to be designed by an ENGINEER and in accordance with Sections 10.8 and 10.10.
- B. Parking:
 - 1. The number of parking spaces shall be as specified in Section 10.4.
 - 2. PARKING AREAS or PARKING LOTS shall be designed to provide for pedestrian safety, to the greatest extent possible, pedestrian access to the PRINCIPAL STRUCTURE shall not cross primary circulation lanes.

10.24.4 BUFFER, Landscaping and BARRIER Requirements

- A. BUFFERS, Landscaping and BARRIERS shall be provided in accordance with Section 10.23.
- B. Additional BARRIER shall be provided for areas used for parking, dumpsters, utilities, and ACCESSORY STRUCTURES from an adjoining ROAD or LOT.

10.25 DRIVE-THROUGH USE Requirements

10.25.1 Intent

A DRIVE THROUGH USE has many points of traffic conflict and the potential for creating congestion on ROADS, DRIVES and INTERNAL DRIVES. This Section prescribes requirements to ameliorate such congestion and traffic conflicts.

10.25.2 General Vehicular Traffic Requirements

- A. A PRINCIPAL or ACCESSORY USE which contains a DRIVE THROUGH USE shall provide a DRIVE or INTERNAL DRIVE dedicated to the DRIVE THROUGH USE and which complies with the requirements of Sections 10.8 and 10.10 as well as the following minimum requirements:
 - 1. A DRIVE or INTERNAL DRIVE for a DRIVE THROUGH USE shall be distinctly marked and shall be separate from other internal traffic circulation DRIVE lanes and pedestrian ways.
 - 2. DRIVE or INTERNAL DRIVE for a DRIVE THROUGH USE shall not cross any principal pedestrian access to the PRINCIPAL BUILDING.
- B. All USES shall maintain a minimum distance in the drive-through lane of 40 feet from the service window to a public RIGHT-OF-WAY or any other DRIVE or INTERNAL DRIVE.
- C. Escape lanes to accommodate vehicles that chose not to remain in the drive-through lane queuing may be required.

10.25.2.1 Vehicular Traffic Stacking or Queuing Requirements

A DRIVE THROUGH USE, for the following specific PRINCIPAL or ACCESSORY USES shall provide the following minimum vehicular traffic queuing or stacking distances:

- A. For a FAST FOOD RESTAURANT the minimum distance shall be 140 feet between start of lane to service window, 80 feet from start of lane to order station and 60 feet from order station to service window.

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- B. For a bank and other business not using order stations the minimum distance shall be 60 feet from start of lane to service window.

10.25.2.2 Multiple Drive-through Vehicular Traffic Lanes

The Planning Board may allow lesser distances than those specified in Sub-Section 10.25.2.1 for businesses with multiple drive-through lanes when substantial documentation supporting such reduction is provided in an approve SITE PLAN.

10.26 ADULT USE Requirements

10.26.1 Intent

This Section recognizes that ADULT USES, by their very nature, have serious objectionable operational characteristics and deleterious effects on adjacent neighborhoods and businesses. The objectionable characteristics of these USES are heightened by their concentration and by being located inappropriately in proximity to residential neighborhoods, schools, parks, and other areas frequently used by the Town's youth. The special purpose of this Section is to regulate, the creation, opening, commencement and/or operation of any ADULT USE, as herein defined, in order to achieve the following:

- A. To preserve the character and the quality of life in the neighborhoods and business areas of the Town.
- B. To control such documented harmful and adverse secondary effects of the ADULT USES on the surrounding areas which include decreased property values, attraction of transients, parking and traffic problems, increased crime, loss of business for surrounding businesses, and deterioration of neighborhoods.
- C. To keep such USES out of areas where youth routinely assemble.
- D. To maintain the general welfare and safety for the Town's residents.

10.26.2 ADULT USES

An ADULT USE includes, but is not limited to, the following:

- A. A . A business or establishment, or any part thereof, which excludes persons under eighteen (18) years of age and which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portions of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental and/or display of the following:
 - 1. books, magazines, periodicals or other printed materials, photographs, films, motion pictures, video cassettes or video reproductions, digital reproductions, slides, compact disks, computer software, or other visual representations which depict or display human sexual activity or human sexual anatomical areas, or
 - 2. instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sexual gratification.

A business or establishment has a significant or substantial portion of its USE in ADULT USES when twenty percent (20%) or more of its stock-in-trade is devoted to ADULT USES, or it derives twenty percent (20%) or more of its revenues from ADULT USES or it devotes twenty percent (20%) or more of its interior display or advertising to the sale, rental and/or display of ADULT USES.

- B. A nightclub, bar, non-alcoholic or A juice bar, restaurant or similar establishment which excludes persons under eighteen (18) years of age and which features:

- 1. persons who appear nude or in a state of semi-nudity, or
- 2. live performances which are characterized by the display or exposure of human genitalia, buttocks or breasts, or
- 3. films, motion picture, video cassettes or video reproductions, digital reproductions, slides, compact disks, computer software, or other visual representations which depict or display human sexual activity or human sexual anatomical areas.

C. A HOTEL, MOTEL or similar establishment which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic or digital reproductions which are characterized by the depiction or description of sexual activities or contact with sexual anatomical areas of human beings AND has a SIGN visible from the public RIGHT OF WAY which advertises the availability of this adult type of photographic reproductions; or offers sleeping rooms for rent on a regular basis for a period of time which is less than ten (10) hours.

10.26.3 SPECIAL PERMIT: An ADULT USE shall require the issuance of a SPECIAL PERMIT by the Town Board. The Town Board shall apply the following requirements to all ADULT USES, and an ADULT USE shall only be permitted when it meets these requirements:

- A. Located in a GB ZONING DISTRICT.
- B. Spaced at least one thousand (1000) feet from another ADULT USE.
- C. Spaced not less than five hundred (500) feet from the boundary of any R-1 or AR ZONING DISTRICT.
- D. Spaced not less than five hundred (500) feet from any of the following:
 - 1. SCHOOL;
 - 2. PLACE OF WORSHIP;
 - 3. park or playground;
 - 4. school bus stop; or
 - 5. existing Residential DWELLING-UNIT.
- E. Not conducted in any manner that permits the observation of the ADULT USE or a picture or representation of the ADULT USE from any ROAD, DRIVE, INTERNAL DRIVE, DRIVEWAY and/or pedestrian way or from any adjoining LOT.
- F. Complies with all other applicable provisions of this and other applicable Laws.

10.27 Outdoor Lighting Requirements

10.27.1 Intent

It is the intent of this Section to require that outdoor lighting conserves energy, provide security and utility, not be permitted to spill off of the LOT, and not adversely impact the night-time environment. Proposed outdoor lighting plans shall to the maximum degree possible show that they do not adversely impact the rural character of the community or cause excessive glare to traffic or pedestrians.

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10.27.2 General Requirement

- A. A DEVELOPMENT plan shall show and detail design features for outdoor lighting sufficient to document compliance the intent of this Section.
- B. A plan for Outdoor lighting prepared by an ENGINEER may be required to fully support design considerations and/or to validate the mitigation of any lighting impacts associated with a DEVELOPMENT.

10.27.3 Special SITE PLAN Requirement

When an application for BUILDING PERMIT or Variance includes a LOT where, in the determination of the CODE ENFORCEMENT OFFICER, a significant impact associated with outdoor lighting is likely to occur as a result of a DEVELOPMENT the application shall be referred to the Planning Board as a SITE PLAN application under Article 9.

10.27.4 Restrictions

Except for in an approved SITE PLAN the following types of lighting are prohibited as outdoor lighting:

- A. Any light source created by a Laser or any similar high intensity light is prohibited for outdoor lighting.
- B. Searchlights.

10.28 Outdoor Recreational USE Requirements

10.28.1 The intent of this Section is to control and regulate the impacts associated with an Outdoor Recreational USE to assure minimum adverse impact on surrounding USES. Outdoor Recreational USE includes: a golf course; a football, polo, soccer, baseball or softball field; a tennis court; a race track; any outdoor show area; and any similar USE.

10.28.2 General requirements

- A. Outdoor lighting shall comply with Sub-Section 10.27.
- B. An Outdoor Recreational USE located within five hundred (500) feet of a LOT LINE for any existing Residential USE shall schedule all events to end prior to 11:00 p.m.
- C. The use of an outdoor Public Address System shall comply with Section 10.29.
- D. where an Outdoor Recreational USE abuts an existing Residential USE and is designed or intended to be operated or open for business anytime after 9:00 PM, a BUFFER, in accordance with Section 10.23, equal to the requirements for an INDUSTRIAL USE shall be provided on the LOT of the Outdoor Recreational USE.

10.28.3 Sanitary Requirements

- A. An Outdoor Recreational USE shall provide for adequate and safe public rest room and or toilet facilities in accordance with the requirements of the NYS Department of Health and the *NYS Uniform Fire Prevention and Building Code*.
- B. When TEMPORARY and/or portable restrooms are to be used to comply with this Sub-Section, no less than four (4) shall be provided.

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10.29 Sound Control Requirements

10.29.1 Intent

This Section is intended to establish sound level requirements sufficient to permit the enjoyment and use of adjoining LOTS without the adverse impacts associated with unnecessary or unusually high levels of sound. The sound levels requirements established in this Section are considered to be minimum requirements and more restrictive requirements may be imposed to mitigate any measurable adverse sound impact associated with a DEVELOPMENT.

10.29.2 General Requirements

- A. Unless specifically authorized in an approved SITE PLAN a USE on a LOT shall not produce a sound level that exceeds a daily average of 55 Decibels and 70 Decibels (db) over any twenty minute period from 8:00 am to 10:00 PM and of 55 Decibels (db) at all other times and measured at a LOT LINE of the LOT.
- B. A sound level deemed by a Public Health authority to be a danger to the public at large in the vicinity of a USE creating such sound shall be prohibited.
- C. All construction equipment in use on a construction site shall be equipped with mufflers and used in such a manner as to control the creation of excessive noise.
- D. An outdoor sound system located in an R-1 Zoning DISTRICT or in another Zoning DISTRICT within 1000 feet of a R-1 Zoning DISTRICT boundary shall not be operated at any time after 11:00 PM or earlier than 8:00 AM Local time.

10.29.3 Exceptions

- A. Sound levels of construction activities for a DEVELOPMENT pursuant to an approved SITE PLAN or BUILDING PERMIT may exceed the limits established in Sub-Section 10.29.2A provided such sound does not occur in any of the following circumstances:
 - 1. after 10:00 PM,
 - 2. after construction activity has been completed,
 - 3. after a CERTIFICATE OF COMPLIANCE or Occupancy for the DEVELOPMENT has been issued, or
 - 4. in violation of Sub-Section 10.29.2.B.
- B. Specific sound levels in excess of the requirements of Sub-Section 10.29.2 may be approved in a SITE PLAN.
- C. A Governmental USE is not restricted by the requirements of this Section.

10.30 ALTERNATIVE DWELLING PARK Requirements

Any existing Trailer or Mobile Home park, previously approved under the provisions of an applicable Local Law or Ordinance that is repealed in Article 17, is, for the purposes of this Law, defined as an ALTERNATIVE DWELLING PARK.

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10.30.1 Intent

The intent of this Section is to ensure that those residents of the Town who may reside in an ALTERNATIVE DWELLING PARK are provided with a safe and secure environment in which to live. The creation of reasonable BULK and DENSITY, traffic control, fire protection and utility requirements will provide a degree of protection of health, safety and welfare for these residents equal to that of any other style of residential living. These requirements are also provided to protect existing USES that may adjoin a proposed ALTERNATIVE DWELLING PARK from significant adverse impacts associated with the development of an ALTERNATIVE DWELLING PARK.

10.30.2 Special SITE PLAN Requirement

Any extension or significant modification of or change to the layout, BULK, Density, Utilities, DRIVES, INTERNAL DRIVES or ROADS for an existing ALTERNATIVE DWELLING PARK shall require a SITE PLAN Amendment in accordance with Article 9 and the provisions of this Section.

10.30.3 DENSITY Requirements for a LOT Containing an ALTERNATIVE DWELLING PARK

- A. Minimum LOT AREA for an ALTERNATIVE DWELLING PARK is ten (10) acres.
- B. LOT COVERAGE shall be calculated using the total usable acreage for the entire LOT proposed to contain an ALTERNATIVE DWELLING PARK.
- C. The total LOT COVERAGE shall not exceed forty percent (40%).

10.30.4 Minimum DWELLING UNIT density Requirements

- A. The Planning Board shall determine in a SITE PLAN if the DWELLING UNIT DENSITY and placement on a LOT is appropriate in consideration of natural land features, potential for environmental impact, traffic and pedestrian movements and consistency with the Town Comprehensive Plan.
- B. The gross DWELLING UNIT DENSITY shall be calculated using the total usable acreage and shall in no instance exceed five (5) DWELLING UNITS for any acre, or maximum of 150 DWELLING UNITS.

10.30.5 Access Requirements

- A. A SITE PLAN for an ALTERNATIVE DWELLING PARK shall include provisions for compliance with the following minimum access requirements:
- B. A minimum of two (2) vehicular DRIVES shall be provided to an ALTERNATIVE DWELLING PARK.
- C. The DRIVES may originate from any ROAD except a PRIVATE or PRIMARY ROAD.
- D. The intersection of one DRIVE with a ROAD shall be separated a minimum distance of five hundred (500) feet from any other DRIVE servicing the LOT.
- E. Each DRIVE shall either directly align with an opposing DRIVE, or shall be off-set at a minimum distance as established by a Traffic Study.
- F. Each DRIVE shall be located a minimum distance of five hundred (50) feet from any intersection of ROADS.

10.30.6 Vehicular and Pedestrian Circulation Requirements

- A. A SITE PLAN application for an ALTERNATIVE DWELLING PARK shall document that there are adequate and safe provisions for internal vehicular and pedestrian traffic movements. A traffic study may be required as the basis of design for the site access and internal ROAD and pedestrian access/circulation. The documentation in the SITE PLAN application shall, as a minimum, provide for:
1. proper pavement width for emergency vehicles,
 2. safe pedestrian passage along and across DRIVES, INTERNAL DRIVES and DRIVEWAYS,
 3. adequate storage space for snow removal, and,
 4. the parking of vehicles on other than ROADS, DRIVES and INTERNAL DRIVES.
 5. The documentation associated with internal vehicular movements, parking and pedestrian circulation in an ALTERNATIVE DWELLING PARK shall include as a minimum the following details:
- B. DRIVE, INTERNAL DRIVE, DRIVEWAY and/or ROAD construction drawings in compliance with Sections 10.3, 10.8 and 10.10 including details such as alignment, width, profile, construction cross section, wear surface specification, drainage and traffic control device or SIGNS and pavement marking.
1. PARKING AREA construction drawing including surface design and markings.
 2. Plans for emergency vehicle, public transportation and school bus access
 3. Pedestrian access design including sidewalks, walkways, cross walks, SIGNS, and pavement marking with details for access to any public or common area including school bus or public transportation stop, parks and/or recreational STRUCTURE.
 4. A design for the access of US Postal delivery of mail and the access for tenants to receive or pick up their individual mail.
 5. A DRIVE and/or INTERNAL DRIVE maintenance plan having provisions for maintaining the DRIVE surface, snow removal and storage, continuous access for all emergency vehicles and parking control.

10.30.7 Dead End ROAD, DRIVE and/or INTERNAL DRIVE Requirements

- A. A ROAD or DRIVE located on a LOT containing an ALTERNATIVE DWELLING PARK and providing access to an individual DWELLING UNIT LOT within the ALTERNATIVE DWELLING PARK shall be continuous and without end.
- B. An INTERNAL DRIVE located on a LOT containing an ALTERNATIVE DWELLING PARK and that exceeds five hundred (500) feet in length or provides access to more than five (5) DWELLING UNITS shall be continuous and have two separate and distinct connections with a DRIVE.
- C. An INTERNAL DRIVE located on a LOT containing an ALTERNATIVE DWELLING PARK and that is over one hundred and fifty (150) feet in length or provides access to more than three (3) DWELLING UNITS shall be provided with a turn-around suitable for the expected vehicular traffic including emergency vehicles.

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10.30.8 BUFFER, Landscape and BARRIER Requirements

- A. A LOT containing an ALTERNATIVE DWELLING PARK may be required to have and maintain BUFFERS, landscaping and BARRIERS along perimeter of the LOT that complies with the same requirements as those for a Business USE set in Section 10.23.
- B. A LOT containing an individual DWELLING UNIT within an ALTERNATIVE DWELLING PARK may be required to have and maintain BUFFERS, landscaping and BARRIERS along perimeter of the LOT that complies with the same requirements as those for a Residential USE set in Section 10.23.
- C. The Planning Board may, in an approved SITE PLAN, require greater BUFFER, Landscape and BARRIER requirements to mitigate those impacts associated with an ALTERNATIVE DWELLING PARK DEVELOPMENT on an adjoining LOT.

10.30.9 Fire Protection Equipment and Design

- A. An ALTERNATIVE DWELLING PARK DEVELOPMENT SITE PLAN shall include design provisions for firefighting. These provisions include:
 - 1. firefighting vehicle access,
 - 2. BUILDING spacing and SETBACKS,
 - 3. fire hydrant location and fire hose dimension,
 - 4. emergency shut off of utilities,
 - 5. the local Fire Departments equipment and manpower limitations,
 - 6. fire lane location, and
 - 7. response time.
- B. A SITE PLAN application shall include a detailed plan for all Fire Protection equipment to be provided in the ALTERNATIVE DWELLING PARK DEVELOPMENT. This plan shall be prepared by an ENGINEER and the equipment shall be designed, constructed, installed and maintained in accordance with all applicable standards including the *National Fire Protection Association* and the applicable provisions of the *NYS Uniform Fire Prevention and Building Code*.
- C. Prior to approval of any Preliminary Plan the Planning Board shall receive from the APPLICANT a written response to a review for the plan prescribed in 10.30.9B by the Fire Department having jurisdiction for the LOT proposed for an ALTERNATIVE DWELLING PARK DEVELOPMENT.

10.30.10 Solid Waste Storage and Removal Requirement

An approved SITE PLAN for an ALTERNATIVE DWELLING PARK shall include adequate provisions for the storage and removal of solid waste in accordance with the New York State Fire Prevention and Building Code, New York State Environmental Conservation Law and the Laws of the County of Chemung. Each SITE PLAN application shall include the following:

- A. A provision for either curb side pick-up, or central dumpster location within the ALTERNATIVE DWELLING PARK.
- B. The APPLICANT shall include in a maintenance plan a procedure and responsibility for the policing of the area used for solid waste collection, which shall include provisions for cleaning up any solid waste improperly disposed of or otherwise scattered on the property.

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10.30.11 Recreation Parks, Playgrounds and Open Space in an ALTERNATIVE DWELLING PARK

- A. An ALTERNATIVE DWELLING PARK SITE PLAN shall include provisions for recreation parks, playgrounds and open space in accordance with Section 10.13.
- B. The Planning Board may consider certain ancillary recreational facilities in lieu of the recreation parks, playgrounds and open space. Such facilities shall be specifically approved by the Planning Board and shall be deemed to be and shall function as ACCESSORY STRUCTURES and/or USES and as such comply with Section 10.6. These recreational facilities shall be compatible with the residential character of the DEVELOPMENT and may include a:
 - 1. community room or lounge,
 - 2. game or recreation room,
 - 3. exercise or multipurpose room,
 - 4. sauna/spa, whirlpool,
 - 5. swimming pool,
 - 6. indoor playground, and/or
 - 7. DAY CARE CENTER.

10.30.12 Facility Maintenance Requirements

- A. An ALTERNATIVE DWELLING PARK approved in a SITE PLAN shall be subject to periodic inspection by the CODE ENFORCEMENT OFFICER to document compliance with this Law, the conditions of SITE PLAN APPROVAL, and the applicable provisions of the *NYS Uniform Fire Prevention and Building Code*.
- B. An ALTERNATIVE DWELLING PARK approved in a SITE PLAN shall be maintained in perpetuity, by the DEVELOPER or any successors thereto, in such condition as intended by the approved SITE PLAN and in accordance with the provisions of such approval and any condition thereof.
- C. It shall be a violation of this Law to maintain an ALTERNATIVE DWELLING PARK in non-compliance with this Sub-Section.

10.30.13 Sales or Model DWELLING UNIT Requirements

- A. On a LOT containing an ALTERNATIVE DWELLING PARK:
 - 1. the commercial sales of DWELLING UNITS shall not be permitted as another PRINCIPAL USE or as an ACCESSORY USE, however;
 - 2. as shown and permitted in an approved SITE PLAN, up to three (3) Model DWELLING UNITS may be setup and displayed on individual DWELLING UNIT sites.
- B. When the provision of 10.30.13A1 are permitted, such Model DWELLING UNITS shall be included in any BULK and DENSITY calculation.

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10.30.14 ACCESSORY BUILDING and USE Requirements

Except for an ACCESSORY BUILDING and/or USE associated with an individual DWELLING UNIT as specified in Sub-Section 10.30.16.2, an ACCESSORY BUILDING and/or USE shall comply with the requirements specified in Section 6.2 for a Residential USE in an AR Zoning DISTRICT.

10.30.15 Utility Requirements

An approved SITE PLAN shall include the design and construction specifications for all utilities, including electric, telephone, gas or other fuel source, water, sewer, and television, required to service the ALTERNATIVE DWELLING PARK and each individual DWELLING sites. Such plans shall comply with the provisions of Section 10.14.

10.30.16 Individual DWELLING UNIT Site Requirements

10.30.16.1 DENSITY Requirements:

- A. Minimum LOT Size: 8,000 square feet
- B. Minimum LOT WIDTH: 50 feet
- C. Maximum LOT COVERAGE: 40%
- D. Minimum SETBACK Requirements
 - 1. FRONT YARD from an INTERNAL DRIVE: 25 feet
 - 2. SIDE YARD: 10 feet
 - 3. REAR YARD: 25 feet

10.30.16.2 ACCESSORY BUILDING and USE Requirements:

- A. Except as otherwise specified in this Sub-Section an ACCESSORY BUILDING and USE shall comply with the requirements of Section 10.6.
- B. An ACCESSORY BUILDING or USE located on an individual DWELLING UNIT LOT in an ALTERNATIVE DWELLING PARK shall:
 - 1. not require a SITE PLAN amendment pursuant to Sub-Section 10.6.2B, and
 - 2. in lieu of Sub-Section 10.6.2.3.1 an ACCESSORY BUILDING, may be SETBACK from a SIDE and REAR LOT LINE of an individual DWELLING UNIT Site a minimum distances of 5 feet.

10.30.16.3 Individual DWELLING UNIT Site Access

An individual DWELLING UNIT site shall be provided with DRIVEWAY access from DRIVE or INTERNAL DRIVE and such DRIVEWAY shall comply with the applicable provisions of Section 10.8.

10.30.16.4 DWELLING UNIT Installation Requirements

- A. Each individual DWELLING UNIT site, pad or foundation shall comply with the applicable provisions of and the generally accepted standards prescribed in the *NYS Uniform Fire Prevention and Building Code* for the construction of sites and the installation of DWELLING UNITS.

- B. Each DWELLING UNIT shall meet the appropriate requirements for construction as prescribed in the *NYS Uniform Fire Prevention and Building Code*.
- C. A SITE PLAN for an ALTERNATIVE DWELLING PARK must include certification by an ENGINEER that the project is compliant with the *NYS Uniform Fire Prevention and Building Code* specifically Sub-chapter B and/or D.
- D. In addition to the all other requirements of this Sub-Section each individual DWELLING UNIT and/or site shall meet the following minimum requirements:
 - 1. The site shall be properly drained and compacted to support the weight imposed on the ground by the installed DWELLING UNIT.
 - 2. Each DWELLING UNIT shall be stabilized either in accordance with the manufacturer's specification, the standards referenced in this Sub-Section, or an engineering design completed by an ENGINEER specific to the DWELLING UNIT and/or site.
 - 3. Anchors and/or roll over protection, as provided for in the manufacturer's specification, the standards referenced in this Sub-Section or an engineering design completed by an ENGINEER specific to the DWELLING UNIT shall be provided for each DWELLING UNIT installed.

10.30.17 Modification of an Existing or Approved ALTERNATIVE DWELLING PARK

10.30.17.1 SITE PLAN Requirement

- A. Other than as permitted in a previously approved SITE PLAN, a SITE PLAN or amendment thereto pursuant to Article 9 shall be required for the following activities on a LOT containing an existing ALTERNATIVE DWELLING PARK:
 - 1. the construction of an individual DWELLING UNIT on a LOT,
 - 2. the construction of a BUILDING other than a DWELLING UNIT except a permitted ACCESSORY BUILDING on an approved LOT,
 - 3. the extension, improvement or modification, excluding periodic or required maintenance, of an existing water, sewer, electric, gas or television cable utility,
 - 4. the removal of soil, brush or vegetation, except lawn or required open space maintenance, within 100 feet of any LOT LINE of an ALTERNATIVE DWELLING PARK,
 - 5. the dumping or stockpiling of soil, hard fill or debris that raises the elevation of any portion of the LOT, and
 - 6. any other change to the ALTERNATIVE DWELLING PARK determined to have a potential for significant environmental impact greater than those of the existing condition.

10.30.17.2 Retroactive Compliance Requirement

Any existing ALTERNATIVE DWELLING PARK or any ALTERNATIVE DWELLING PARK previously approved in a SITE PLAN shall comply with all applicable provisions of this Law when such ALTERNATIVE DWELLING PARK is proposed to have a cumulative extension, alteration, or modification that:

- A. increases the number of LOTS by a number equal to or greater than fifty (50%) percent of the number of existing LOTS or LOTS approved in a SITE PLAN, or

ARTICLE 10

DEVELOPMENT REQUIREMENTS

- B. increases the LOT AREA being dedicated to or used for an existing or approved ALTERNATIVE DWELLING PARK by more than fifty (50%) percent of that which is existing or approved in a SITE PLAN, or
- C. has a verified estimated cost of construction or installation for such extension, alteration or modification that exceeds fifty (50%) percent of the assessed property value of the ALTERNATIVE DWELLING PARK at the time that such construction or installation is proposed.

10.31 Commercial PARKING LOT or STRUCTURE Requirements

10.31.1 DENSITY Requirements

- A. Minimum LOT Size: three (3) acres
- B. Minimum LOT WIDTH: three hundred (300) linear feet

10.31.2 Access Requirements

Access shall be provided in accordance with Section 10.8 and such access shall comply with Section 10.10.

10.31.3 Prohibited Activity

The following activities or conditions are prohibited at a Commercial PARKING LOT or STRUCTURE:

- A. Storage or parking of unlicensed or unregistered motor vehicles.
- B. Storage or overnight parking of COMMERCIAL VEHICLES.
- C. RETAIL USE, auction, or FLEA MARKET.
- D. Overnight or long-term camping or occupancy.

10.32 FLEA MARKET Requirements

10.32.1 DENSITY Requirements

- A. Minimum LOT SIZE: 10 acres
- B. Minimum LOT WIDTH: five hundred (500) feet

10.32.2 BUFFER, Landscaping and BARRIER Requirements

- A. Landscaping Requirements
 - 1. The entire LOT, except for area covered by a STRUCTURE, or surfaced as PARKING AREA and/or other Ancillary USE, shall be seeded or planted with ground covers and suitable landscaping in accordance with an overall landscaping plan approved as part of an approved SITE PLAN.
 - 2. All landscaping shall be maintained by the DEVELOPER in perpetuity.

B. BUFFER Requirements

- 1. A BUFFER, Landscaping and BARRIER in accordance with Section 10.23 and any conditions of an approved SITE PLAN shall be maintained by the DEVELOPER in perpetuity.
- 2. A minimum BUFFER of one hundred (100) feet in width shall be maintained between a FLEA MARKET USE and the LOT LINE of an adjoining LOT containing Residential USE.
- 3. No STRUCTURE, vendor or PARKING AREA shall be permitted within a BUFFER.

C. BARRIER Requirements

Any material incidental to the FLEA MARKET USE including trash, boxes, goods and wares and other materials stored outside a BUILDING shall be:

- 1. screened from view from any adjoining LOT or ROAD by a BARRIER in accordance with Section 10.23 and at least 8 feet in height as measured from FINISHED GRADE, and
- 2. located in accordance with a design approved in a SITE PLAN.

10.32.3 Parking Requirements

- A. No on-ROAD parking is permitted.
- B. Parking spaces and aisles shall be adequately delineated and separated from the vendor areas to ensure safe circulation.
- C. The PARKING AREA shall meet the requirements of the Americans with Disabilities Act (ADA) and the applicable provisions of Section 10.4.

10.32.4 Outdoor Sound or Public Address System Requirements

Unless specifically approved in a SITE PLAN an outdoor sound or public address system is not permitted for a FLEA MARKET.

10.32.5 Sanitary Facility Requirement

- A. A FLEA MARKET shall provide for adequate and safe public rest room and or toilet facilities in accordance with the requirements of the NYS Department of Health and the *NYS Uniform Fire Prevention and Building Code*.
- B. When TEMPORARY and/or portable restrooms are to be used to comply with this Sub-Section, no less than four (4) shall be provided.

10.32.6 Other Requirements

- A. With the exception of a permitted SIGN and/or required rest room facilities, there shall be no permanent or TEMPORARY ACCESSORY STRUCTURE.
- B. All tables, stands and/or other display equipment and all vehicles shall be removed from the LOT at any time that the FLEA MARKET is not open to the public for any period of time greater than seventy two (72) hours.
- C. No overnight camping or permanent occupancy shall be permitted unless specifically authorized in an approved SITE PLAN.

10.33 AIRPORT and HELIPORT Requirements

10.33.1 DENSITY and Runway Location Requirements

- A. A Minimum LOT size of 25 acres is required for an AIRPORT and HELIPORT.
- B. To the greatest extent possible a runway shall be aligned and located so that the flight path as measured for distance of one thousand (1000) feet from the end of the runway does not align directly over any existing residence or other occupied BUILDING other than those used in support of the AIRPORT or HELIPORT USE.

10.33.2 BUFFER, Landscaping and BARRIER Requirements

A. Landscaping Requirements:

- 1. The entire LOT, except for area covered by a STRUCTURE, or surfaced as PARKING AREA and/or other Ancillary USE, shall be seeded or planted with ground covers and suitable landscaping in accordance with an overall Landscaping Plan approved as part of an approved SITE PLAN.
- 2. All landscaping shall be maintained by the DEVELOPER in perpetuity.

B. BUFFER Requirements:

- 1. A BUFFER, Landscaping and BARRIER in accordance with Section 10.23 and any conditions of an approved SITE PLAN shall be maintained by the DEVELOPER in perpetuity.
- 2. A minimum BUFFER of one hundred (100) feet in width shall be maintained on the LOT of the AIRPORT or HELIPORT USE and the LOT LINE of an adjoining LOT containing Residential USE.
- 3. No STRUCTURE or PARKING AREA shall be permitted within a BUFFER.

C. BARRIER Requirements:

Any material, incidental to the AIRPORT or HELIPORT USE including trash, boxes, aircraft parts and other materials stored outside a BUILDING shall be:

- 1. screened from view from any adjoining LOT or ROAD by a BARRIER in accordance with Section 10.23 and at least 8 feet in height as measured from FINISHED GRADE, and
- 2. located in accordance with a design approved in a SITE PLAN.

10.33.3 Maintenance Facility Requirements

All aircraft repair and/or maintenance, with the exception of fueling, shall be conducted inside of a PRINCIPAL or ACCESSORY STRUCTURE unless otherwise prohibited by Local, State or Federal Law, Rule or Regulation.

10.33.4 Fuel or Tank Farm Requirements

Fuel or tank farm shall be located a minimum of two hundred (200) feet from any LOT LINE and shall meet any applicable Local, State or Federal Law, Rule or Regulation.

ARTICLE 10

DEVELOPMENT REQUIREMENTS

10.33.5 Operating Hour Requirement:

Standard operations of aircraft shall be limited to between the hours of 5:00 AM and 10:00 PM.

10.34 Rod and Gun Club Requirements

10.34.1 Intent

It is the Town of Catlin's intent to regulate all USES that involve the routine discharge of any type of weapon regardless of the ammunition used in the weapons by more than an individual who owns the LOT on which the USE is located. Therefore these regulations shall apply to all types of USES no matter what they are named and whether they are a cooperative ownership, where weapons are discharged as a recreational USE.

10.34.2 DENSITY Requirements:

- A. Minimum LOT SIZE: 25 acres
- B. Minimum LOT WIDTH: One thousand (1000) feet

10.34.3 BUFFER, Landscaping and BARRIER Requirements

A. Landscaping Requirements:

1. The entire LOT, except for area covered by a STRUCTURE, or surfaced as PARKING AREA and/or other Ancillary USE, shall be seeded or planted with ground covers and suitable landscaping in accordance with an overall Landscaping Plan approved as part of an approved SITE PLAN.
2. All landscaping shall be maintained by the DEVELOPER in perpetuity.

B. BUFFER Requirements:

1. A BUFFER, Landscaping and BARRIER in accordance with Section 10.23 and any conditions of an approved SITE PLAN shall be maintained by the DEVELOPER in perpetuity.
2. A minimum BUFFER of one hundred (100) feet in width shall be maintained on the LOT of the Rod and Gun Club USE and the LOT LINE of an adjoining LOT containing Residential USE.
3. No STRUCTURE or PARKING AREA shall be permitted within a BUFFER.

C. BARRIER Requirements:

Any material incidental to the Rod and Gun Club USE, including trash, boxes, and other materials, stored outside a BUILDING shall be:

1. screened from view from any adjoining LOT or ROAD by a BARRIER in accordance with Section 10.23 and at least 8 feet in height as measured from FINISHED GRADE, and
2. located in accordance with a design approved in a SITE PLAN.

10.34.4 Parking Requirements

- A. No on-ROAD parking is permitted.

- B. Parking spaces and aisles shall be adequately delineated and separated from the vendor areas to ensure safe circulation.
- C. A PARKING AREA shall meet the requirements of the Americans with Disabilities Act (ADA) and the applicable provisions of Section 10.4.

10.34.5 Noise Control Requirements

Noise levels generated by a USE shall be no greater than 55 db as measured at the boundaries of the LOT occupied by the USE creating noise.

10.34.6 Sanitary Facility Requirements

- A. A Rod and Gun Club shall provide adequate and safe public rest room and or toilet facilities in accordance with the requirements of the NYS Department of Health and the *NYS Uniform Fire Prevention and Building Code*.
- B. When TEMPORARY and/or portable restrooms are to be used to comply with this Sub-Section, no less than four (4) shall be provided.

10.34.7 Other Requirements

No overnight camping or occupancy shall be permitted

ARTICLE 11 NON-CONFORMING STRUCTURE, USE and LOT

11.0 Continuation of NON-CONFORMING STRUCTURE, USE and LOT

Any lawful STRUCTURE, USE or LOT existing at the time of enactment of this Law, or any subsequent amendment thereof applying to such STRUCTURE, USE or LOT, may continue although such STRUCTURE, USE or LOT does not conform to the provisions of this Law provided:

- A. Nothing herein contained shall be construed to render lawful any USE not lawfully conforming to provisions of the Town of Catlin Zoning Ordinance repealed in Article 17.
- B. A NON-CONFORMING STRUCTURE or USE is not expanded, enlarged/extended or increased.
- C. Every permanent SIGN other than SIGNS approved in an approved SITE PLAN or those SIGNS for which a SIGN Variance has been granted and lawfully existing at the time of enactment of this Local Law shall comply with the requirements of Section 10.7 of this Law. Such non-conforming SIGN shall be removed or altered in a manner to conform with Section 10.7 of this Law within five (5) years of the effective date of this Law.

11.1 Discontinuance of NON-CONFORMING STRUCTURE, USE and LOT

- A. A STRUCTURE or LOT which is used for or occupied by a NON-CONFORMING USE and which is changed to or replaced by a conforming STRUCTURE or USE, shall not thereafter be used for or occupied by a NON-CONFORMING USE or STRUCTURE.
- B. When a NON-CONFORMING USE has been discontinued for a period of one (1) year, it shall not thereafter be re-established and the future USE shall be in conformity with this Law.

11.2 Necessary Maintenance and Repairs of NON-CONFORMING STRUCTURE, USE and LOT

- A. Except as specified in Section 11.5 a NON-CONFORMING STRUCTURE, USE or LOT may be maintained, repaired or restored to a safe condition.
- B. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the CODE ENFORCEMENT OFFICER.
- C. Any maintenance, repair or restoration of a non-conforming STRUCTURE shall comply with the applicable provisions of the *NYS Uniform Fire Prevention and Building Code*.

11.3 CONSTRUCTION STARTED PRIOR TO THIS ZONING LAW

A STRUCTURE for which a BUILDING PERMIT was issued prior to the effective date of this Law, or prior to the effective date of any subsequent amendment of this Law, may be completed and USED in accordance with approved plans and specifications for the STRUCTURE.

11.4 Existing Non-Conforming LOTS

Any LOT held in single and separate ownership and USE from adjoining LOT prior to the adoption of this Law, and whose area is less than the specified minimum LOT requirements in Section 5.1 of this Law may be considered as complying with such minimum LOT requirements and no variance shall be required, provided that the following minimum conditions are met:

ARTICLE 11

NON-CONFORMING STRUCTURE, USE and LOT

- A. Such LOT does not adjoin any other LOT or LOTS held by the same owner where the aggregate area of such adjoining LOT is equal to or greater than the minimum LOT area required in Section 5.1.
- B. A septic permit from the one of the following agencies is issued for the Non-Conforming LOT and a copy of such permit is provided to the Town prior to commencement of any construction thereon:
 - 1. NYS Department of Environmental Conservation
 - 2. NYS Department of Health
 - 3. Chemung County Health Department
 - 4. Chemung County Sewer District
- C. For Residential USE listed in Section 4.4, such LOT shall have a minimum area of at least 6,000 sq. ft. and minimum width of at fifty (50) feet at the required SETBACK line and have the following minimum YARD SETBACKS:
 - 1. SIDE YARD: 6 feet
 - 2. REAR YARD: 15 feet
 - 3. FRONT YARD: 20 feet
- D. ACCESSORY STRUCTURES shall be located as follows:
 - 1. A minimum of three (3) feet from any REAR or SIDE LOT LINE,
 - 2. Behind the rear line of a residential BUILDING.
 - 3. In accordance with all other requirements specified in Section 10.6.

11.4.1 In any DISTRICT where residences are permitted, such undersized NON-CONFORMING LOT may be used for not more than one (1) SINGLE-UNIT DWELLING.

11.5 Extension, Alteration or Modification of a NON-CONFORMING STRUCTURE, USE and/or LOT

Any existing NON-CONFORMING STRUCTURE, USE and/or LOT or any NON-CONFORMING STRUCTURE, USE and/or LOT previously approved in a SITE PLAN shall comply with all applicable provisions of this Law when such NON-CONFORMING STRUCTURE, USE and/or LOT is proposed to be extended, altered, or modified in a manner that:

- A. increases the LOT AREA being dedicated to or used for an existing or approved NON-CONFORMING STRUCTURE, USE and/or LOT by more than fifty (50%) percent of that which is existing or approved in a previously approved SITE PLAN, or
- B. has a verified estimated cost of construction or installation for such extension, alteration or modification that exceeds fifty (50%) percent of the assessed value of the NON-CONFORMING STRUCTURE, USE and/or LOT at the time that such construction or installation is proposed.
- C. A NON-CONFORMING BUILDING is renovated or structurally altered during its life to an extent exceeding, in aggregate, a value that is fifty (50) percent of the replacement cost of the BUILDING.

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NON-CONFORMING STRUCTURE, USE and LOT

11.5.1 Repair or Reconstruction of Damaged NON-CONFORMING STRUCTURE

A non-conforming STRUCTURE damaged by fire, flood or other causes may be reconstructed in kind provided that the STRUCTURE is no more non-conforming than prior to its being damaged.

11.6 Reduction in LOT AREA

A BUILDING PERMIT shall not be issued for any LOT that is reduced in area so that it creates a Non-Conforming BULK or DENSITY in violation of this Law.

ARTICLE 12. ZONING BOARD OF APPEALS

12.0 Establishment and Duties

Pursuant to New York State Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of five (5) members, shall designate its chairperson, and also provide for such expenses as may be necessary and proper. A member of the Zoning Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.

12.1 Staff

The Zoning Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of appropriations made by the Town Board and then available for that purpose.

12.2 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

- A. APPEALS: The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the CODE ENFORCEMENT OFFICER, and to that end shall have all of the powers of the CODE ENFORCEMENT OFFICER.
- B. VARIANCES: The Zoning Board of Appeals, on an appeal from a decision or determination of the CODE ENFORCEMENT OFFICER shall have the power to grant area and use variances as defined herein.

12.3 USE VARIANCE

- A. DEFINITION: The authorization by the Zoning Board of Appeals for the USE of a LOT for a purpose which is not otherwise allowed or is prohibited by this Law.
- B. CRITERIA FOR REVIEW: No Use Variance shall be granted by the Zoning Board of Appeals without a showing by the APPLICANT that the requirements of this Law have caused unnecessary hardship. In order to prove such unnecessary hardship the APPLICANT shall demonstrate the following facts to the Zoning Board of Appeals for each and every permitted Use under this Zoning Law for the particular DISTRICT in which the LOT is located:
 1. The APPLICANT cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence;
 2. The alleged hardship relating to the LOT in question is unique, and does not apply to substantial portion of the DISTRICT or neighborhood in which the LOT is located;
 3. The requested USE VARIANCE, if granted, will not alter the essential character of the DISTRICT neighborhood in which a LOT is located; and
 4. The alleged hardship is not self-created.

12.4 Area Variance

- A. DEFINITION: The authorization by the Zoning Board of Appeals for the USE of a LOT in a manner which is not allowed by dimensional or physical requirements of this Law.
- B. CRITERIA FOR REVIEW: In making the determination, the Zoning Board of Appeals shall take into consideration the benefit to the APPLICANT, if the Area Variance is granted, as weighed against the detriment to the health, safety, and general welfare of the neighborhood or community by such grant. In making such determination the Board shall consider the following:
 - 1. Whether an undesirable change will be produced in the character of the neighborhood or community 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 Area Variance;
 - 3. Whether the requested Area Variance is substantial;
 - 4. Whether the proposed Area Variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district; or
 - 5. Whether an alleged difficulty of compliance with this Law was self-created, which is relevant to the decision, but shall not necessarily preclude the granting of the Area Variance.

12.5 Grant Of Variance

- A. The Zoning Board of Appeals, in granting an Area Variance or USE Variance, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship or balance proven by the APPLICANT, and at the same time preserve and protect the character of the neighborhood and health, safety and general welfare of the community.
- B. The Zoning Board of Appeals shall, in granting an Area Variance or USE Variance, have the authority to impose such reasonable conditions and restrictions as are related to and incidental to the proposed USE of property.

12.6 Referral to Planning Board

The Zoning Board of Appeals shall refer every request for Area Variance and USE Variance to the Town of Catlin Planning Board at least thirty (30) days prior to the scheduled hearing date. The Planning Board shall report its recommendation to the Zoning Board of Appeals at least five (5) days prior to the hearing date.

12.7 Rules of Procedure, by Laws, Forms

The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by laws, and forms as they may deem necessary for the proper execution of their duties and to secure the intent of this Law.

ARTICLE 13 ADMINISTRATION

13.0 Enforcement

This Law shall be enforced by the CODE ENFORCEMENT OFFICER, who shall be appointed by the Town Board. No BUILDING PERMIT shall be issued except where all the provisions of this Law have been complied with. The CODE ENFORCEMENT OFFICER shall keep the Planning Board and Town Board advised of all matters pertaining to the enforcement of this Law other than routine duties, and shall submit a monthly report to the Town Board enumerating the applications received, inspections made, permits issued or refused, and other actions taken.

Whenever a violation of this Law occurs, any person having knowledge thereof may lay any information in regard thereto before a proper magistrate as provided by law, and the procedures thereafter shall be as set forth in the Code of Criminal Procedure.

13.1 Zoning Permits

No STRUCTURES or land shall be USED, no BUILDING or STRUCTURE shall be erected, added to, or structurally altered until a permit therefore as specified herein has been issued by the CODE ENFORCEMENT OFFICER. Except on written order of the CODE ENFORCEMENT OFFICER, no such Zoning Permit shall be issued for any building where said construction, addition, or alteration or USE thereof would be in violation of any of the provisions of this Law or any other applicable Town Laws.

13.1.1 Application

There shall be submitted, with each application for a Zoning Permit, a fee as established by Town Board and 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 any existing and/or proposed BUILDING and ACCESSORY STRUCTURES to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Law.

13.1.2 Process

- A. One copy of such layout or plot plan shall be returned when approved by the CODE ENFORCEMENT OFFICER, together with such permit to the applicant.
- B. Upon approval of the application, the Code Enforcement Officer shall issue a BUILDING PERMIT to the applicant upon the form prescribed by him and shall affix his SIGNATURE or cause his SIGNATURE to be affixed thereto.
- C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved". One set of such approved plans and specifications shall be retained in the Town files and the other set shall be returned to the applicant together with the BUILDING PERMIT and shall be kept at the building site open to inspection by the Code Enforcement Officer.
- D. If the application together with plan, specifications, and other documents filed therewith, describe proposed work which does not conform to all of the applicable requirements of this Law, the CODE ENFORCEMENT OFFICER shall not issue the same and shall return the plans and specifications to the applicant with a written explanation outlining the reasons therefore.

13.2 Notice Of Compliance

No building or STRUCTURE hereafter erected, structurally altered, or extended shall be USED, or changed in USE until a NOTICE OF COMPLIANCE or Occupancy shall have been issued by the CODE ENFORCEMENT OFFICER in accordance with this Law.

All NOTICE OF COMPLIANCE or Occupancy for new or altered STRUCTURES shall be applied for coincident with the application for a BUILDING PERMIT therefore. Such NOTICE OF COMPLIANCE shall be issued within thirty (30) days after the erection or alteration shall have been approved as complying with the provisions of this Law.

ARTICLE 14 AMENDMENTS

14.0 Procedure

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the requirements and districts established under this Article after public notice and hearing in each case. All proposed amendments of the requirements or districts herein established shall be filed in writing in a form required by the Town Board.

14.1 Advisory Report By Planning Board

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report in writing its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of forty-five (45) days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report. If the Planning Board recommends disapproval of the proposed amendment, or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by the adoption of a resolution fully setting forth the reasons for such contrary action.

14.2 Petition By Owners Of 50 Percent Of Frontage

Wherever the owners of LOTS having 50% of the total cumulative road frontage in a DISTRICT or a part thereof shall present a petition duly signed and acknowledged to the Town Board and requesting an amendment, supplement, change or repeal of the requirements prescribed for such DISTRICT or part thereof, it shall be the duty of the Town Board to vote upon said petition within ninety (90) days after filing of the same by the petitioners with the Town Clerk.

14.3 Public Notice And Hearing

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

- A. By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town, not less than ten (10) days prior to the date of public hearing.
- B. By giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in a manner prescribed by Law.
- C. For a Zoning Amendments that include a Zoning Map revision, the Town Board shall ensure that all property owners within a 500 feet radius of the proposed change are notified in writing of the Public Hearing.

14.4 Protest By Owners

A Zoning Amendment shall be passed by the favorable vote of at least a three-fourths majority vote of the Town Board if a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by:

- A. the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or
- B. the owners of twenty (20) percent or more of the area of land immediately adjacent and extending a distances of one hundred (100) feet therefrom, or
- C. by the owners of twenty (20) percent or more of the area of land directly opposite thereto and extending a distance of one hundred (100) feet from the street frontage of the land proposed for Zoning Amendment.

14.5 Decision By Town Board

The Town Board shall set the public hearing as required and shall render its decision within 62 days of the receipt of the Planning Board's report. If the Town Board deems it advisable, it may require as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.

14.6 Notification Of Decision

The Town Board shall provide notice of decision pursuant to NYS Town Law.

ARTICLE 15 REMEDIES

15.0 Penalty

Any person, firm, company or corporation owning, controlling or managing a USE, BUILDING, STRUCTURE or LOT on which there has been placed, or there exists anything in violation of any of the provisions of this Law; and any person, firm, company, or corporation who shall assist in the commission of any violation of this Law or any conditions imposed by the Planning Board or Zoning Board of Appeals; or who shall build, contrary to the plans or specifications submitted to the Planning Board and certified as complying with this Law shall be guilty of an offense and subject to a fine of not more than one thousand dollars (\$1000.00). Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each day such a violation, omission, neglect, or refusal shall continue.

15.1 Alternative Penalty

In case of any violation or threatened violation of any of the provisions of this Law, or conditions imposed by the Town Board, Planning Board, or Zoning Board of Appeals, in addition to other remedies herein provided, the Town Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or USE, to restrain, correct, or abate such violation, to prevent the occupancy of such BUILDING, STRUCTURE or LOT, or to prevent an illegal act, conduct, business or USE in or about such LOT.

ARTICLE 16 FEE SCHEDULE

16.0 Fee Schedule Established

A schedule of fees for all permits and applications as required in this Law shall be set by Town Board.

16.1 Fee Remittance

- A. An APPLICATION for a permit or other action for which a fee has been established in accordance with Section 16.0 shall be accompanied with such appropriate fee in order for such application to be deemed complete.
- B. No action such as to grant permission, comment on, approve or disapprove an application pursuant to this Law shall be taken without receipt by the Town of the appropriate fee.

17.0 Effective Enactment

All ordinances, local laws, resolutions and parts thereof for the Town of Catlin inconsistent with this Local Law are hereby repealed, including, but not limited to, the "Town of Catlin Zoning Ordinance" adopted August 9, 1967 and any amendments, rezoning, Planned Unit Developments, or other legislation appended thereto, Resolution No. 72-96, 72-128, 72-127, Resolution No. 93-64, the "Ted Golden Farm Planned Unit Development District", the "Owen Planned Development District", and "Local Law No. 11 of 1986" known as "The Town of Catlin Local Law for Mobile Homes".

17.1 Severability

If any section, subsection, phrase or other component of this Local Law shall be declared to be invalid shall not affect the invalidity any other portion of this Local Law

17.2 Effective date

This Local Law shall become effective upon the publishing and filing as may be required by law.