

ZONING LAW OF THE HAMLET OF KEESEVILLE

Hamlet of Keeseville

Local Law #1 of the year 2017

A local law "Zoning Law of the Hamlet of Keeseville"

Be it enacted by the Town Board of the Town of Chesterfield

OFFICIAL ZONING MAP OF THE HAMLET OF KEESEVILLE

KEY

- HAMLET LINE
- QUARTY LINE
- R-1 RESIDENTIAL DISTRICT
- R-2 UNIMPROVED RESIDENTIAL DISTRICT
- C-1 COMMERCIAL DISTRICT
- INDUSTRIAL DISTRICT
- M-1 MOBILE HOME DISTRICT
- M-2 RESTRICTED MOBILE HOME DISTRICT



NORTH



SCALE IN FEET

NOTICE: THIS MAP WAS PREPARED BY JOHN CLAYTON AND WENDE COOPER FOR THE TOWN OF KEESEVILLE AND WAS ADOPTED BY THE TOWN BOARD OF KEESEVILLE ON MAY 1, 1998 WITH AMENDMENTS THROUGH JANUARY 1, 2002

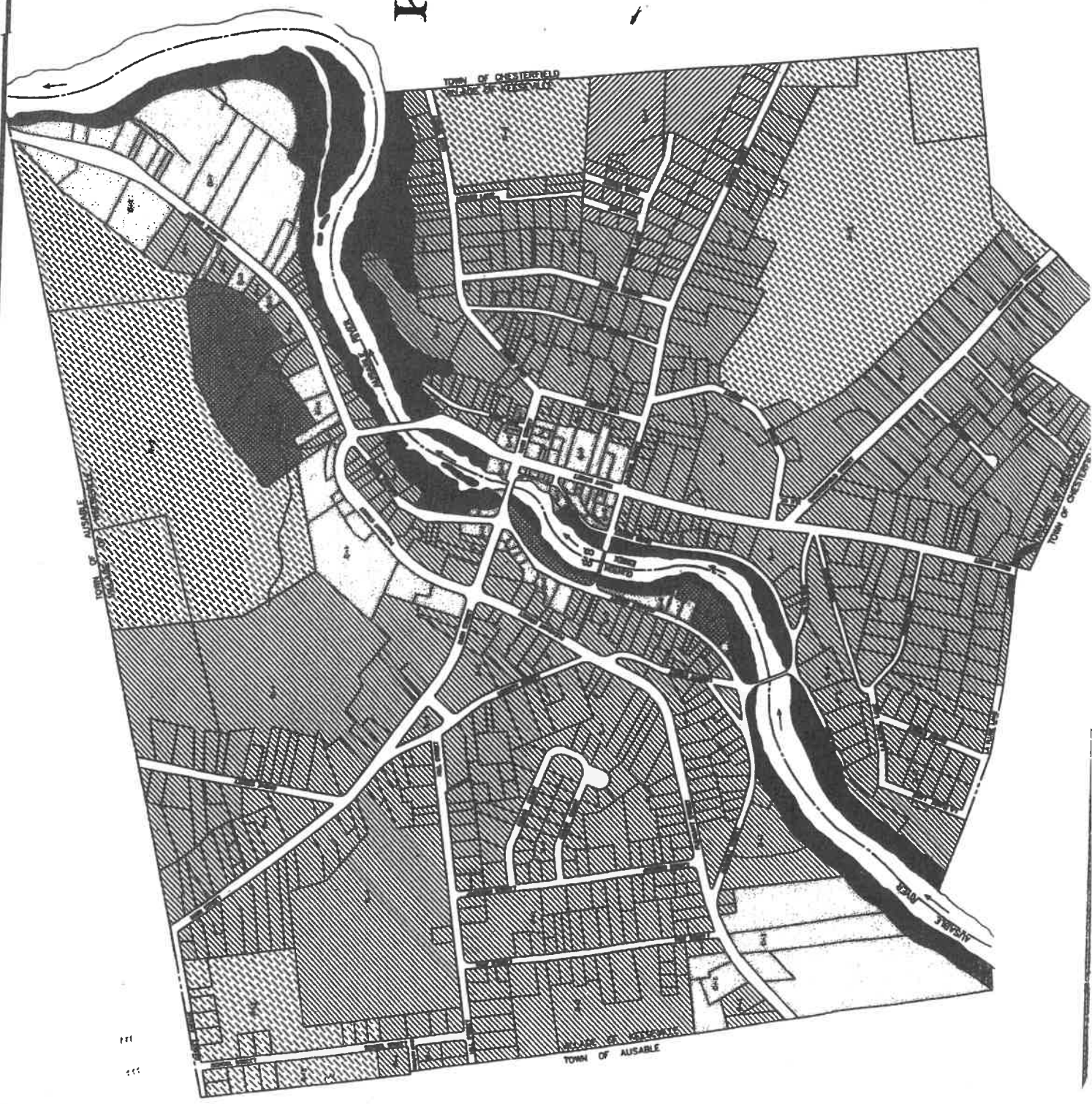


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ARTICLE I

General Provisions

SECTION 101 TITLE

The title of this law is the "Zoning Law of the Hamlet of Keeseville" and shall include this text and zoning map. The Town Board may establish fees for applications and permits by resolution.

SECTION 102 PURPOSE

The objectives of this Land Development Code are:

1. Provide for planned growth of residential, commercial and industrial use of land consistent with the economic and social needs of the community and its development policies.
2. Preserve the Hamlet's natural resources and habitats and historical buildings.
3. Promote the health, safety and general welfare of the Hamlet consistent with the objectives of New York State Codes.

SECTION 103 CONFLICT WITH OTHER LAWS

Whenever the requirements of this Code are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

SECTION 104 VALIDITY AND SEVERABILITY

Should any section of or provision of this Code be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole or

any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 105 FEES

Permit fees shall be collected and paid according to the fee schedule in effect at the time of application. The fee schedule may be changed from time to time by resolution of the Town Board. A copy of the fee schedule shall be kept on file in the Town Clerk's Office.

SECTION 106 VIOLATIONS AND PENALTIES

Any person who violates any provision of this ordinance of this local law shall, for every such violation, forfeit and pay a civil penalty of not more than \$100.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional civil penalty.

SECTION 107 ACTIONS FOR INJUNCTION

The Town Board may authorize the Town Attorney to sue to enjoin or restrain any violation of the Code.

SECTION 108 REMOVAL OF VIOLATIONS

Any building or structure erected, or any use conducted without a zoning permit or certificate of compliance, where required, or not in conformity with the provisions of this ordinance may be removed, closed or halted at once by order of the Zoning Enforcement Officer.

ARTICLE II Definitions

SECTION 200 WORD TERMS AND DEFINITIONS

The following for the purpose of those regulations, certain terms or word used therein shall be interpreted as follows:

1. The word "person" includes a firm association, organization, partnership, trust, company or corporation as well as an individual.
2. The word "lot" includes the words plot or parcel.
3. The word "structure" includes the word "building" and the converse.
4. Words used in the present tense include the future tense.
5. The singular includes the plural.
6. The words "shall" and "must" are mandatory.
7. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.

SECTION 210 DEFINITIONS

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use of structure.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or another. Alterations do not include ordinary maintenance and repairs of a building or structure or interior alterations which do not enlarge the building or structure or change its prior use or purpose.

ANIMAL HOSPITAL: A business that treats animals and regularly houses them on the premises overnight and for extended periods of treatment.

BUILDING: Any structure which 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 other property.

BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the front of a building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, mechanical penthouses, towers, tanks, and similar projections.

CAMPING TRAILER: Any vehicle used or arranged for temporary living or sleeping purposes, mounted on wheels and drawn by a power-driven vehicle, or such type vehicle having its wheels removed.

CARPORT: A roofed structure, with two enclosing walls, used for the storage of one or more automobiles.

CLUB: Any organization catering to members and their guests, or premises and buildings for recreational or athletic purposes and not open to the general public, which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required for the membership and purposes of such club. For the purpose of this Code, clubs shall include lodges, fraternal organizations, mutual benefit societies, and other like organizations.

DEVELOPMENT: Any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, excluding normal maintenance to farm roads.

DRIVE-IN RESTAURANT: Any place or premises used for sale, dispensing or serving of food, refreshments or non-alcoholic beverages in automobiles, establishments where customers may serve themselves and including those where customers may eat or drink the food, refreshments or beverages on the premises.

DWELLING: Rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, designed for occupancy by one family.

SINGLE-FAMILY: A detached residential dwelling designed for and occupied by one family only.

TWO-FAMILY: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

MULTIPLE-FAMILY: A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

MULTIPLE-INSTITUTIONAL: A building used or designed as a residence for handicapped or disabled persons owned and operated by a governmental agency or a not-for-profit entity.

ESSENTIAL SERVICES: Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities or telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.

EXCAVATION (QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL,

STRIPPING): A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or top soil for sale, as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building which has an approved building permit.

FAMILY: One or more persons related to each other by blood, marriage or adoption. Living together as a single housekeeping unit. A group of persons, who are not related, as above, may be considered a family within the meaning of this ordinance upon a finding by the Zoning Board of Appeals that the group has an internal structure akin to a traditional (biological unitary) family and an external appearance of a normal, stable, and permanent family unit.

FLOOD, HAZARD AREA, SPECIAL: Maximum area of the flood plain that on the average, is likely to be flooded once every 100 years.

FLOOD PLAIN: A land area adjoining a river, stream, watercourse, ocean, bay or lake which is susceptible to flooding.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to properties and structures which significantly reduce or eliminate flood damage to

lands, water and sanitary facilities, structures and contents of buildings.

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of the floodways on official Federal, State and local flood plain maps.

FLOOR AREA, CROSS: For the purpose of applying the requirements for off-street parking and loading, "gross floor area" in the case of offices, merchandising or service types of uses, shall mean the total floor area to be used or intended to be used by tenants or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, restrooms, fitting or alteration rooms or general maintenance or enclosed pedestrian malls or corridors.

FLOOR AREA, HABITABLE: The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and usable for human occupancy of the conduct of business.

GARAGES, PRIVATE: An accessory building not operated to gain and used in conjunction with a principal building which provides for the storage of motor vehicles and/or other household items.

"GARAGE SALES", "TAG SALE", "YARD SALES": An event not to exceed three (3) days in duration during a twelve (12) month period, in a residential district, during which primarily second hand goods are sold to the public by the owner of the residence. Garage sales are permitted in all zones subject to the above conditions.

HOME OCCUPATION: An occupation conducted in a dwelling unit or customary accessory structure provided that:

- a. No person other than members of the family residing on the premises and one non-family employee shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five (25) percent of the floor area of the building unit shall be used in the conduct of the home occupation;
- c. There shall be no exterior display or exterior sign except one unlighted identification sign, not more than two (2) square feet in area; no exterior storage of materials and

no other exterior indication of the home occupation or variation from the residential character of the principal building.

- d. No offensive noise, vibration, smoke, dust, odors, heat, light or glare shall be produced.

JUNK YARD: A lot, land and/or structure, or part thereof, used primarily for the collecting, storage, and sale of paper, rags. Scrap metal or other scrap or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. The storage of two (2) or more unregistered, unlicensed motor vehicles on a lot. The storage of one or more damaged motor vehicles on a lot, whether licensed or registered or not, for more than one (1) month.

KENNEL: Any lot or premises on which three or more domestic animals more than four months of age are housed, groomed, bred, boarded, trained or sold.

LOT: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recordings.

- a. **CORNER LOT:** A parcel of land at the junction of and fronting on two or more intersecting streets.
- b. **THROUGH LOT:** An interior lot having frontage on two parallel or approximately parallel streets.

LOT DEPTH: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street or highway. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to highways shall be considered frontage, and yards shall be provided as indicated under "YARDS" in these definitions.

LOT LINE: Any boundary line of a lot.

LOT WIDTH: The width of the lot between side lot lines and the front building line as prescribed by the front yard regulations.

MOBILE HOME: A structure transportable in one or more sections, which in the traveling mode is eight (8) or more feet wide and forty (40) or more feet long. Or when erected on site is three hundred twenty (320) square feet or more in area, which is used, designed to

be used, and capable of being used as a detached single-family residence; and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems. The definition of mobile home includes all additions made subsequent to installation. This definitions does not include modular housing placed on a standard foundation or travel trailer.

MOBILE HOME PARK: Any site, lot, field, plot, parcel or tract of land on which two (2) or more mobile homes are parked or located and for which use said premises are offered to the public or to any person for a fee of any type, including cost sharing.

MODULAR HOUSE: A housing unit constructed off-site consisting of more than one segment and designed to be permanently anchored to a foundation, to be a fixed part of the real estate, and which meets all the standards of the New York Building Code.

MOTEL: A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public. The Term "motel" includes buildings designed as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

MOTOR VEHICLE REPAIR SHOP: A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles.

NON-CONFORMING LOT: A lot existing at the time of enactment of this Code or any amendment thereto, which does not conform to the area regulations of the district or zone in which it is situated.

NON-CONFORMING USE: A use of land or buildings existing at the time enactment of this Code and which does not conform to the regulations of the district or zone in which it is located.

PARKING SPACE: Space available for the parking of one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet (10x18) exclusive of passageways and driveways giving access thereto.

PARKING SPACE, OFF-STREET: An off-street area of berth with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

PERMITTED USE (OR USE OF RIGHT): A land use allowed under the regulations of this Code.

PROFESSIONAL OFFICES: The office or place of business where professional services are offered and does not involve the sale of goods, or the keeping of a stock in trade. Professional offices include but are not limited to doctors, dentists, surgeons, attorneys, architects, engineers, planners, accountants, real estate brokers, insurance brokers, psychologists and chiropractors.

PUBLIC AND SEMI-PUBLIC BUILDINGS AND GROUNDS: The words "public and semi-public building and grounds", as used in this ordinance, are intended to designate but not limited to any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use.

- a. Churches, places of worship, parish house and convents.
- b. Public parks, playgrounds and recreational area when authorized or operated by a governmental authority.
- c. Nursery schools, elementary schools, high schools, colleges or universities.
- d. Golf courses and country clubs, however, not including clubs whose activities include the maintenance, storage or takeoffs or landings of aircraft.
- e. Public libraries and museums.
- f. Not-for-profit hospitals, fire, ambulance and public safety buildings.
- g. Proprietary or no-for-profit hospitals for the care of human beings. Nursing homes, convalescent homes, homes for adults, homes for the aged as the same are defined under the Public Health Law or the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
- h. Not-for-profit membership corporation established for cultural, social, or recreational purposes.
- i. Recreational facilities, either for profit or not-for-profit, such as swimming, tennis, platform tennis, bowling, hockey, ice skating or other indoor or outdoor sports.

- j. Day-care centers approved by the New York State Department of Social Welfare.

RECREATION AREA: Recreation area is the sum of all open or covered areas used for recreation purposes.

RESTAURANT: Any establishment, however designated, at which food is sold 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 or community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

RIGHT-OF-WAY: Land set aside for use as a street, alley or other means of travel.

RETAIL GASOLINE OUTLET: Any establishment that sells gasoline to the public. This includes service stations, convenience stores, car washes or any other facility that sells gasoline.

ROAD, PUBLIC: A dedicated public street or highway.

ROAD, PRIVATE: A private way which affords the principal means of access to abutting properties from a public road.

SEASONAL PRODUCE STANDS: The sale of fruits, vegetables or flowers raised on the premises during the growing and harvest season from structures not constructed or intended to be used on a permanent or year round basis.

SETBACK-FRONT: The required open unoccupied space between the center of right-of-way and the front of the main structure, but not including porches, entrance steps and other similar structures on the front of the main structure.

SETBACK-BACK: The required open unoccupied space measured from the rear lot line to the nearest part of the main or accessory structure.

SETBACK-SIDE: The required open unoccupied space measured from the side lot lines to the nearest part of the main accessory structure.

SIGN: A billboard, advertising structure or advertising light display or similar device of any kind, intended to attract attention or to communicate a notice, including any surface on which a name, text, device, signal, ornament or advertising matter is made visible or

displayed to public view from off the premises of the owner, provided, however, the following shall not be included by this term:

- a. A notice board maintained by a school, church or other civic organization.
- b. A patriotic flag or banner when displayed principally in daytime.
- c. A temporary sign not in excess of eight (8) square feet and not erected or maintained for more than thirty (30) consecutive days pertaining to a parade, fair, horse show or other civic or public event.
- d. Signs serving to mark property boundaries, trails or roads, posted, no trespassing or similar signs, or signs warning of any hazard or similar condition provided the sign does not exceed two (2) square feet in sign area and contains no advertising matter

For the purposes of this Law a "Luminous sign" means any incandescent or other sign which gives forth its own light, or any transparent or translucent sign through which artificial light is emitted, including without limitation, any neon sign, fluorescent sign or advertising sign light display. An "illuminated sign" means any sign illuminated by a lighting device exterior to the sign where the sign reflects the light of such device.

SIGN AREA: That portion of the surface of a sign, measured from the outside dimensions thereof, on which any name, text, device, signal, ornament or advertising matter is displayed or visible. A sign having more than one face or surface or a group of connected signs shall be considered as only one sign for the purpose of measuring sign area; provided, however, that if a sign is lettered on both sides, back to back, only one side shall be included as the total sign area thereof.

SITE PLAN: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-ways, boundaries, all essential dimensions and hearings and any other information deemed necessary by the Planning Board.

SITE PLAN REVIEW: A review and approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in this Code.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade.

SPECIAL PERMIT USES: Those particular uses which are specifically permitted in a given district only when conditioning criteria enumerated in this Code are met.

STREETLINE: The limit of the street width or highway right-of-way, whichever is greater.

STRUCTURE: Anything constructed or erected with fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, signs, billboards and poster panels.

SWIMMING POOL: Any body of water, or receptacle of water, having a capability of a depth of eighteen (18) inches or more at any point, used or intended to be used for swimming, bathing, or wading and permanently installed or constructed either above or below ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of a market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.

TEMPORARY USE: An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work and seasonal produce stands.

USE: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is any change or modification in the requirements imposed by these regulations that is granted by the Zoning Board of Appeals as it applies to the use of property or the dimensional requirements for the use of property.

VEHICLE SALES AND RENTALS: The sale or rental of motor vehicles which meet all New York State motor vehicle inspection standards, including facilities for minor mechanical repairs, painting and cleaning of such vehicles.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: The space within and extending the full width of the lot from the front lot line to the part of the principal building which is nearest to such front line.

YARD, REAR: An open space extended across the entire width of the lot between the rear all of the principal building and the rear line of the lot, and unoccupied, except for accessory building and open porches.

YARD, SIDE: An open space of the same lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard, into which space there shall be no extension of building parts other than two (2) feet for rain water leaders, window sills, and other such fixtures and open steps.

ZONING CERTIFICATE OF COMPLIANCE: A certificate issued by the Zoning Officer stating that a structure of the use thereof is in compliance with this Code.

ZONING ENFORCEMENT OFFICER: The official designated to administer and enforce this Code.

ZONING PERMIT: A document issued by the Zoning Officer authorizing the use of lots, structures, and the characteristics of the uses in conformity with this Code.

ARTICLE III

Permits and Procedures

SECTION 300 PERMITS REQUIRED

No use or structure shall be established, erected nor land developed until a permit has been issued by the Zoning Enforcement Officer who shall issue such permits in accordance with regulations in the code. Permit applications shall be filed with the Town Zoning/Building Officer.

SECTION 301 PRE-APPLICATION CONFERENCE WITH PLANNING BOARD

Pre-application conferences with the Town's Planning Board are encouraged for all applicants seeking permits for non-residential uses.

SECTION 302 APPLICATION PROCEDURE AND REQUIRED INFORMATION

- A. Application must be made with the Town Zoning/Building Officer on forms approved by the Town.
- B. All information on the application form must be completed. In addition, the following information is also required to constitute a complete application:
 - 1. Map Required - Two copies of a property map shall be submitted with all applications. The map shall be either:
 - a. Sketch Map - A sketch map is required with all applications for one or two family dwellings, their customary accessory uses, or farm uses. The sketch map shall be drawn to scale and show the dimensions and location of the lot, exact size and location of all existing and proposed buildings on the lot, proposed location of water and sewage disposal systems, parking areas and driveway location, natural watercourses, ponds, surface

drainage patterns and location of existing or proposed easements.

b. **Site Plan** - A site plan is required with applications for all other uses, including for residential uses in a Historic Zone.

C. **Approval of water and sewage disposal systems.**

All properties with the Hamlet are required to be serviced by public water and sewer. Any required sketch map or site plan shall show the proposed location of water and sewer laterals serving the property.

D. **Evidence of property ownership or intent to purchase.**

E. **Licenses**

Any use currently licensed by Federal, State, County or Town Agencies and already operating within the Town shall present evidence or currently valid licenses before any expansion permits are considered.

F. **Fee**

The appropriate non-refundable fee established by the Town Board in its fee structure shall be collected at the time of the application.

SECTION 303

BUILDING PERMIT TYPES

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

- A. **Permitted use.** A building permit for a permitted use may be issued by the zoning enforcement officer of his own authority.
- B. **Sign permit.** A permit for the erection of a sign may be issued by the building inspector provided the sign meets all requirements of this ordinance.
- C. **Special permit uses and/or site plan approval.** A building permit for a special permit use may be issued by the Zoning Enforcement Officer after special permit or site plan approval for the planning board.
- D. **Building permit.** After an appeal or request for a variance. A building permit may be used by the zoning enforcement officer upon order of the Zoning Board of

Appeals after a public hearing as more fully described in Article VIII.

SECTION 304

BUILDING PERMIT GRANTED

When all requirements of this Code have been met, the Zoning Enforcement Officer shall issue a building permit and return one approved copy of the map no later than fifteen (15) days after approval. The Zoning Enforcement Officer shall file one copy of the approved permit in the Town Office.

SECTION 305

EXPIRATION OF PERMITS

Any building permit for which substantial construction has not commenced within one (1) year after issuance shall expire. Structures of improvements for which a permit has been granted shall be completed within two (2) years of the date of substantial commencement of construction.

SECTION 306

CERTIFICATE OF CONFORMITY

The applicant shall notify the Town Office when the structure is ready for final inspection. The Zoning Enforcement Officer shall then make a final inspection. If the Zoning Enforcement Officer determines that the structure has been constructed in accordance with the requirements of this Code, the applications, and any permit or approval conditions, he shall issue a certificate of conformity with the zoning laws. The same certificate may be used to certify that a structure meets the requirements of the NYS Building Code, provided the official executing the certificate is the designated Building Code Inspector.

ARTICLE IV
Establishment and Designation of Land Use Districts

SECTION 400 **ESTABLISHMENT OF DISTRICTS**

Section 2.1 (Establishment of Districts) For the purpose of this law, the Hamlet is hereby divided into zoning districts as follows:

- R-1** Existing residential districts
- R-2** Undeveloped residential districts
- C-1** Intense commercial districts
- C-2** Mixed use light commercial districts
- I-1** Industrial districts
- M-1** Mobile home districts
- L** Land conservation districts

SECTION 401 **DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zone map, the following rules shall apply:

- A.** Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- B.** Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines of highway right-of-way lines, such lines shall be construed to be district boundaries.
- C.** Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance wherefrom as indicated on the zone map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zone map.
- D.** Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of

Appeals (ZBA) shall interpret the zone map and determine the location of the district boundary line.

SECTION 402

ZONING MAP

Said districts are bounded as shown on the map entitled "Zoning Map of the Hamlet of Keeseville", adopted May 9, 1995, as the same way be amended from time to time, which map is thereby made a part of this Code. A copy of the map shall be kept on file in the Town Office. Amendments or changes to the zoning map shall be shown on a revised map for the district affected by the change. The original map and all revisions shall be maintained at the Town Office.

SECTION 403

LOTS IN MORE THAN ONE DISTRICT

Where a district boundary line divides a lot, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the most restricted portion, provided that the lot has frontage on a street in the less restricted portion. If the less restricted portion of the lot does not have frontage on a street, then the more restricted provision shall apply to the entire lot.

ARTICLE V
District Regulations

SECTION 500 EXISTING RESIDENTIAL DISTRICT (R-1)

SECTION 502 PERMITTED USES

- 1. One and two family dwellings, including modular dwellings.**
- 2. Gardens, nurseries and greenhouses for personal use by the occupants of the dwelling; provided that, no greenhouse heating plant shall be located within one hundred (100) feet from any lot line, nor be more than two hundred (200) square feet in area.**
- 3. Seasonal produce stands.**

SECTION 503 PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures, included but not limited to the following: swimming pools, garages.

SECTION 504 CONDITIONAL USES REQUIRING A SPECIAL PERMIT

The following uses may be permitted by special use permit granted by the Planning Board:

- 1. Home occupations**
- 2. Public Utilities**
- 3. Essential services**
- 4. Public and semi-public buildings and grounds**
- 5. Rooming houses, tourist houses, bed and breakfast establishments.**

SECTION 505

AREA REQUIREMENTS

Set Backs:

Front: Thirty (30) feet from center of row.

Side: Minimum ten (10) feet one side; thirty (30) feet both sides.

Rear: Thirty (30) feet.

Frontage: Seventy (70) feet.

Height: Forty (40) feet.

Minimum lot size:

One family dwelling: Ten thousand (10,000) square feet.

Two family dwelling: Seven thousand (7,000) square feet per family.

Lot coverage: Not more than forty (40%) percent of lot area.

SECTION 510

UNDEVELOPED RESIDENTIAL DISTRICTS (R-2)

SECTION 512

PERMITTED USES

1. One and two family dwellings, including modular dwellings.
2. Gardens, nurseries and greenhouses for personal use by the occupants of the dwelling; provided that, no greenhouse heating plant shall be located within one hundred (100) feet from any lot line, nor be more than two hundred (200) square feet in area.
3. Seasonal produce stands.

SECTION 513

PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures; swimming pools and garages.

SECTION 514

CONDITIONAL USES REQUIRING A SPECIAL PERMIT

1. Essential services
2. Home occupations
3. Public utilities
4. Public and semi-public buildings and grounds

5. Rooming houses, tourist houses, bed and breakfast establishments.
6. Seasonal produce stands (for the sale of agricultural products grown or produced on the premises)

SECTION 515 AREA REQUIREMENTS

Set Backs:

Front: Thirty (30) feet from center of row.

Side: Minimum ten (10) feet one side; thirty (30) feet both sides.

Rear: Thirty (30) feet.

Frontage: Seventy (70) feet.

Height: Forty (40) feet.

Minimum lot size: Ten thousand (10,000) square feet all uses.

SECTION 520 INTENSE COMMERCIAL DISTRICT (C-1)

SECTION 522 PERMITTED USES

1. Two family housing
2. Multi-family housing with four (4) or less dwelling units
3. Retail printing and publishing
4. Animal hospital and shelters
5. Health care facilities
6. Banks and financial institutions
7. Business and professional offices, including the offices of musicians, artists, accountants, architects, dentists, doctors, lawyers, engineers, insurance agencies, realtors
8. Mortuaries
9. Restaurants
10. Theaters, bowling alleys and other amusement places
11. Retail businesses
12. Repair shops
13. Clubs
14. Personal service business such as hair salons, dressmakers and tailors
15. Vehicle sales and rentals

The foregoing permitted uses shall not be established or expanded without a site plan review and approval by the Planning Board.

SECTION 523 PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures, including space used for the repair, assembly or processing of goods sold on the premises.

SECTION 524 CONDITIONAL USES REQUIRING A SPECIAL PERMIT

1. Gasoline filling stations
2. Hotels or motels
3. Multi-family dwellings with five (5) or more dwelling units

SECTION 525 AREA RESTRICTIONS

Set Backs:

Front: Thirty (30) feet from center of row.

Side: Minimum ten (10) feet one side; total thirty (30) feet.

Rear: Thirty (30) feet.

Frontage: Seventy (70) feet.

Height: Forty (40) feet.

Minimum lot size: Ten thousand (10,000) square feet; seven thousand (7,000) square feet per dwelling unit for multi-family uses.

Lot Coverage: Forty (40%) percent

SECTION 530 MIXED USE LIGHT COMMERCIAL DISTRICTS (C-2)

SECTION 531 PERMITTED USES

1. Single, two and multi-family dwelling with four (4) or less dwelling units
2. Professional offices
3. Hair salons
4. Craft and antique shops

5. Retail businesses with gross floor areas under three thousand (3,000.00) square feet
6. Repair shops, except mechanical and body motor vehicle repair shops

SECTION 532

SPECIAL PERMITTED USES

1. Multi-family dwellings with five (5) or more dwelling units
2. Public and semi-public buildings and grounds
3. Rooming houses, tourist homes, bed and breakfast establishments
4. Health care or medical centers
5. Mechanical and body motor vehicle repair shops
6. Retail businesses with gross floor areas in excess of three thousand (3,000) square feet
7. Vehicle sales and rentals

SECTION 533

AREA RESTRICTIONS

Set Backs:

Front: Thirty (30) feet from center of row.

Side: Ten (10) feet one side; thirty (30) feet both sides.

Rear: Thirty (30) feet.

Lot area: Ten thousand (10,000) square feet single family and other uses seven thousand (7,000) square feet per dwelling unit, two (2) or multi-family

Frontage: Seventy (70) feet.

Lot Coverage: Forty (40%) percent

Height: Forty (40) feet.

SECTION 540

HISTORIC RESIDENTIAL DISTRICTS (R-3)

SECTION 541

PURPOSE

The purpose of the Historic district is to preserve certain areas of historical or cultural significance in the Hamlet. Development in these areas should be consistent with the architectural, cultural, historic character of the area.

SECTION 542

PERMITTED USES

- 1. One and two family dwellings, including modular dwellings**
- 2. Gardens, nurseries and greenhouses for personal use by the occupants of the dwelling; provided that, no greenhouse heating plant shall be located within one hundred (100) feet from any lot line, nor be more than two hundred (200) square feet in area**
- 3. Seasonal produce stands**

SECTION 543

PERMITTED ACCESSORY USES

Uses and structures customarily incidental to permitted uses and structures, including but not limited to the following: Swimming pools; garages

SECTION 544

CONDITIONAL USES REGARDING A SPECIAL PERMIT

The following uses may be permitted by special use permit granted by the Planning Board:

- 1. Home occupations**
- 2. Multi-family dwellings with four (4) or less dwelling units**
- 3. Public utilities**
- 4. Essential services**
- 5. Public and semi-public buildings and grounds**
- 6. Rooming houses, tourist houses, and bed & breakfast establishments**

SECTION 545

AREA REQUIREMENTS

Set Backs:

Front: Thirty (30) feet from center of row.

Side: Minimum ten (10) feet one side; thirty (30) feet both sides.

Rear: Thirty (30) feet.

Frontage: Seventy (70) feet.

Height: Forty (40) feet.

Minimum lot size: One family dwelling ten thousand (10,000) square feet; two or multi-family dwelling seven thousand (7,000) square feet per family.

Lot Coverage: Not more than forty (40%) percent of lot area

SECTION 546

SITE AND BUILDING PLAN REVIEW REQUIREMENTS

- A. All building permits, including residential development, shall require site plan approval from the Planning Board**
- B. No demolition or substantial exterior alteration resulting in an essential change in the building is allowed without site plan approval.**
- C. The Planning Board site plan review must demonstrate the following additional requirements in its findings:**
 - 1. The building or use is consistent with the architecture and historic significance of the area**
 - 2. The building or use does not encroach, diminish or otherwise lessen the significance of other structures or uses within the district**
 - 3. For demolition permits evidence of overwhelming construction or structural problems must be shown to preclude any reasonable effort at rehabilitation, restoration, or preservation. Evidence must be in the form of a written contractor's estimate**

SECTION 550

INDUSTRIAL (I-1)

SECTION 551

PURPOSE

The purpose of this district is to provide for the establishment of industrial uses essential to the development of a balanced economic base and to regulate its development so it will not be detrimental or hazardous to the surrounding community.

SECTION 552

PERMITTED USES

- A. Any use of light industrial or agri-industrial nature is permitted which involves only the processing, assembly, or packaging of previously prepared or refined materials, provided that at no time will such use result in or cause:**
- 1. Dust, smoke, smog, observable gas, fumes or odors, or other atmospheric pollution, objectionable noise, glare, or vibration shall not be discernable beyond the property lines of the industry.**
 - 2. Hazard of fire or explosion or other physical hazard to any adjacent building or any plant growth on any land adjacent to the site of the use.**
- B. The following uses are indicative of those which are intended to be permitted:**
- 1. Manufacture of machinery such as: carburetor and small machine parts, cash registers, sewing machines and typewriters, calculators and other office machines.**
 - 2. Fabrication of metal products such as: baby carriages, bicycles, metal rail, tin, aluminum, gold, etc., metal furniture, musical instruments, sheet metal products and toys.**
 - 3. Fabrication of paper products such as: bags, book bindings, boxes and packaging material, office supplies and toys.**
 - 4. Fabrication of wood products such as: boats, boxes, cabinets and woodworking, furniture and toys.**
 - 5. Food and associated industries such as: bakeries, bottling of food and beverages, food and cereal mixing and milling, food processing, food sundry manufacturing, ice cream manufacturing and manufacturing of spirituous liquor.**
 - 6. The warehousing of storage of goods and products such as building materials, farm supplies and the like, which may be sold from the premises to the general public. The bulk storage of fuel or petroleum products, nuclear or radioactive products, toxic waste chemicals is specifically excluded from the intent of the above.**
 - 7. Vehicular mechanical and body repair shops.**

8. Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabrication incidental thereto.
9. The manufacturing and processing pharmaceutical and cosmetic products.
10. Other uses which, in the opinion of the Zoning Board of Appeals are similar in nature and scale to those permittee above.

SECTION 553

PERMITTED ACCESSORY USES

- A. Signs shall be permitted for advertising industrial activities on the premises which shall not exceed, in aggregate, fifteen (15%) percent of the area of the front façade of the building.
- B. Private garage and storage buildings, which are necessary to store any vehicle, equipment, or materials on the premises.
- C. Off-street parking space subject to the provisions of this ordinance.

SECTION 554

OTHER PROVISIONS AND REQUIREMENTS

- A. Residential uses shall be prohibited in this district.
- B. All industrial processes shall take place within an enclosed building. Incidental storage out of doors may be permitted provided that such materials are shielded from view from public streets, adjacent non-industrial districts by fencing, landscaping or other appropriate measures.
- C. All uses permitted in this district shall set aside not less than ten (10%) percent of the lot to be devoted to seeding, planting, retention of tree cover, or other landscaping. This area shall be used for no other purpose.
- D. Each use in this district shall provide truck loading and unloading area in an amount sufficient to permit the transfer of goods and products in other than a public street, off-street parking area or front yard.
- E. Industrial structures shall be located so as to be minimum of one hundred (100) feet from any non-industrial district. This one

hundred (100) foot buffer strip shall be perpetually maintained so as to provide visual screening and separation between industrial and non-industrial uses.

- F. Parking areas may be located in any of the required yard areas provided they are not less than fifty (50) feet from a right-of-way line or twenty (20) feet from a property line.
- G. The establishment of a new industrial use, or the expansion of an existing industrial use by more than thirty three (33%) percent of the land or building use for such purpose as of the effective date of this ordinance, shall require site plan review and approval by the Planning Board.

SECTION 555

SPECIFICATIONS

Setbacks:

Front: Fifty (50) feet from center of right-of-way

Side: Fifty (50) feet

Rear: Fifty (50) feet

Height: Thirty five (35) feet

Frontage: One hundred fifty (150) feet

Minimum lot size: One (1) acre

SECTION 560

MOBILE HOME DISTRICTS (M-1)

SECTION 561

PERMITTED USES

- 1. Single family dwellings, including mobile homes and modular homes.
- 2. Seasonal produce stands

SECTION 562

PERMITTED ACCESSORY USES

- 1. Swimming pools
- 2. Garages
- 3. One storage building

SECTION 563

SPECIAL PERMITTED USES

- 1. Mobile home parks**
- 2. Home occupations**
- 3. More than one storage building**

SECTION 564

AREA RESTRICTIONS, SINGLE DWELLING UNITS

Setbacks:

Front: Thirty (30) feet from center of right-of-way

Side: Ten (10) feet one side, total thirty (30) feet

Rear: Thirty (30) feet

Frontage: Seventy (70) feet

Height: Forty (40) feet

Minimum lot size: Ten thousand (10,000) square feet

Lot coverage: Forty (40%) percent

SECTION 565

SPECIAL REQUIREMENTS

- A. Only mobile homes manufactured after the implementation of the Housing and Community Development Act (June 15, 1976) shall be hereafter placed in the Hamlet of Keeseville.**
- B. Mobile homes that do not bear evidence of a manufacturing date shall be not less than nine hundred (900) square feet by measure of their exterior dimensions.**
- C. No structure may hereafter be constructed so as to be attached to the mobile home. Patios, door porches and car ports are excluded.**
- D. A storage shed or garage must be located on each mobile home lot. The shed will provide necessary storage space to compensate for the units lack of an attic and basement. Storage sheds shall be located in the rear yard of the lot.**
- E. All mobile homes shall be mounted on an adequate foundation. Anchors and tie downs such as cast in place in concrete "dead man", eyelets in concrete, foundations or runways, screw augers or other devices securing the stability of the unit are required. Such anchors and tie downs shall be placed in at least each**

corner of the foundation and shall have adequate strength for the structure.

- F. All mobile homes shall be provided with a fire resistant skirt or covering.
- G. Mobile homes are subject to all applicable portions of this Code pertaining to single family dwellings.
- H. Mobile homes shall be placed so that the long axis of the mobile home is parallel to the front lot line. Where the mobile home is placed on a corner lot, which front lot lines of unequal distance or length, it shall be placed parallel to the longest of the two front lot lines.

SECTION 566 MOBILE HOME PARKS

Mobile home parks are permitted in this district by special permit. Additional requirements may apply to the establishment of mobile home parks under the Hamlet's mobile home ordinance.

SECTION 570 LAND CONSERVATION DISTRICTS (L)

SECTION 571 PURPOSE

To identify land areas where development is prohibited because of special or unusual conditions of topography, drainage, flooding or other natural conditions that create a substantial risk of harm or damage to persons or property.

SECTION 572 PERMITTED USES

Any use accessory to a use permitted as a matter of right in the adjacent zone, provided it does not involve the construction of a structure.

SECTION 573 SPECIAL PERMITTED USES

None

SECTION 574

SPECIAL PROVISION

Land zoned land conservation which adjoins a lot (or portion of a lot) in another zone may be considered open space for the purpose of determining whether the lot coverage requirements of the adjoining lot (or portion of a lot) are satisfied.

ARTICLE VI
Regulations applicable to all zoning districts

SECTION 600 SIGNS

Signs shall be permitted only according to standards listed below unless otherwise stated in this Code.

SECTION 601 GENERAL STANDARDS

- A. No sign shall consist of lights which flash or move or appear to move.
 - 1. Illuminated signs are permitted in C-1, C-2 and I districts, but not R-1, R-2 or historic districts unless such signs are prior non-conforming uses.****
- B. No sign shall be higher than the principle building to which it is accessory.**
- C. No general advertising signs unrelated to the permitted use of the premises are allowed.**
- D. No sign shall project into a public right-of-way.**
- E. No sign shall be erected on a public utility pole or traffic control structure.**
- F. All existing signs at the time of the enactment of this Code shall be allowed to remain as long as they are property maintained and their use remains current.**
- G. Temporary unlighted signs erected by and for non-profit organizations such as churches, American Legion, boy scouts, political organizations, etc. advertising suppers, banquets, benefits, fund raising sales, etc., may be erected for a forty (40) day period without permit in any district, provided that the sign will not constitute a traffic hazard and shall be removed within forty eight (48) hours after advertised event.**
- H. Signs advertising the sale, lease or rental of the premises on which the sign is located are permitted provided the area of the sign does not exceed: in residential districts four (4) square feet; in commercial districts, ten (10) square feet; in industrial districts twenty (20) square feet.**

SECTION 602

SIGNS IN RESIDENTIAL DISTRICTS

No signs are permitted except: multi-family dwellings and permitted home occupations may erect one sign not exceeding six (6) square feet in area, which may be attached to the building or free standing provided it is not more than eight (8) feet above grade.

SECTION 603

SIGNS IN COMMERCIAL DISTRICTS

The following signs are allowed in commercial and industrial districts:

- 1. Directional signs indicating entrances, exits, and parking areas, not more than three (3) square feet.**
- 2. One attached sign per business. The aggregate signage area permitted all business shall not exceed five (5%) percent of the area of the wall fronting on a public street.**
- 3. Signs shall not project above the building roof line.**

SECTION 604

PARKING

This section is designed to reduce problems caused by inadequate or poorly designed parking facilities.

- a. All uses shall provide adequate off-street parking for all vehicles parked during typical peak use periods. Parking should be designed to eliminate the need to back out or to park on the shoulder of public roads.**
- b. Violation is constituted by an observed overload of parking on off-site areas neighboring property or road right-of-ways more than three (3) times per month.**
- c. A parking space shall be not less than 10'x18' exclusive of access way and driveways. Single family residences need not exclude driveway area.**
- d. Off street loading areas for non-residential uses shall provide access lanes to parking spaces. Parking areas for fifty (50) or more vehicles shall delineate fire lanes and include no parking markers.**

SECTION 605

MINIMUM PARKING STANDARDS

Minimum standards supplementary to the basic standard cited above is as follows:

- a. For a place of public assembly: one (1) parking space for every three seats.**
- b. For industrial uses: one (1) parking space for each employee, plus such loading areas as may be required by the Planning Board.**
- c. For other businesses and commercial uses: one (1) parking space per two hundred (200) square feet of gross floor area unless otherwise specified herein, plus such loading areas as may be required by the Planning Board.**
- d. For residential uses: one (1) parking space per dwelling unit.**
- e. Off street loading areas for industrial and commercial uses: one (1) loading area 12' wide by 45' deep for the first six thousand (6,000) square foot of floor area; one (1) additional loading area for the next nine thousand (9,000) square feet; one (1) additional loading area for the next fifteen thousand (15,000) square feet; one (1) additional loading area for each additional thirty thousand (30,000) square feet.**
- f. All parking and loading areas shall be provided on the lot where the principal structure is located or an adjacent lot, except that, off-site parking for commercial and industrial uses may be provided on a lot owned by the lot owner where the principal building is located provided that such lot is within five hundred (500) feet of the lot lines of the principal building lot.**
- g. Private roads or drives serving commercial or industrial lots shall enter upon a public street within the commercial or industrial zone.**

SECTION 620

FENCES

Fences erected in the Hamlet shall adhere to the following unless otherwise specified in this Code:

- A. Fences may be erected, altered or reconstructed to a height of six (6) feet for residential uses; eight (8) feet for non-residential uses.**

- B. Fences may be substituted for lot line landscaping during site plan review upon the discretion of the Planning Board.
- C. No fence shall cause obstruction to vision at street intersection.

SECTION 625 CAMPING TRAILERS

No travel trailers shall be parked or located overnight with the town except:

- A. On private property in conformance with 625-1 and 625-2 below;
- B. In a campground , as provided in Section 625; or
- C. On the premises of a travel trailer or rental establishment

SECTION 625-1

A travel trailer may be parked or located overnight on the property of its owner, provided that it complies with applicable setback requirements and is sited in a manner that minimizes its visibility from a public highway (normally in the rear or side yard behind the front face of the principal building). A travel trailer shall not block access by emergency vehicles, shall not be used as living quarters except as provided in Section 625-2, and shall not be hooked up to any utilities.

SECTION 625-2

A family guest may park and sleep in a travel trailer of the lot of the family visited, provided that the travel trailer is located in accordance with the requirements of Section 625-1 above. Such use shall not exceed 30 consecutive days or 45 days in total during any calendar year.

SECTION 630 STATE ENVIORNMENTAL QUALITY REVIEW

- A. The State Environmental Quality Review Act requires that local government examine the environmental impact of all actions they permit, fund, or construct. Article 8 and Part 617 of Title 6

of the New York Code of Rules and Regulations are hereby adopted by reference.

- B. All "Type I" actions (8 NYCRR Part 617) shall require the submission and review of an Environmental Assessment Form.
- C. For zoning action reviewed by the Town, the following bodies shall be lead agency, unless otherwise delegated by the Town Board.
- D. If the lead agency finds the proposed action may have a significant effect on the environment, it shall cause the applicant to prepare a Draft Environmental Impact Statement. Review, notice and action on the EIS shall be conducted accordingly to NYCRR Part 617.

SECTION 635

CORNER LOTS

On corner lots, the sides facing both streets shall be considered front yards. Of the other sides, one shall be considered a rear yard and the other side yard at the owner's option.

SECTION 640

NON-CONFORMING USES, LOTS, STRUCTURES

Lots, structures, uses of land and structures and characteristics of use which lawfully existed at the time of the enactment of these regulations and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions.

- A. Intent - It is the intent of these regulations to permit non-conforming uses to continue until they are removed, but not to encourage their survival.
- B. Enlargement – No non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of these regulations.
- C. Unsafe Structures – Any structure or portion thereof declared unsafe by a property authority may be restored to a safe condition.

- D. Alterations** – A non-conforming structure may not be reconstructed or structurally altered to an extent exceeding in aggregate cost fifty (50%) percent of the full value of said structure, unless the structure shall be changed to a conforming use.
- E. Restoration** – No non-conforming structure damaged by fire or other causes to the extent of more than seventy five (75%) percent of its full value shall be repaired or rebuilt except in conformity with the requirements of these regulations.
- F. Discontinuance** – Whenever a non-conforming use had been discontinued for a period of six (6) months, use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations.
- G. Changes** – Once changed to a conforming use, no structure or land so changed shall be permitted to revert to a non-conforming use.
- H. Displacement** – No non-conforming use shall be extended to displace a conforming use.
- I. Moving** – Should any structure be moved for any reason for a distance, it shall thereafter conform to the requirements for the district in which it is located after it moved.
- J. Existing undersized lots of record:**
1. Any recorded lot held in single and separate ownership prior to the adoption of these regulations and whose area and/or width and/or depth are less than minimum requirements specified therein for the district, may be considered as complying with those regulations and no variance therefore shall be required, provided that:
 - a. Such lot does not adjoin any other lot or lots held by the same owner, the aggregate area of which lots is equal to or greater than the minimum lot area required for that district;
 - b. The minimum yard requirements set by these regulations are met.
 2. In any district where residences are permitted,

such undersized non-conforming lots may be used for not more than one single-family dwelling, provided such lots have a minimum area of three thousand five hundred (3,500) square feet.

3. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's property.

ARTICLE VII
Special Permit Use Regulations

SECTION 701 **GENERAL PROVISIONS**

The special permitted uses listed in this law shall be deemed permitted uses upon the Planning Board finding that the standards of this article have been met and that establishment of the use will not adversely affect the health, safety and welfare of adjoining property owners and the neighborhood where the use is proposed to be located. In assessing the impact on health, safety and welfare, the Planning Board may consider such factors as traffic, noise, light, odor, litter and other impacts from the proposed use that are likely to have a greater impact on adjoining properties than any permitted use within the district. All special permitted uses are deemed to possess such unique and special characteristics that each use shall be considered on its individual merits.

SECTION 702 **INTERPRETATION OF SPECIAL PERMITTED USE CATEGORIES**

In cases where there is doubt or ambiguity about whether a particular use comes within the definition of a special permitted use, the Zoning Board of Appeals shall interpret the ordinance following a report and recommendation of the Planning Board. It shall require a majority vote plus one of the Zoning Board of Appeals to adopt a different interpretation than the one recommended by the Planning Board. This section is not intended to delegate to the Zoning Board of Appeals the authority to expand the list of special permitted uses in the law by adding new or different uses than those listed, but it is intended to allow the Zoning Board the discretion to find that a proposed use, including uses that may combine one or more of the listed special permitted uses, is fundamentally the same as a listed special permitted use.

SECTION 703

CLUBS (LODGES, FRATERNAL ORGANIZATIONS, ETC.)

- A. Minimum lot size: twenty five thousand (25,000) square feet; minimum lot frontage: one hundred twenty (120) feet.**
- B. Landscaping areas or screening adequate to protect adjacent properties and land use shall be provided on all side and rear lot lines.**
- C. Minimum parking shall be one (1) per employee and one (1) per for each three (3) members.**
- D. Entrance and exit points shall be from major or secondary roads.**

SECTION 704

DAY CARE CENTERS

- A. Must have an active outdoor area of one hundred (100) square foot per child.**
- B. Outdoor play areas must be appropriately fenced in or otherwise protected from roads and nearby properties.**
- C. No outdoor play equipment may be placed within ten (10) feet of any property line, fence or structure.**
- D. Minimum parking shall be one (1) space per staff member plus one (1) space per each ten (10) children.**

SECTION 705

DRIVE-IN RESTAURANTS

- A. The following information shall be submitted as part of the application for site plan approval and the special use permit for drive-in restaurants stores in addition to that information required in other section of Code.**
 - 1. The location and dimensions of all structures including buildings, screened trash areas, fencing and lighting (show direction and level of illumination.**
 - 2. The locations and dimensions of all off-street parking and ingress and egress locations.**
 - 3. Proposed landscaping of site.**

- B. All such uses shall be minimum of two hundred (200) feet from other such businesses, which distances shall be computed as follows:**
- 1. For such businesses on opposite sides of the street, two hundred (200) feet between the two (2) closest property lines.**
 - 2. For such businesses on opposite sides of the street two hundred (200) feet measured diagonally between the two (2) closest property corners.**
 - 3. For four-corner intersections, one (1) such business may be located on diagonally opposite corners exclusive of the two hundred (200) feet distance requirement.**
- C. All such uses shall provide suitable storage of trash in areas which are so designed and constructed as to allow no view of the trash storage from the street, to prevent waste paper from blowing around the site or onto adjacent properties or public right-of-way, and to permit safe, easy removal of trash by truck or by hand.**
- 1. The minimum distance of any drive-way to property line shall be fifteen, (15) feet.**
 - 2. The minimum distance between driveways on the site shall be sixty five (65) feet measured from the two (2) closest drive-ways' curbs.**
 - 3. The minimum distance way into the site shall be from a street intersection shall be thirty (30) feet measured from the intersection of the street right-of-way to the nearest and of the curb radius.**
 - 4. Such uses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.**
- D. Exterior lighting proposed for the site shall be planned, erected and maintained so it will not cast direct light or glare upon adjacent properties or public right-of-way. The light source shall not be higher than twenty (20) feet.**

- E. Landscaping and fencing shall be provided to minimize visual unattractiveness and minimize conflicts with adjacent land users.**
- F. Water supply and sewage disposal systems shall be reviewed by the Town Water Department and the Ausable Sewer Department.**

SECTION 706

ESSENTIAL SERVICES

- A. Essential services may be allowed as special permit uses in all districts upon the approval of special use permit by Planning Board.**
- B. The Planning Board shall determine the following prior to approving a special permit:**
 - 1. The proposed installation in a specific location is necessary and convenient for the efficiency of the essential services or the satisfactory and convenient provision of service to the area in which the particular use is located.**
 - 2. The design of any building in connection with such facility shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights in the district in which it is to be located.**
 - 3. Adequate landscaping will be provided to create a visual and sound buffer between such facilities and adjacent property.**
 - 4. All new and replacement electronic distribution, telephone, cable TV and other lines shall be placed underground.**
 - 5. All service connections from distribution lines to customers shall be placed underground.**
 - 6. All points of necessary access, or transformers, shall be placed in secure structures at ground level.**
 - 7. All major electrical transformer facilities or substations, if above ground, shall be secured by an outer and inner fence, each ten (10) feet from each other at any point; also no transformer or**

associated switches shall be closer than one hundred (100) feet from any lot line.

SECTION 709

HOME OCCUPATIONS

- A. No person other than a member of the immediate family occupying such dwelling and one person not residing on the premises shall be employed as part of the home occupation.**
- B. A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.**
- C. No more than twenty five (25%) percent of the gross floor area of such residence shall be used for the conduct of a home occupation. No more than forty (40%) percent of the floor area of an accessory structure shall be used for a home occupation (except garages).**
- D. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of the colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.**
- E. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or avocation not conducted from gain or profit or machinery or equipment which is essential in the conduct of the home occupation.**
- F. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.**
- G. One (1) sign shall be permitted not to exceed 2'x2' dimension. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.**

- H. One (1) commercial type vehicle may be used in connection with the home occupation and be parked on the property.**
- I. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any greater or more frequent extent than that usually experience in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.**
- J. A home occupation shall not be interpreted to include the following:**
 - 1. Commercial stables and kennels, restaurants, musical and dancing instruction to groups exceeding four (4) pupils, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles, retail businesses where the product sold is not manufactured on the premises, and other trades of business of a similar nature.**

SECTION 710

HOTELS AND MOTELS

- A. Minimum lot size: two (2) acres; minimum lot width: two hundred (200) feet; minimum front setback: one hundred (100) feet; minimum side and rear setbacks: forty (40) feet.**
- B. Restaurants, cafeterias, swimming pools, newsstands, pharmacies, barber shops, hairdressers, gift shops, and other personal service shops for the convenience of guests may be permitted as accessory uses. With the exception of an identifying sign for the restaurant, no external evidence of these internal commercial activities is permitted.**

SECTION 711

JUNK YARDS

The provisions of the Town Junk Yard Law are hereby adopted by reference and shall apply to all junk yards as defined in this Code.

SECTION 712

KENNELS AND ANIMAL HOSPITALS

- A. Minimum lot size: twenty five thousand (25,000) square feet; minimum lot frontage: one hundred twenty (120) feet.**
- B. Adequate landscaping or fencing shall be provided to create a visual, sound and smell buffer between such facility and adjacent properties.**
- C. All buildings, structures or other accessory uses shall be at least seventy five (75) feet from any property line.**
- D. All animals shall be kept within a totally enclosed, sound proofed building between 8:00 pm and 6:00 am.**
- E. Lot coverage shall not exceed fifty (50%) percent.**
- F. Entrance and exit points shall be from major or secondary roads only.**

SECTION 713

MOBILE HOME PARKS

- A. Special use permits for the establishment and operation of mobile home parks are of a one (1) year duration. Upon application, the Zoning Enforcement Officer may grant a permit renewal if all conditions of the original permit are complied with.**
- B. The minimum site area of proposed mobile home parks shall not be less than one (1) acre.**
- C. Mobile home lots shall have an area of not less than seven thousand eight hundred and seventy-five (7,875) square feet. Each mobile home lot shall front on an interior park roadway and have a minimum width of seventy (70) feet.**
- D. Minimum front setback for mobile homes: thirty (30) feet; minimum side setback: ten (10) feet on one side with a**

total of thirty (30) feet on both sides; minimum rear setback: thirty (30) feet.

- E. The minimum setbacks of every mobile home, building or other structure in a mobile home park from the nearest public street line shall be forty (40) feet, and from every other lot line of the mobile home park shall be forty (40) feet.
- F. Not more than one (1) mobile home shall be located on any one (1) mobile home lot. Every mobile home within a mobile home park shall be located on a mobile home lot or in a designated storage area shown on the approved site plan for said park.
- G. At least one (1) service building shall be constructed in each mobile home park which shall be adequate to provide for storage of all equipment, tools, and materials necessary for the maintenance of the park, and all such equipment, tools, and materials shall be stored within said building when they are not in use.
- H. Each mobile home lot must have not less than one (1) off-street parking spaces. Such parking spaces shall be connected to the entrance of the mobile home by a paved sidewalk having a minimum width of twenty four (24) inches.
- I. No boats, campers, travel trailers, recreational vehicles, or unregistered and unlicensed motor vehicles shall be parked or stored in any place within a mobile home park except in areas designated and approved for such storage as part of the site plan approval.
- J. Every roadway within a mobile home park shall have a minimum pavement width of twenty five (25) feet and a minimum right-of-way width of forty (40) feet. If cul-de-sacs exist, they shall have a minimum diameter of sixty (60) feet.
- K. A complete water distribution system approved by the Health Department, including water-service pipe for each mobile home lot and appropriately spaced fire hydrants.
- L. A public sanitary sewage disposal system approved by the Health Department and other appropriate agencies shall

be installed, including a sewer connection for each mobile home lot.

- M. All public utility, electric, gas, cable, television and telephone lines shall be installed underground.**
- N. Appropriate street lighting shall be installed on interior roadways with the minimum number of lights being one at each intersection of interior roadway with each other, or with abutting public road, and a least every two hundred (200) feet where such intersection are more than two hundred (200) feet apart.**
- O. A landscape plan shall be prepared and carried out which will assure the Planning Board that an appropriate planting of trees and shrubs will be included in the park design, including screening where necessary. Generally plantings ten (10) feet in depth from the lot lines of the property shall be required.**
- P. No mobile home shall be located on a mobile home lot until the roadway, sanitary sewage disposal system, water supply system, and storm drainage system serving said mobile home lot have been installed in accordance with the approved site plan for the mobile home park.**
- Q. Each roadway shall be named and noted upon signs at each roadway intersection. Each mobile home lot shall be assigned a permanent number which shall be noted on the mobile home lot in a location clearly visible from the roadway.**
- R. All fuel tanks used for heating within a mobile home park, including all fuel tanks used for heating within mobile homes, shall be installed underground in accordance with NFPA standards.**
- S. Every mobile home park shall have a recreational area or open-space area for use by the occupants of the mobile home park. Such areas shall be as centrally located as the topography and design of the park permit. Such area shall not be less than three thousand (3,000) square feet with a minimum width of forty (40) feet, an additional three hundred (300) square feet per mobile home lot shall be provided for parks with more than six mobile homes.**

- T. The park owner shall provide for the regular collection and disposal of garbage, trash, and rubbish.**
- U. No more than one (1) accessory building shall be permitted on any mobile home lot.**
- V. Each mobile home shall be enclosed at the bottom with a fire resistant skirt or enclosure within thirty (30) days after the placement of the mobile home on the lot.**
- W. No enclosure or addition, with the exception of carports, door porches, and patios, shall be constructed on or added or attached to the exterior of any mobile home.**
- X. No mobile home shall be offered for sale, display for sale or sold within a mobile home park unless such mobile home is located on a mobile home space and is connected to an electric public utility supply and to a public sewer and public water supply.**
- Y. Every roadway within a mobile home park shall be maintained in good repair and shall be open at all times reasonably possible for travel by occupants of the park and necessary fire, police, ambulance, public utility maintenance and fuel supply vehicles. The park owner shall be responsible for providing and paying the cost of such maintenance and all necessary snow removal.**
- Z. The owner of the mobile home park shall maintain a register listing the names of the owners of all dogs kept within the park and a description of each dog. Dogs shall not be allowed to roam free within the park and shall be kept on leashes. Dogs shall not be kept or housed outdoors between the hours of 7:00 pm and 6:00 am. By applying for a special use permit, the park owner and his tenants consent to the entry of the Town Dog Control Officer onto the park premises at any time for the purpose of enforcing dog control laws.**
- AA. Sale of lots. Any sale of a mobile home space or spaces or portion of a mobile home park, other than the entire mobile home park, as shown on the plan of such park approved by the Town shall thereupon immediately invalidate the permit for such park approved by the Town Board. Any use of any of the premises within the mobile**

home park other than as a mobile home park shall thereupon immediately invalidate the special permit of such park approved by the Planning Board.

BB. Home Occupations. Home occupations are not permitted in mobile homes located within a mobile home park

SECTION 714

MULTIPLE FAMILY DWELLINGS

- A.** The maximum gross density shall not exceed six (6) units per acre.
- B.** Minimum habitable floor area requirements shall be greater of those required by the NYS Building Code for the following.
 - 1.** Apartment unit, efficiency: five hundred (500) square feet.
 - 2.** Apartment unit, one (1) bedroom: five hundred (500) square feet.
 - 3.** Apartment unit, two (2) bedrooms: eight hundred (800) square feet.
 - 4.** Apartment unit, three (3) bedrooms: seven hundred (700) square feet.
 - 5.** Each additional bedroom shall require a minimum of one hundred (100) square feet additional gross floor area.
- C.** All stairways to the second floor or higher shall be located inside the building.
- D.** Access to public road:
 - 1.** All multiple-family dwelling developments must have direct access to public roads.
 - 2.** If there are more than twelve (12) dwelling units in a multiple-family dwelling development, direct access must be provided to the public road by a private driveway or a road dedicated to the Town by the developer.

SECTION 715

MOTOR VEHICLE REPAIR SHOPS

- A. Minimum lot size: twenty five thousand (25,000) square feet; minimum lot width: one hundred (100) feet.**
- B. Entrance and exit driveways shall have an unrestricted width of not less than twenty five (25) feet and not more than thirty (30) feet, and shall be located not nearer than ten (10) feet from any property line, and shall be designed as to avoid the necessity of any vehicle backing out into any public right-of-way.**
- C. No more than ten (10) licensed motor vehicles being services of repair shall be stored or parked outdoors for more than 48 hours and these shall be in areas effectively screened from all property lines. All such vehicles shall be stored in a neat, orderly manner.**
- D. Hours of operation: No earlier than 7:30 am; not later than 8:00 pm.**

SECTION 716

PUBLIC AND SEMI-PUBLIC BUILDINGS AND GROUNDS

- A. Minimum lot size: twenty thousand (20,000) square feet; minimum lot frontage: one hundred (100) feet.**
- B. Landscaped areas at least ten (10) feet in width or other suitable screening shall be provided for the entire length of any lot line adjacent to any residence or adjacent street.**
- C. No structure of use shall be located within fifteen (15) feet of any adjacent property line.**
- D. Entrance and exit points shall be from major or secondary roads.**
- E. Parking areas shall not be within ten (10) feet of any property line.**

SECTION 717

RETAIL GASOLINE OUTLET

- A. Minimum lot size: twenty two thousand (22,000) square feet; minimum lot width: one hundred (100) feet.**

- B. Entrance and exit driveways shall have a width of not less than twenty five (25) feet and not more than thirty (30) feet, and shall be located not nearer than fifteen (15) feet from any property line, and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.**
- C. Entrance and exit points shall be from a major or secondary road.**
- D. All buildings shall be setback from the major or secondary street line a distance of not less than thirty (30) feet.**
- E. Gasoline pumps shall be located not less than twenty (20) feet from the street line and not less than thirty (30) feet from all property lines.**
- F. All buildings shall be setback from the major or secondary street line a distance no not less than thirty (30) feet.**
- G. No such establishment shall be located within a distance of two hundred (200) feet of a school, church, hospital, nursing home, senior citizen housing or other place of public assembly designed for occupancy of more than fifty (50) persons, or within five hundred (500) feet of another gasoline station or repair garage on the same side of a street. Said distance shall be measured in a straight line between the nearest points of each of the lots or premises.**
- H. Landscaped areas of at least ten (10) feet in width shall be provided along with property lines to lessen any visual unattractiveness.**
- I. The entire area of the site traveled by motor vehicles shall be hard surfaced.**
- J. Any repair of motor vehicles shall be performed in a fully enclosed building and no more than two (2) motor vehicles shall be offered from sale on the site at any one time. No motor vehicle parts, or partially dismantled motor vehicle shall be stored outside of an enclosed building.**

ARTICLE VIII
Administration and Enforcement

SECTION 800 **ENFORCEMENT**

The duty of administering and enforcing the provisions of this Code is hereby conferred upon the Zoning Enforcement Officer. He shall be appointed by the Town Board and receive compensation as the Town Board shall determine.

SECTION 801 **DUTIES AND PROCEDURES OF THE ZONING
ENFORCEMENT OFFICER**

- A. Administer the Zoning Law: The zoning Enforcement Officer shall review all applications for building permits and, if the minimum requirements of this Code are met, he shall issue a permit. If the applicant's plans do not meet the zoning requirements, he must deny the permit. The Zoning Enforcement Office may not use discretionary judgment.**
- B. Referral to the Zoning Board of Appeals: An applicant, after he has been denied a building permit, may appeal the Zoning Enforcement Officer's findings to the Zoning Board of Appeals (ZBA) for an interpretation of a variance. Should an appeal be requested, the Zoning Enforcement Officer shall notify the Secretary of the ZBA of the request and forward all necessary supporting information.**
- C. Referral to Town Planning Board: Any application for a special permit, change of zoning district or use that requires site plan review shall be forwarded by the Zoning Enforcement Officer to the Secretary of the Town Planning Board along with all supporting information.**
- D. Site Zoning Violations: For any plans, constructions, building, use of premises found in violation of this Code, the Zoning Enforcement Officer shall order the responsible party, in writing, to remedy conditions. He shall have the**

authority to order a stop order to restrain the continuance of the violation.

- E. Report to Town Board: A monthly report to the Town Board describing and enumerating violation complaints received, actions taken and permits issued shall be given.
- F. Public Record: The Zoning Enforcement Officer shall file all permits and actions with the Town Clerk.

SECTION 810

PLANNING BOARD

SECTION 811

APPOINTMENT OF A PLANNING BOARD

The Town Board authorized the appointment of a five member Planning Board. Terms of all Planning Board members shall be staggered as required by State Law. The term of each member shall commence as of the date he is qualified an appointed and shall expire on December 31st in the year when said term expires.

SECTION 812

OFFICERS, RULES AND EXPENSES

- A. The Town Board may select a chairman of the Planning board, or on failure to do so, the Planning Board shall elect a chairman from its own members.
- B. The Planning Board may adopt rules or by-laws for its operation. The Planning Board may also adopt forms for use in connection with making or reviewing applications which may include information required to be submitted as a condition of completing an application that is not set forth in the body of this law.
- C. The Town Board shall provide an appropriation to the Planning Board to cover necessary expenses including the means for the Public Board to maintain a written record of its meetings and public hearings.

SECTION 813

FUNCTIONS OF THE PLANNING BOARD

- A. Prepare or change a comprehensive land development plan for the Hamlet.**
- B. Review and comment on all proposed zoning amendments after referral to the County Planning Board.**
- C. Review and grant or deny special permits as authorized by Article IX.**
- D. Render assistance to the Zoning Board of Appeals on its request.**
- E. Research and report on any matter referred to it by the Town Board.**
- F. Make investigations, maps, reports, and recommendations in any matter related to Planning Development as it seems desirable providing expenditure of the Board do not exceed appropriations.**

SECTION 820

ZONING BOARD OF APPEALS

SECTION 821

APPOINTMENT OF ZONING BOARD OF APPEALS

The Town Board authorizes the appointment of a five (5) member Zoning Board of Appeals. Terms of all Zoning Board of Appeals Members shall be staggered as required by state law. The term of each member shall commence as of the date he/she is qualified and appointed and shall expire on December 31st in the year when said term expires. The Town Board shall appoint the ZBA's Chairman.

SECTION 822

OFFICERS, RULES AND EXPENSES

- A. The ZBA may adopt rules or bylaws for its operation. The ZBA may also adopt forms for use in connection with making or reviewing applications which may include information required to be submitted as a condition or completing an application that is not set forth in the body of this law.**

- B. The Town Board shall provide an appropriation to the ZBA to cover necessary expenses including the means for the ZBA to maintain a written record of its meeting and public hearings.**
- C. All decisions shall be by a majority vote of the membership (three) except in those cases of a County Planning Board disapproval referral recommendation, or Planning Board recommendations on interpretations of special permit categories. In such cases a majority plus one vote (four) shall be required for any decision contrary to the recommendations of such boards.**

SECTION 823

FUNCTIONS OF THE ZONING BOARD OF APPEALS

A. Interpretation.

Upon appeal from a decision by the Zoning Enforcement Officer, the ZBA shall decide any decision involving interpretation of any provision of this Code.

B. Appeals for Variances

Upon denial of a building permit by the Zoning Enforcement Officer, the ZBA shall hear requests for variances as more fully described in Section 830 of this Code.

SECTION 830

APPEALS FOR VARIANCES THROUGH THE ZONING BOARD OF APPEALS (ZBA)

All requests for variances shall be made to the ZBA after denial of a building permit by the Zoning Enforcement Officer.

SECTION 831

VARIANCE POLICY

The granting of variances shall be principally for those seeking area variances. Use variances allow activities prohibited in the Zoning district, thus such requests shall be carefully reviewed.

SECTION 832

GRANTING AREA OR DIMENSIONAL VARIANCES

- A. Area variances may be granted where setback, frontage, lot size, density or yard requirements of this Code cannot be reasonably met. In making its determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
1. whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance;
 3. whether the requested area variance is substantial;
 4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

5. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board, but shall not necessarily preclude granting of the variance.
- B. Area variance procedures. Area variances shall be granted by the Procedure established in Section 834.
 - C. The board may impose reasonable conditions and restrictions on the granting of the area variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

SECTION 833

GRANTING USE VARIANCES

- A. No use variances shall be granted by the ZBA without a showing by the applicant that the zoning regulations and restrictions will impose an “unnecessary hardship”. In order to prove such necessary hardship the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning law for the particular district where property is located:
 1. The applicant cannot realize a reasonable return on his investment in the property, provided that the lack of return is substantial and is demonstrated by competent financial evidence;
 2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 3. The request use variance, if granted, will not alter the essential character of the neighborhood; and
 4. The alleged hardship has not been self created.
- B. In granting use variances, the ZBA shall grant the minimum variance necessary and adequate to address the unnecessary hardship provided by the applicant, and at

the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- C. Use variance procedure: Use variances shall be granted only by the procedure established in Section 834.
- D. The Board may impose reasonable conditions and restrictions on the grant of area variances provided they are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

SECTION 834

PROCEDURES FOR GRANTING A VARIANCE

- A. All applications for variances shall be in writing on forms established by the ZBA. They are available from the Zoning Enforcement Officer.
- B. Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.
- C. Upon receipt of the completed application the ZBA shall:
 - 1. Schedule a public hearing.
 - 2. Arrange publication of notice of the public hearing as described in Section 835, but not less than five (5) days before such hearing.
 - 3. Refer the application to the Planning Board as required by General Municipal Law Section 239, if required, not less than five (5) days before said hearing.
 - 4. Determine whether a Draft Environmental Impact Statement should be required.
- D. Within sixty two (62) days of the public hearing, the ZBA shall render a decision. Within five (5) days of rendering such decision, the board shall file a copy of the decision with the Town Clerk and mail a copy of the decision by first class mail to the applicant.

- E. Re-hearings: Any member of the board may move to re-hear any order, decision or determination of the board that has not been previously reviewed. A unanimous vote of all board members present is required for such re-hearing to occur. Upon re-hearing, the board may reverse, modify or annul its original order and decision, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reviewed order, decision or determination will be prejudiced thereby.**

SECTION 835

NOTICE OF HEARING

The Board shall fix a reasonable time for the hearing of appeals not to exceed thirty (30) days from ZBA receipt, or sixty (60) days where cases are referred to the County Planning Board, and shall give due notice of the time set for the hearing to the applicant. Public notice shall be by the publication of a notice in the official newspaper of the Town not less than 5 days prior to such hearing, and shall briefly describe the nature of the appeal and the time and place of the hearing. A copy of the meeting agenda shall be posted in the offices of the Town Clerk no less than five (5) days prior to the meeting.

SECTION 836

MEETINGS OF THE BOARD

- A. The Zoning Board of Appeals shall hold meetings at the call of the chairperson, or at the request of three or more members.**
- B. The presence of three (3) members shall constitute a quorum for the conduct of business before the board.**
- C. A concurring vote of three (3) members of the Board shall be necessary to act on the application for any variance or to decide upon any other matter brought before the board, unless otherwise provided in this law.**
- D. All votes of the Zoning Board of Appeals shall be taken by roll call.**

- E. In accordance with Article 800 of the General Municipal Law, a member of the Zoning Board of Appeals having a conflict of interest shall abstain from any discussion or voting on that matter.**
- F. The Zoning Board of Appeals may request and obtain any advice or opinions on the law relating to any matter before the Board from the Town Attorney.**
- G. The Zoning Board of Appeals may require the zoning enforcement officer to attend its meetings to present any facts relating to any matter before the Board.**
- H. All meetings of the Zoning Board of Appeals shall be open to the public.**
- I. The Zoning Board of Appeals shall keep minutes of all meetings. The Town Board shall provide a secretary for the Zoning Board of Appeals.**
- J. The Zoning Board of Appeals shall make factual record of all its proceedings including the reading of the case, hearing, deliberation, voting and decisions of the Board. The record shall be taken by stenographic and/or tape recorder means and shall be accurate but not necessarily a verbatim transcript but may be in narrative form.**

SECTION 840

REQUIRED REFERREALS TO THE COUNTY PLANNING PLANNING BOARD

The General Municipal Law sets forth requirements for the referral of certain Zoning actions to the County Planning Board prior to action by the local Zoning or Planning Board. The County Planning Board has thirty (30) days from date of receipt of the referral to make a recommendation on the matter. By mutual agreement of county and the municipality such thirty (30) day period may be extended in special cases.

SECTION 845

EFFECT OF COUNTY PLANNING BOARD REVIEW

- A. If the county recommends approval of an application or proposed action, or makes no recommendation, the local board can decide the matter by majority.**

- B. If the county recommends disapproval, or approval subject to stated conditions or modifications, the local board may override the county recommendations only by a majority plus one vote.**

SECTION 846

REPORT OF FINAL LOCAL ACTION

Where the county makes a recommendation, the local board shall send a copy of its final decision and reasons to the County Panning Board within seven (7) days after the local decision is made and filed.

ARTICLE IX
Special Permits

SECTION 900 **ADMINISTRATION**

The Town Planning Board will administer the review and granting of special permits.

SECTION 901 **PROCEDURE**

- A. The Zoning Enforcement Officer shall refer the completed special permit application to the Town Planning Board within ten (10) days after receiving a completed application.**
- B. At its next regular or special meeting, the Town Planning Board shall designate a public hearing date within a reasonable period of time, not to exceed forty five (45) days from the date application was made or sixty (60) days in cases when the application must be referred to the County Planning Board in accordance with General Municipal Law, Section 239M, as described in Section 840 of this Code.**
- C. The Town Planning Board shall send a notice of the public hearing to the applicant and publish a notice of the public hearing in the official newspaper, one of general circulation in the Town.**
- D. The notice of the public hearing shall be sent and published at least ten (10) calendar days prior to the date of the public hearing as well as sufficient information so as to identify the property involved and the nature of the proposed action.**
- E. The Town Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The decision of the Planning Board shall contain the reasons for its decision.**
- F. The Town Planning Board shall render its decision, either approving, approving with conditions, or denying, within**

forty five (45) days after the hearing, unless an extension is mutually agreed upon.

- G. Each application for a special permit shall be accompanied by a proposed plan showing the information required for site plan approval in Article X.
- H. Each special permit application must also receive site plan approval before the special permit may be granted.

SECTION 902

FINDINGS

- A. The Town Planning Board may grant a special permit for uses in Article VII provided that all requirements and conditions set forth in that Article are complied with.
- B. The Planning Board shall make written findings for each special permit decision. Findings shall state the reasoning behind, the basis for, and the evidence relied upon to reach the decision. Compliance with the requirements of Article VII shall be substantiated.

ARTICLE X
Site Plan Review

SECTION 1000 **PURPOSE**

The interest of this section is to set forth additional general standards applying to certain land uses and activities. The nature of these uses and activities require special consideration of their impacts upon surrounding properties, the environment, community character and the ability of the Town to accommodate development consistent with the objectives of this code.

SECTION 1001 **APPLICATIONS**

All applications for zoning permits, zoning variances, or special permits, except for one and two family dwellings and their permitted accessory uses or any addition to a single family dwelling or general farming use shall be accompanied by a site plan approval. Residential development within a Historic District must also have site plan approval. No zoning permit shall be issued until all the requirements of this Article and all other applicable provisions of this Code have been met.

SECTION 1002 **PRODECURE**

- A. Each application for a building permit, variance or special permit for any structure, building or use other than one or two family dwellings and their permitted accessory uses, any addition to a single family dwelling or general farming use shall be referred to the Town Planning Board. The application shall be made to the Planning Board by filing it with the Town Clerk. The Zoning Enforcement Officer shall present it to the Planning Board at their next

regularly scheduled meeting. The applicant may wish to attend the Planning Board meeting to answer questions concerning the application.

- B. Within forty five (45) days of receipt of the application or sixty (60) days in cases when the application must be referred to the County Planning Board in accordance with General Municipal Law, Section 239M, as described in Section 940 of this Code, the Planning Board shall render a decision to approve with conditions, or deny, and forward the decision to the Code Enforcement Office. An extension of this forty five (45) day period or extension that has been granted, the site plan shall be considered approved.

SECTION 1003

PRE-APPLICATION CONFERENCE

A pre-application conference may be held between the Planning Board and the applicant to review the basic site design concept and generally determine the information to be required on the site plan.

SECTION 1004

APPLICATION FOR SITE PLAN APPROVAL

An application for site plan approval shall be made in writing to the Zoning Enforcement Officer and shall be accompanied by information drawn from the following checklist. The Planning Board may require additional information if necessary to complete its review.

A. Plan Checklist for all site plans:

- 1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;**
- 2. North arrow, scale and date;**
- 3. Boundaries of the property platted to scale;**
- 4. Existing watercourse and bodies of water;**
- 5. Location of any slopes of 5% or greater;**
- 6. Proposed grading and drainage;**

7. Location, proposed use and height of all buildings and site improvements including culverts, drains, retaining walls and fences;
 8. Location, design and construction materials of all parking and truck loading areas, showing points of entry and exit from the site;
 9. Location of outdoor storage, if any;
 10. Description of the method of sewage disposal and location of the facilities;
 11. Identification of water source, if well, locate;
 12. Location, size and design and construction materials of all proposed signs;
 13. Location and proposed development of all buffer areas, including existing vegetative cover;
 14. Location and design of outdoor lighting facilities;
 15. General landscaping plan.
- B. As necessary, The Planning Board may require the following:
1. Provision for pedestrian access, if necessary;
 2. Location of fire lands and hydrants;
 3. Designation of the amount of building area proposed for retail sales or similar commercial activity;
 4. Other elements integral to the proposed development as considered necessary by the Planning Board.

SECTION 1005

PLANNING BOARD REVIEW OF SITE PLAN

The Planning Board's review of the site plan shall include, as appropriate, the following:

A. General considerations

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, including intersections,

road widths, pavement surfaces, dividers and traffic controls.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Location, arrangement, size, and design and general site compatibility of buildings, lighting and signs.
5. Adequacy of storm water and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including a maximum feasible retention of existing vegetation.
8. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or nuisances.
10. Protection of solar access on adjacent or neighboring properties.
11. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
12. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

B. Consultant review

The Planning Board may consult with the building inspector, fire commissioners, highway department, county officials, in addition to representatives of Federal and State agencies including, but not limited to, the Soil Conservation Service, the State Department of Transportation and the State Department of Environmental Conservation.

C. Hearing

The Planning Board may conduct a hearing on the site plan. If a hearing is considered desirable by the majority of the members of the Planning Board, such public hearing shall be conducted within forty five (45) days of the receipt of the application and shall be advertised in the official newspaper of the Town at least five (5) days before the public hearing. Decision shall be rendered within forth five (45) days of the public hearing.

SECTION 1100

MISCELLANEOUS

SECTION 1101

AMENDMENTS TO LAW

Amendments to the text of this law or the zoning map shall be made by the Town Board after receipt of a report and recommendation on the proposed amendment by the Planning Board.